

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 09, 2020

MEMBERS PRESENT:

Chuck Ryan Mayor
Nancy Connolly Council President
Andrea Blum Councilor
Michael Preedin Councilor

STAFF PRESENT:

Cory Misley City Manager
Paul Bertagna PW Director
Joe O'Neill Finance Director
Kerry Prosser City Recorder
Emme Shoup RARE Participant

ABSENT:

Richard Esterman Councilor

I CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Ryan at 6:32 pm.

II ROLL CALL

City Recorder Prosser took roll call, and a quorum was established.

III APPROVAL OF AGENDA

Council President Connolly made a motion to approve the agenda. Councilor Preedin seconded the motion. The motion carried 4-0.

IV VISITOR COMMUNICATION-None

V CONSENT AGENDA

A. Minutes

1. August 12, 2020- Workshop
2. August 26, 2020-Regular
3. August 26, 2020-Workshop

B. Bills to Approve

1. September 4, 2020- Accounts Payable

- C. Approve a Settlement and Release Agreement with Ryan Hudson in the Amount of \$13,432.50 for the Unlawful Removal of a Mature Ponderosa Tree on Larch Street and Authorize the City Manager to Execute the Agreement.

Councilor Preedin would like to remove the release agreement from the consent agenda.

Council President Connolly made a motion to approve the Consent Agenda, as stated. The motion did not receive a second. The motion did not move forward.

Councilor Blum did not have any problem pulling the item from the Consent Agenda for discussion during Council Business.

Councilor Preedin made a motion to approve the consent agenda removing the settlement agreement. Councilor Blum seconded the motion. The motion carried 4-0.

Mayor Ryan moved the settlement and release agreement to Council Business.

VI COUNCIL BUSINESS

- A. Approve a Settlement and Release Agreement with Ryan Hudson in the Amount of \$13,432.50 for the Unlawful Removal of a Mature Ponderosa Tree on Larch Street and Authorize the City Manager to Execute the Agreement.

Mayor Ryan said he did not know Mr. Hudson was denied removal of the trees two former times. City Manager Misley noted Mr. Hudson reached out to the City at least once in the fall of 2019 and enquired about the removal of a tree from the right of way; he was told it would need to go to the Urban Forestry Board. Mayor Ryan clarified the agreement was with Ryan Hudson, not with the tree removal company; the City could pursue the tree company but was not at this time.

City Manager Misley reviewed each of the issues regarding tree removals was unique, and there were usually multiple parties involved. He said the City sent certified letters to both parties and the property owner was very responsive. From the beginning, Mr. Hudson acknowledged some fault and was willing to make the situation right. Staff had a difficult time contacting the arborist and had limited conversations with them. City Manager Misley thought the homeowner had worked with the arborist on the issue.

City Manager Misley said there was pushback on the value of the tree from Mr. Hudson, and he alluded if the City wanted to pursue a higher number, attorneys would become involved. He explained at that stage, there was a mutual offering to limit legal fees for both parties and the conversation then turned to what was a reasonable amount of compensation. City Manager Misley said at this point, he consulted with Mayor Ryan and Council President Connolly and decided that 50% of the fine was substantiative. If the Council wanted to pursue the arborist, we could, but it would come with additional expense.

Councilor Preedin asked if the arborist had a City business license. City Manager Misley replied they did not. He asked if this was the largest fine we had ever assessed, and City Manager Misley replied he did not know what the largest assessment was, but this was a large fine. Councilor Preedin commented this was a big number, and City Manager Misley

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 09, 2020

had talked to two councilors, but he would have liked to have known more about this agreement before it showed up on the consent agenda. Councilor Preedin said prior to the meeting, he did not have enough information to make an informed decision on this agreement, and in the future, he would like to have these conversations before the meetings.

Mayor Ryan asked that staff get arborists to understand the City tree policy; he did not want this to happen again. City Manager Misley said we had made an effort to educate companies on our policy, but we could not regulate everyone all of the time. He said the more straightforward the message or requirement, the easier it would be for people to understand, but some people would blatantly ignore the rules, we needed to have a bigger conversation on this topic. Director Bertagna explained we had arborists from all over working in Sisters. He said typically there were 6-9 months between incidents, and at that point, the homeowners forget the rules; the arborists were following the homeowner's direction. Director Bertagna said we send 3-4 rounds of notices with our policy to all arborists in Central Oregon every year.

Councilor Blum would like an ordinance that said if you were going to cut a tree over a certain size in the City, you needed to get a permit. She would like us to have a list of licensed arborists within the City.

Council President Connolly said when building a home, you had to submit a tree removal plan; problems occurred when subsequent owners did not understand the tree removal policy. She thought \$13,000 was a severe punishment for most people, and she anticipated that the media coverage would keep this in the front of people's minds for some time.

Councilor Preedin asked how many trees were in the right-of-way. Director Bertagna replied north of 1000. City Manager Misley said we take our trees very seriously, we have a Tree City USA designation and an Urban Forestry Board, we were doing a lot to protect our trees and would keep at it. He thought the fine was reflective of how serious we took this issue.

Mayor Ryan stated Mr. Hudson was getting a good deal with this agreement.

Council President Connolly moved to approve the settlement and release agreement dated September 09, 2020, with Ryan Hudson. Councilor Preedin seconded the motion. The motion carried 4-0.

B. Discussion and Consideration of a Motion to Approve a Professional Services Agreement with Tewalt & Sons Inc. for FY 2020/21 Downtown Snow Removal and Authorize the City Manager to Execute the Agreement.

Director Bertagna reviewed that downtown snow removal was in our 2020/21 workplan, and the objective of this contract was to provide snow removal consistency throughout the downtown for pedestrian/vehicular safety and ADA compliance. This contract would allow the business/property owners to show up in the morning and have their parking areas and sidewalks clean and ready for business. Director Bertagna said as we worked through how this process would work, we thought about how the contractor would work in conjunction with the City crew.

He explained staff would educate the property and business owners on their responsibilities for plowing and clearing sidewalks and what the City would be doing.

Council President Connolly asked about how we would handle the timing between the State plowing the highway and pushing snow into the parking on Cascade Avenue and when we cleared the parking. Director Bertagna said we could not control when the State plowed Cascade Avenue, so we would have to make decisions in the moment.

Mayor Ryan clarified if a business was not complying with clearing snow on private sidewalks, it was the business owner's liability.

Councilor Blum thought this was a fabulous opportunity for the community; it would make it so much easier to walk around and we were lucky to have the funding to put it in place. She noted that once a service was free, it was hard to go back when times get tough. Councilor Preedin said this was a Vision goal for Walkable Sisters; it was a good bang for our buck.

Council President Connolly made a motion to approve an agreement with Tewalt & Sons Inc. for FY 2020/21 Downtown Snow Removal and Authorize the City Manager to execute the agreement. Councilor Blum seconded the motion. The motion carried 4-0.

VII OTHER BUSINESS

A. Staff Comments

Director O'Neill reviewed audit prep was ongoing and would continue for another week.

Director Bertagna said staff had met with utility providers to walk through the right of way licensing agreement. Staff would meet with legal counsel to pass along the provider's concerns; we were currently in a wait and hold mode to see how we would progress. City

Manager Mисley said staff would make a recommendation to Council on a path forward shortly.

City Recorder Prosser reviewed the draft of the State of the City that would be in the Nugget next week.

City Manager Mисley explained we sent an email to all of the Urban Renewal Area Taxing Districts that we were tentatively moving forward with an amendment to the Urban Renewal Plan. He would be attending the Fire District Board meeting to answer questions on the changes to the Plan. He had not seen any feedback from the taxing districts that would create us to pause on proceeding with this amendment.

VIII MAYOR/COUNCILOR BUSINESS

Council President Connolly reviewed the Central Oregon Intergovernmental Council (COIC) had met last week and went over their Diversity, Equity and Inclusion (DEI) review; they were making efforts to have a more inclusive system for their employees. The Board also approved the Master Transportation Plan.

Mayor Ryan said he was taking part in a daily call regarding the fires with Governor Brown. He asked if there was anything we should be doing or thinking of as a City. Director Bertagna responded we had filled the tank on the back-up fuel trailer for use by emergency services. He said Deschutes County Emergency Services had mobilized Redmond's fuel trailer to the fires today and ours could be sent over at any time. City Manager Mисley said we were taking normal precautions and monitoring the situation. Mayor Ryan asked the staff to put something about Red Cross fire donations on our Facebook page.

IX ADJOURN: 7:19 pm.



Kerry Prosser, City Recorder



Chuck Ryan, Mayor