

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
AUGUST 13, 2015

MEMBERS PRESENT:

Chris Frye Mayor
Nancy Connolly Council President Pro Tem
David Asson Councilor
Amy Burgstahler Councilor

STAFF PRESENT:

Andrew Gorayeb City Manager
Steve Bryant City Attorney
Lynne Fujita-Conrads Finance Officer
Patrick Davenport CD Director
Paul Bertagna PW Director
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

Mike Morgan, 15925 Pilot Dr., Sisters, OR 97759

Mr. Morgan stated he was pleased with the Council's decision to open up its discussion on a letter of support for a proposed trail between Sisters and Black Butte Ranch. He stated he felt there was still an opportunity to improve the process of good governance. He asked why the Council had allowed Mr. Humphreys the opportunity to speak with the Council for 24 minutes at a special meeting to request a letter of support for the trail. He stated it had not been noticed in the agenda of the special meeting and as such had not allowed those with a different viewpoint to provide their perspective. He stated it was especially important for a subject that involves a contentious matter within the community to hear both sides.

Mr. Morgan stated in all the discussion by proponents of the trail, there has been no specific details provided on parking, on the trailhead and no mention of accommodation for ADA compliant needs. He stated the Council had mentioned the importance of this in its letter of support for the Petersen Ridge trailhead re-location project. He asserted those concerns should have been addressed in both letters as they are important for both projects.

Mr. Morgan suggested the Council should be involved in the Land Use Board of Appeals (LUBA) hearing scheduled for August 20th.

Lynn Johnston, 15093 Wagon Wheel, Sisters, OR 97759

Mr. Johnston stated he was a Tollgate subdivision resident and had lived in Sisters for 38 years. He stated he was a proud Viet Nam veteran and wanted to make sure everyone knew his country meant something to him. He stated not much had been said about how the proposed trail would be maintained and nobody wanted to talk about it. He stated the country was broke with a national debt of over 18 trillion dollars. He said it didn't matter if there were grants to build the trail or not as the costs to maintain it would be astronomical. He stated the people pushing for the trail had no idea of what the true cost would be to maintain it. He stated a trail from Sisters Park and Recreation (SPRD) district to Sisters

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High School had been built a few years ago and now it had numerous cracks and tall weeds. He stated the condition of the trail was appalling and it was not being maintained. He stated there were already many trails in the area with provisions for handicapped individuals. **Mr. Johnston** specified that when he met with Commissioner Unger to discuss the proposed trail, Commissioner Unger had stated he had only considered three main issues, including connectivity, effect on the community and one other issue that Mr. Johnston couldn't remember. He stated it was important to not spend more than could be afforded like the politicians in Washington D.C. are doing.

Steve Madsen, 15075 Bridle, Sisters, OR 97759

Mr. Madsen questioned if any of the Council members had read the formal objection letter for the trail from a year ago. He stated he also was concerned with who would be responsible for maintaining the trail and how much it would cost. He stated he didn't see how anyone could support the proposed trail without having answers to these questions.

Greg Werts, 69286 Lucky Lady, Sisters, OR 97759

Mr. Werts thanked the Council for its studied approach in discussing the proposed trail. He stated while he used to look forward to Wednesdays and reading the Nugget Newspaper, he had recently come to dread it with all the letters for and against the proposed trail. He stated it was time for everyone to take a break and have a cooling off period. He stated he knew it would start up again but as Sisters Forester Kristie Miller had stated during the workshop, nothing was going to happen for a while. He asked everyone to call a truce for the time being.

City Recorder Nelson entered a letter from Carolee and James Brown into the record.

III. CONSENT AGENDA

A. Minutes

1. February 26, 2015 – Workshop
2. August 06, 2015 – Special Meeting

B. Bills to Approve

August Accounts Payable

C. Liquor License Change of Ownership – Obstructed View, Inc., dba Cork Cellars

***Councilor Asson** moved to approve the consent agenda that included the additional page of accounts payable. **Councilor Connolly** seconded the motion. The motion carried unanimously.*

IV. STAFF REPORTS

A. August Staff/Council Work Plan

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Councilor Asson asked when Council could expect to receive information on the water rates analysis and **Manager Gorayeb** replied it would be presented to Council in September.

Councilor Burgstahler questioned how long the speed zone study would take. **Director Bertagna** replied he had submitted all the documentation to the Oregon Department of Transportation (ODOT) and it would take approximately one year for the response.

Mayor Frye questioned if the new speed zone signs were effective and noted that often they did not seem to provide the speed of the driver but instead just blinked. **Manager Gorayeb** explained the signs were programmed according to ODOT's regulations and staff would look into the matter.

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

V. COUNCIL BUSINESS

A. **Discussion and Consideration of Resolution No. 2015-18: A RESOLUTION OF THE CITY OF SISTERS APPROVING THE FIRE PROTECTION CODE ADOPTED BY THE SISTERS CAMP-SHERMAN RURAL FIRE PROTECTION DISTRICT**

City Recorder Nelson explained Sisters-Camp Sherman Fire Protection District had requested the City adopt the 2014 Oregon Fire Code. She stated ORS 478.924 requires the City's approval of the Fire Code by resolution in order for the Fire District to provide fire protection and prevention services.

***Councilor Asson** moved to approve the Fire Protection Code adopted by the Sisters-Camp Sherman Rural Fire Protection District. **Councilor Connolly** seconded the motion. The motion carried unanimously.*

B. **Discussion and Consideration of Resolution No. 2015-19: A RESOLUTION SUPPORTING THE CARVER LAKE MORAINES DAM RISK ANALYSIS AND REDUCTION PROJECT**

Director Davenport explained the resolution would indicate the City's support of a proposed project to re-evaluate the potential for a Carver Lake Moraine Dam breakout and re-access the flood boundaries if such an event did occur. He stated the study would look into the feasibility of an early warning system for the city. He reported the project would support increased resiliency by providing more accurate hazard mapping. He added the proposed project had received support on both the state and federal level. He reported the City's fair share would be in-kind; the City will host public meetings and assist in advertising the study's progress.

Councilor Connolly moved to adopt Resolution No. 2015-19 supporting the Carver Lake moraine dam risk analysis and reduction project. Councilor Burgstahler seconded the motion. The motion carried unanimously.

C. Discussion and Consideration of Resolution No. 2015-20: A RESOLUTION AMENDING THE PAY PLAN CLASSIFICATION OF THE CITY OF SISTERS

Finance Officer Fujita-Conrads explained the City Recorder job description was updated as part of the annual performance evaluation process. She stated review of neighboring cities pay scales indicated an adjustment was warranted. She stated it was proposed the City Recorder position be reclassified from a Grade 18 to a Grade 21 position. Manager Gorayeb added the proposed reclassification would be covered within the adopted budget.

Councilor Asson moved to adopt Resolution No. 2015-20 amending the pay plan classification of the City of Sisters. Councilor Connolly seconded the motion. The motion carried unanimously

D. Discussion and Consideration of a Motion to Authorize the Mayor to Sign a Letter of Support for the Formation of a New Countywide 911 Service District, Establishing a Permanent Tax Rate and Conversion to a Regional Radio System

City Recorder Nelson explained this was the letter of support that Deschutes County 911 Service District Director Steve Reinke had discussed with the Council at the workshop prior to the regular meeting. She stated the 911 Service District was proposing the formation of a Countrywide 911 Service District that included a regional radio system and permanent funding.

Councilor Connolly moved to authorize the Mayor to sign a letter of support for the formation of a new countywide 911 service district, establishing a permanent tax rate and conversion to a regional radio system. Councilor Asson seconded the motion. The motion carried unanimously.

E. Discussion and Consideration of a Motion to Approve Deschutes County Service District Document No. 2015-109 Amending Operating Agreement DC 2013-654.

City Recorder Nelson explained the document was to amend the current operating agreement as also discussed by 911 Service District Director Reinke at the workshop.

Councilor Connolly moved to approve Deschutes County Service District Document No. 2015-109 amending Operating Agreement DC 2013-654. Councilor Asson seconded the motion.

Councilor Burgstahler asked if the operating agreement was reviewed by the City on an annual basis. **City Attorney Bryant** replied it was not but noted it was in the Council's purview to request the 911 Service District send a representative to provide an annual update.

The motion carried unanimously.

F. Discussion and Consideration of a Motion to Approve a Title VI Plan

Finance Officer Fujita-Conrads stated Title VI Plans refer to the Civil Rights Act of 1964 and prohibits discrimination on the basis of race, color and national origin for programs receiving Federal financial support. She explained the City received Federal Transit Administration (FTA) funds through its grant from ODOT as a sub-recipient of funds for the Cascades East Transit (CET) program. She stated ODOT had conducted a compliance review in July with the only finding being the need to approve a Title VI Plan. She stated the plan needed to be reviewed and updated every three years.

Mayor Frye questioned if the plan should be edited to include a listing of additional prohibited discrimination included in the State of Oregon's list of prohibited discrimination practices as it was a more thorough list. **City Attorney Bryant** replied the Federal Government only cared about its own list and not those exclusive to the State of Oregon. He stated the City included those additional prohibited discrimination rules in its employee handbook.

Councilor Connolly moved to approve a Title VI Plan. Councilor Asson seconded the motion. The motion carried unanimously.

G. Discussion and Consideration of a Motion to Provide a Recommendation to the Oregon Liquor Control Commission (OLCC) on the Annual Renewal of Liquor Licenses for Sisters Businesses

City Recorder Nelson stated the Oregon Liquor Control Commission (OLCC) requested a recommendation from the City with its annual renewal process for all liquor license holders within city limits. She stated Deschutes County Sheriff's Office had provided a letter, included with the staff report, outlining any incidents of concern that had occurred at specific businesses in the past year. She reported the Sheriff's Office had recommended renewal of all liquor licenses for all Sisters businesses.

Councilor Connolly moved to recommend approval to all Sisters businesses on their annual renewal of a liquor license. Councilor Burgstahler seconded the motion. The motion carried unanimously.

H. Discussion and Consideration of a Motion to Declare Certain City Property as Surplus and Authorize the City Manager to Dispose of the Equipment

Finance Officer Fujita-Conrads stated the City had surplus items it wanted to dispose of by means of reselling, donating or recycling, which required Council approval to do so.

Councilor Burgstahler asked how the value of items was determined and Finance Officer Fujita-Conrads replied she researched the on-line market value of items.

Councilor Connolly moved to declare certain City property as surplus and authorize the City Manager to dispose of the equipment. Councilor Asson seconded the motion. The motion carried unanimously.

I. Discussion and Consideration of a Motion to Modify US Bank Authorized Account Signers by Adding the Name of Amy Burgstahler and Removing the Names of William Hall and Wendy Holzman

Councilor Connolly moved to modify US Bank authorized account signers by adding the name of Amy Burgstahler and removing the names of William Hall and Wendy Holzman.

Councilor Asson seconded the motion. The motion carried unanimously.

J. Discussion and Consideration of a Motion to Approve an Easement Agreement Between the City of Sisters and Sisters Lodge Holdings, LLC for a Bicycle and Pedestrian Path

Director Davenport explained the easement agreement was one of the last obligations for Sisters Lodge Holding LLC, to meet its conditions of approval for its land use application for the development of The Lodge, an assisted living facility. He stated it was for a 12 foot wide bicycle and pedestrian path.

Councilor Connolly moved to approve an easement agreement between the City of Sisters and Sisters Lodge Holdings, LLC for a bicycle and pedestrian path. Councilor Asson seconded the motion. The motion carried unanimously.

K. Discussion and Consideration of a Motion to Approve a Dedication Agreement Between the City of Sisters and the Sisters Lodge Holdings, LLC for a Public Right-of-Way Dedication

Director Davenport explained the dedication agreement was one of the last obligations for Sisters Lodge Holding LLC, to meet its conditions of approval for its land use application for the development of The Lodge, an assisted living facility. He stated it was for a 10 foot wide public right of way (ROW) dedication.

***Councilor Connolly** moved to approve a dedication agreement between the City of Sisters and Sisters Lodge Holdings, LLC for a public right-of-way dedication. **Councilor Asson** seconded the motion. The motion carried unanimously.*

L. Discussion and Consideration of a Motion to Approve a Water Right Transfer Application and Authorize the City Manager to Sign the Application

Manager Gorayeb stated in 2006, when the City purchased the Lazy Z property, it was obligated to transfer 3.1 acres of a 1970 priority well rights to the property seller. He disclosed that for some reason, that transfer never took place. Upon discovery of this oversight, the seller, Lazy Z Partners, LLC, requested the City execute the transfer. He stated after consulting with the City Attorney, staff was recommending moving forward with the transfer per the 2006 agreement.

***Councilor Connolly** moved to approve a water right transfer application and authorize the City Manager to sign the application. **Councilor Asson** seconded the motion. The motion carried unanimously.*

VI. OTHER BUSINESS

Manager Gorayeb reported the repaving of side streets between Cascade and Hood Avenue was completed in one night. He stated Public Works staff were following the paving so that by morning the re-striping of the streets had also been completed.

Manager Gorayeb reported the restrooms had been ordered for Village Green Park.

Manager Gorayeb reported staff met with an Infrastructure Finance Authority (IFA) representative to discuss possible grants and financing options for water and sewer infrastructure projects.

Manager Gorayeb reported the affordable housing working group had met and continued to produce good information.

Manager Gorayeb commented on the email received by the Council regarding the Hayden Homes project as it relates to affordable housing development requirements. He stated the process would provide an opportunity for public outreach and would need to

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move through the appropriate channels, which initially would be the Planning Commission.

VII. MAYOR/COUNCILOR BUSINESS

Councilor Connolly asked if there was any update on the wording for the Committee for Citizen Involvement (CCI) ordinance. **City Recorder Nelson** replied she had not worked on the ordinance as of yet, but would do so.

Councilor Connolly reported she had attended the Deschutes County Commissioners public hearing on marijuana grow opportunities noting she was very impressed with the presentation summary provided. She distributed a copy of the report and suggested staff consider following a similar format for their item summaries to the Council and Planning Commission. She stated the report was succinct and provided a thorough overview of the topic.

Councilor Connolly suggested Council consider drafting a letter to the Planning Commission to ensure the Planning Commission was aware of the Council's viewpoint as it relates to the importance of affordable housing. **Manager Gorayeb** suggested a joint meeting be scheduled to allow dialog between the Council and Planning Commission on the matter. The **Council** agreed and City Recorder Nelson was directed to reach out to Planning Commission member to check their availability for a morning workshop.

Councilor Connolly suggested Planning Commission members be encouraged to attend the Planning Commission training sponsored by the Oregon City Planning Directors Association to be held on September 24th from 1 to 5 p.m. in Bend. **City Attorney Bryant** informed the Council it could set expectations for Planning Commission members and require members to participate in training sessions in order to serve on the commission. **Director Davenport** informed the Council the training opportunity was already on the agenda for the August 20th Planning Commission workshop for discussion.

Mayor Frye asked if there were any recommendations from the Urban Forestry Board (UFB) the Council needed to approve or adopt, specifically the tree replant ratio and definition for what constitutes a significant tree. **Director Davenport** replied the UFB had met the previous day and the only change it was recommending was to reduce the diameter of a replacement tree from the current two inches to just one and a half inch caliper. He stated the UFB had not recommended a change to the current replant ratio of one for every three trees removed. He stated the change would open up a much wider range of species that could be planted. He stated a change in the definition for a significant tree to include all species of trees over eight inches in diameter had already been approved.

Mayor Frye appointed Councilor Burgstahler to serve as the Council representative to the Committee for Citizen Involvement (CCI). The **Council** concurred.

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Mayor Frye appointed Councilor Connolly to serve as a Council representative on the City Parks Advisory Board (CPAB). The **Council** concurred.

Councilor Burgstahler asked if the Council had some type of auto reply function it used to make certain individuals were aware their emails had been received and read. Other Council members stated it was a personal preference as to how a Councilor chose to set up their City email account and respond to constituents.

VIII. ADJOURN – 8:23 p.m.

Respectfully submitted,


Kathy Nelson, City Recorder


Chris Frye Mayor