

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
MARCH 12, 2015

**MEMBERS PRESENT:**

Chris Frye Mayor  
McKibben Womack Council President  
Wendy Holzman Councilor  
David Asson Councilor  
Nancy Connolly Councilor

**STAFF PRESENT:**

Andrew Gorayeb City Manager  
Steve Bryant City Attorney  
Paul Bertagna PW Director  
Pauline Hardie CDD Director  
Patrick Davenport Incoming CDD Dir  
Lynne Fujita-Conrads Finance Officer  
Kathy Nelson City Recorder

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The meeting was called to order by Mayor Frye at 7:08 p.m.

**II. VISITOR COMMUNICATION**

**Steve Bryan**, 526 E. Tyee Drive, Sisters, OR 97759

**Mr. Bryan** stated he was in attendance to discuss the draft plan for Creekside Overnight Park. He stated it was imperative to preserve the neighborhood and to accomplish this, make certain the Locust Street park entrance was closed.

**III. CONSENT AGENDA**

A. Minutes

1. January 15, 2015 – Workshop

B. Bills to Approve

1. March Accounts Payable

C. Liquor License Application – Cottonwood Cafe

*Councilor Womack moved to approve the consent agenda. Councilor Holzman seconded the motion. The motion carried unanimously.*

**IV. STAFF REPORTS**

A. March Staff/Council Work Plan

**Councilor Connolly** asked what changes were anticipated with the Development Code update to the sign section in the development Code. **Director Hardie** replied staff was working to make the sign language more flexible. She reported the Planning Commission was having a workshop to discuss the language prior to a hearing in April and the proposed amendment would come to the Council in May.

**Councilor Holzman** asked for an update on the speed feedback signs. **Manager Gorayeb** reported the computers used with the signs were being programmed and the signs should arrive within the next two weeks. **Mayor Frye** reported he had spoken with County

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
MARCH 12, 2015

Commissioner DeBone about the special fund the County has to be used specially for safety matters and whether the funds could be tapped for the cost of the signs. He stated Commissioner DeBone recommended the City write a letter to the County outlining its partnership with the Sheriff's Department on feedback signs and request funding for future signs.

B. New Business License Report for February 2015 – list included

**V. COUNCIL BUSINESS**

**A. Public Hearing and Consideration of Ordinance No. 456: AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 1 (GENERAL ADMINISTRATION, ENFORCEMENT AND DEFINITIONS), CHAPTER 2 (LAND USE DISTRICTS) AND CHAPTER 4 (APPLICATIONS AND REVIEW PROCEDURES)**

**Mayor Frye** read from the public hearing script for Ordinance No. 456, city file TA 14-07, a proposal to amend the City of Sisters Development Code. He called the hearing to order. He described how the hearing would be conducted and how to provide testimony. He asked for disclosures from the City Council and there were none. There were no members of the audience that wished to challenge the ability of any member of the Council to hear the matter. He asked for the staff report to be presented.

**Director Hardie** gave a PowerPoint presentation outlining the proposed text amendment as it relates to formula food establishments, Type II decisions being forwarded to the Planning Commission, Type II and III decisions being forwarded to the City Council, permitting home occupations with special provisions in the Downtown Commercial, Highway Commercial and North Sisters Business Park Districts, permitting automobiles and agricultural machinery and equipment in the Light Industrial District and permitting distilleries in the North Sisters Business District. She outlined the approval criteria, the notices sent and public comments received. She entered two emails dated September 10, 2014, and March 12, 2015 from Joseph Angel, an email dated March 5, 2015 from Todd Taylor and a letter dated February 9, 2015 from Nick Beasley into the record. She reported the Planning Commission held a public hearing on March 3<sup>rd</sup> and recommended approval of the text amendment.

**Director Hardie** reported the Planning Commission had pulled the proposed change to the formula foods establishments Highway Commercial District from the ordinance in order to hold a workshop the following week to discuss the matter further.

**Mayor Frye** asked for questions from the Council.

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
MARCH 12, 2015

**Councilor Connolly** asked how restaurateurs had reacted to the recommendation to raise the number from 13 to 20 locations as qualifying as a formula food outlet. **Director Hardie** replied that a notice had been sent to all interested parties and there had not been a lot of interest or opposition. **Councilor Holzman** asked whether the decision by the Planning Commission had been unanimous and **Director Hardie** replied it had.

**Mayor Frye** asked if the email dated March 12<sup>th</sup> from Joe Angel stating the proposed changes to formula food establishments was not supported by the goals and policies of the City's Comprehensive Plan nor the Statewide Planning Goals, violated ORS 646.725 and ORS 646.730 and as those statutes prohibited actions that restrained trade and monopolies. **City Attorney Bryant** replied it was neither a restraint of trade nor a monopoly and this type of restriction was common across the country particularly in themed communities. He stated it did not present a legal impediment to formula food establishments to be restricted in this manner and the ordinance did align with statewide planning goals and the City Comprehensive Plan.

**Mayor Frye** asked if there was anyone that wished to speak in support of the proposal.

**Caprielle Foot-Lewis, Sisters Economic Development Manager**

**Ms. Foote-Lewis** stated she appreciated the Council's consideration of adding distilleries to the North Sisters Business Park and Tourist Commercial District zones.

**Mayor Frye** asked if there was anyone that wished to provide neutral testimony on the proposal.

**Mike Morgan, PO Box 806, Sisters, OR 97759**

**Mr. Morgan** stated he wanted to point out the language regarding overnight lodging and movie theater as it relates to formula foods outlets needed to be defined. He stated it was problematic to not do so.

**Mayor Frye** asked Director Hardie to respond. **Director Hardie** stated the Planning Commission had struggled with this some also and the language could be tightened up. She stated the Planning Commission was workshopping this section and the Council could choose to exclude it during its decision this evening.

**Mayor Frye** asked if staff had any additional clarification and **Director Hardie** replied she did not. **Mayor Frye** asked if any Council member had further questions of staff and they did not. **Mayor Frye** stated the City could allow an additional seven days for written testimony to be submitted and the City chose not to keep the record open.

**Mayor Frye** closed the public hearing.

*Councilor Womack moved for the first and second reading, by title only of Ordinance No. 456. Councilor Holzman seconded the motion. The motion carried unanimously.*

**City Attorney Bryant** read Ordinance No. 456, by title only, twice.

*Councilor Womack moved to approve Ordinance No. 456 amending the City of Sisters Development Code Chapter 1, Chapter 2 and Chapter 4 and include the language to amend the Development Code Section 1.3.00 to include "an eating or drinking establishment that also provides overnight lodging and /or a movie theater as an ancillary amenity of the establishment is not a formula food establishment". Councilor Holzman seconded the motion. The motion carried unanimously.*

**B. Discussion and Consideration of Ordinance No. 457: AN ORDINANCE AMENDING SISTERS MUNICIPAL CODE TITLE 6 'ANIMALS' SUBSECTION 6.12.010, 6.12.060, 6.12.080, 6.12.100, 6.12.110 AND CREATING SUBSECTIONS 6.12.120 AND 6.12.130**

**Incoming Community Development Director Davenport** stated the ordinance was to amend Chapter 6 of the Municipal Code to prohibit the feeding of deer to improve safety for citizens and pets. He explained that having deer become accustomed to being feed also created the danger of larger animals, such as coyotes and bobcats, looking for prey in neighborhoods. He stated the ordinance also cleaned up some outdated language and spelling errors. **Councilor Holzman** asked how the City would enforce the ban and **Director Davenport** replied a person could be issued a citation from the Sheriff's Department. **Councilor Holzman** asked what type of outreach was planned to educate the community on the ban. **Manager Gorayeb** replied naturalist Jim Anderson was writing an article for the Nugget Newspaper.

*Councilor Womack moved for the first and second reading, by title only of Ordinance No. 457 amending the Sisters Municipal Code title 'Animals', subsection 6.12.010, 6.12.060, 6.12.080, 6.12.100, 6.12.110 and creating subsections 6.12.120 and 6.12.130. Councilor Holzman seconded the motion. The motion carried unanimously.*

**City Attorney Bryant** read Ordinance No. 457, by title only, twice.

*Councilor Womack moved to adopt Ordinance No. 457 amending Sisters Municipal Code title 'Animals', subsection 6.12.010, 6.12.060, 6.12.080, 6.12.100, 6.12.110 and creating subsections 6.12.120 and 6.12.130. Councilor Holzman seconded the motion. The motion carried unanimously.*

**C. Public Hearing and Consideration of Resolution no. 2015-03: A RESOLUTION OF THE CITY OF SISTERS ADOPTING A SUPPLEMENTAL**

BUDGET AND ESTABLISHING APPROPRIATIONS WITHIN THE 2014/15  
BUDGET

**Finance Officer Fujita-Conrads** explained the resolution was to appropriate funds for the downtown banner program, funds to pay for the City's credit rating process as required by Bank of the Cascades, for additional fees to be paid to Deschutes County and the State of Oregon due to increased development activity, to re-class the small City Allotment Grant for Hood and Ash improvements and increase capital outlay for the same project.

**Mayor Frye** opened the public hearing for anyone that wished to speak on the supplemental budget. As there was no one that wished to speak, **Mayor Frye** closed the public hearing.

*Councilor Womack moved to approve Resolution No. 2015-03 adopting a supplemental budget and establishing appropriations within the 2014/15 budget. Councilor Holzman seconded the motion.*

**Councilor Connolly** asked how much of an increase in building revenue there had been. **Manager Gorayeb** replied revenue was at 150% of budget. He added that 62% of revenue was paid to the County for providing building inspection services.

*The motion carried unanimously.*

**D. Discussion and Consideration of Resolution No. 2015-05: A RESOLUTION SUPPORTING THE CITY OF SISTERS GRANT APPLICATION FOR CLEMENS PARK RESTROOM FACILITY AND PICNIC AREA TO THE OREGON PARKS AND RECREATION DEPARTMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION**

**Director Hardie** provided an overview of the process that had occurred to date with regard to installing restrooms at Clemens Park, including a field trip by the City Parks Advisory Board (CPAB) to meet with neighbors of the park. She explained restrooms for the park were included in City Parks Master Plan as a Priority I project. She stated the grant application was due April 1<sup>st</sup> and the application would also include asking for funding for a picnic area. **Councilor Holzman** added the CPAB looked at all the Priority I projects from the City Parks Master Plan and the restroom project was the only project that met the grant criteria.

**Mayor Frye** asked if the neighbors had concerns and **Director Hardie** replied there were some such as whether the lights on the restrooms would be dark skies compliant, which they will be. She stated there were also a good suggestion to post Public Works' emergency phone number on all restrooms around town in case of a problem. She stated the exact design for the restrooms was not decided yet but they would be smaller than the restrooms

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
MARCH 12, 2015

installed at Fir Street Park. She stated the City would find out in the fall if its grant application was successful.

*Councilor Womack moved to approve Resolution No. 2015-05 supporting the City of Sisters grant application for Clemens Park restroom facility and picnic area to the Oregon Parks and Recreation Department and authorize the City Manager to execute the grant application. Councilor Holzman seconded the motion. The motion carried unanimously.*

**E. Discussion and Consideration of a Motion to Extend the Abatement Agreement of the Greater Redmond Enterprise Zone for Ammunition Development Corporation**

**Sisters Economic Development Manager Caprielle Foote-Lewis** stated as co-sponsors of the Enterprise Zone, the City of Redmond needed the Council's support to allow an additional one year abatement for property taxes for Ammunition Development Corporation. She explained this was on top of the three year abatement and would provide a total of four years of tax abatement. She reported the company had met all requirements to qualify.

**Councilor Connolly** asked if it was unusual for a company to request additional time for tax abatement and **Ms. Foote-Lewis** stated it depended on the situation of each company.

*Councilor Womack moved to extend the abatement agreement of the Greater Enterprise Zone for Ammunition Development Corporation. Councilor Holzman seconded the motion. The motion carried unanimously.*

**F. Discussion and Consideration of a Motion to Amend the Comprehensive Plan and Transportation System Plan to Remove Back-in Diagonal Parking.**

**Director Hardie** stated staff was looking to the Council to provide direction to start the process to amend the 2010 Transportation System Plan and Comprehensive Plan to remove back-in diagonal parking on Pine and Larch Streets and Main Avenue. **Mayor Frye** asked what the process would be once the Council approved moving forward with the change. **Director Hardie** replied a 35 day notice would be sent to the Department of Land Conservation after which there would be a Planning Commission hearing and a Council hearing where the change would be adopted by ordinance. She stated the final step would be to send notification to the State of the adopted amendment.

*Councilor Womack moved to amend the Comprehensive Plan and Transportation System Plan to remove back-in diagonal parking. Councilor Connolly seconded the motion. The motion carried unanimously,*

## **VI. OTHER BUSINESS**

### **A. Public Records Requests Fees**

**City Recorder Nelson** stated she had put together a packet of information for the Council that included laws pertaining to public records, a list of the requests received in 2015 to date and a list of fees charged by other cities for public records research. She explained the current rate the City charged for research was from five years ago and was the average of the City Manager's salary, lowest paid administrative assistant's salary and her salary.

**Councilor Connolly** asked how long the average request took and **City Recorder Nelson** replied 15 to 30 minutes. **Councilor Connolly** asked for an example of when a waiver of the fee would be given. **Manager Gorayeb** replied he had not waived any fees for records request since he began. **City Recorder Nelson** stated an example would be if a newspaper wanted some information and the City felt it was in the interest of the community to have the information. **Councilor Connolly** asked if someone petitioned the District Attorney to have records released whether there was a charge to that person. **City Recorder Nelson** replied she did not know the procedure at the District Attorney's office. **Councilor Holzman** stated she felt the Council was not ready to take any action and should spend some time looking over the information provided. **Mayor Frye** remarked there were 59 request since the beginning of the year and that did seem like quite a few for that time period. He asked if it was disruptive to Recorder Nelson's schedule. **City Recorder Nelson** replied it was somewhat impactful but it was a person's right to see public records. She stated she did feel there were some individuals that took advantage of the City's policy of not charging for any request taking 15 minutes or less, especially when there were several separate requests from one person in the course of a day.

The **Council** requested City Recorder Nelson check with the City of Albany to see how it came to the decision to allow five free requests per individual each year. The **Council** also requested information on the number and frequency of public records requests from the 2013 and 2014 for comparative purposes.

## **VII MAYOR/COUNCILOR BUSINESS**

**Councilor Holzman** briefed the Council on the Central Oregon Area Commission on Transportation (COACT) meeting she had attended. She reported COACT was looking at the 2018 to 2022 Statewide Transportation Improvement Plan (STIP) process. She stated the legislature was interested in continuing with the Connect VI grants and since the clean air fuel bill had passed, the legislature would also be looking into a transportation funding package.

**Councilor Connolly** asked for an update on the website and **City Recorder Nelson** replied there were still some improvements being made with the hope it would launch by the end of

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
MARCH 12, 2015

the following week. She reported she had received no additional feedback from the community.

**Councilor Connolly** asked for an update on the City Parks Advisory Board (CPAB) with regard to the Creekside Park Overnight Campground. **Manager Gorayeb** replied staff was waiting for the CPAB to provide a comprehensive list/plan for the park in order for staff to provide cost estimates and the feasibility of those options. The **Council** also discussed the outreach that would be taking place.

**Councilor Holzman** stated she wanted to discuss her concerns with the removal of back-in diagonal parking. She stated there were some community members that really liked that method of parking, especially for the safety of cyclists and individuals driving small cars. She stated she realized that was not the majority opinion but asked that the City look at providing a safe corridor for those on bicycles, especially children.

**VIII. ADJOURN** – 8:21 p.m.

Respectfully submitted,

  
Kathy Nelson, City Recorder

  
Chris Frye Mayor