

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Cory Miskey City Manager  
Paul Bertagna PW Director  
Joe O'Neill Finance Director  
Scott Woodford CDD Director  
Kerry Prosser City Recorder  
Nicole Mardell Principal Planner  
Garrett Chrostek City Attorney

**ABSENT:**

Richard Esterman Councilor

**GUESTS:**

Tammy Wisco Retia Consulting, LLC

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

The meeting was called to order by Mayor Ryan at 6:31 pm.

**II ROLL CALL**

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

**III APPROVAL OF AGENDA**

Mayor Ryan amended the agenda, adding a page of Accounts Payable to the Consent agenda.

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

**IV VISITOR COMMUNICATION-None**

**V CONSENT AGENDA**

A. Bills to Approve

1. September 18, 2020- Accounts Payable

*Councilor Preedin made a motion to approve the Consent Agenda as amended. Council President Connolly seconded the motion. The motion carried 4-0.*

**VI COUNCIL BUSINESS**

A. **Public Hearing and Consideration of Ordinance 507- AN ORDINANCE APPROVING PLANNING FILE NOS. CP 20-02, ZM 20-01, A COMPREHENSIVE PLAN MAP AMENDMENT, COMPREHENSIVE PLAN TEXT AMENDMENTS, AND ZONING MAP AMENDMENT FOR 800 W. BARCLAY DRIVE.**

Mayor Ryan called the hearing to order and reviewed the conduct of the meeting. He asked Councilors to disclose any ex parte contacts, bias, or conflict of interest. There were

no disclosures or conflicts from the Council. Mayor Ryan asked if any member of the audience wished to challenge any member of the Council to hear the matter. There were no challenges.

Planner Mardell gave an overview of the request and delivered the staff report.

Planner Mardell reviewed the site was annexed into the City limits in 1979 and had since maintained its current zoning status as Urban Area Reserve (UAR). In 2010 the City received a Transportation and Growth Management Grant (TGM) from the Department of Land Conservation and Development (DLCD) to evaluate development opportunities on the subject property, the middle parcel to the south, and the east portal parcel. The exercise resulted in four development scenarios that were incorporated into the Comprehensive Plan, along with policies to guide future development.

Planner Mardell reviewed this was the first step in the land use process and the applicant sought to change the zoning. She noted there were layers of subsequent review required prior to construction on site.

Planner Mardell reviewed existing and proposed zoning maps. She explained the applicable code criteria included: Compliance with Statewide land use goals, compliance with Comprehensive Plan goals and policies, and the site must have (or build) adequate infrastructure to serve maximum anticipated levels and density of use allowed by the new district.

The applicant was required to submit an analysis for water sewer and transportation impacts. There was a need for sewer and water mitigation on the project, which included: a 12-inch water main extension, a water mitigation fee to pay for additional water rights to serve this property (the requirement was \$705.45 per EDU due at time of building permit), pump station #1 upgrades, Barclay sewer Main/Locust interceptor, pump station #2 wet well improvements, and telemetry equipment to monitor sewer capacity.

Planner Mardell reviewed transportation impacts included 201 new P.M. peak hour trips from a change in zoning and significant impact to three intersections: US 20/Barclay, US 20/Pine, US20/Locust. The mitigation fee required for improvements to the alternative route, based on a proportional share of impact, was \$98,600.

Planner Mardell noted minor edits were made to Ordinance 507 after it was posted, which included a correction to the legal description in Exhibit C. and verbiage changed for clarification on Conditions #7 and #12. She said the applicant was also asking for emergency adoption of the ordinance. She reviewed emergency adoption of an ordinance

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was usually for public health, safety and welfare; Planner Mardell explained If an emergency adoption were granted, there was still a 21-day appeal period; the decision would not be final until the end of the appeal period.

Planner Mardell stated the Planning Commission recommended approval of the application with conditions as prepared by staff.

Planner Mardell reviewed staff had received one letter for the record, and two people gave verbal testimony in favor of the application.

Councilor Blum asked why a strip of the property was left as Urban Area Reserve. Planner Mardell replied the area in question was owned by the Forest Service and was not part of this application.

Council President Connolly asked for clarity regarding the 2010 Comprehensive Plan update and this property. Principal Planner Mardell replied the 2010 TGM grant allowed the City to fund an exercise on this property to look at different zoning and development possibilities; it was not part of a Comprehensive Plan update. The City made an amendment to add the development scenarios into the Comprehensive Plan. Council President Connolly asked if there was public input at that time. Principal Planner Mardell replied there was a public process. She reviewed the 2010 exercise did not rezone the property; it added guidance on what could be done on this property. The applicant sought to remove the Comprehensive Plan references, as they were only seeking light industrial zoning.

Councilor Preedin asked if staff could explain the difference in ordinance adoption timing and if they recommended emergency adoption. Principal Planner Mardell replied the standard effective date of an ordinance was 30 days after adoption, but if the ordinance were approved as an emergency, it would be effective immediately. Planner Mardell explained because this was a land-use decision, there was still a 21-day appeal period before the application was final, and an emergency adoption essentially gained the applicant nine days. Planner Mardell said staff recommended emergency adoption of an ordinance if there was a risk to public health, safety, and welfare.

Tammy Wisco of Retia Consults gave the applicants presentation.

Ms. Wisco noted there was a shortage of available industrial land in Sisters; there was not enough to attract new or expand existing businesses. Occupancy in the North Sisters Business Park was at 100%, and occupancy in the light industrial zone was nearly 100%.

She reviewed in 2015, 20 acres of employment lands had been converted to residential land, and this had left a hole in light industrial land.

Ms. Wisco said this location was prime for light industrial, and the Comprehensive Plan did address light industrial for the majority of this property.

Ms. Wisco stated this project was consistent with Statewide planning goals, the Comprehensive Plan, and had adequate public facilities, services, and transportation. She reviewed the project was in line with Goals 9, 11, 12, and 14 in the Comprehensive Plan.

Ms. Wisco said the applicant was requesting adoption of the ordinance by emergency for Sisters' economic health and because it would allow for earlier availability of industrial lands.

Mayor Ryan asked if the Council had any questions of the applicant. There were none.

Mayor Ryan asked for public testimony.

David Keyte, 20466 SE Braelen Lane, Bend, OR

Mr. Keyte was in support of the application; it was beneficial for the area's economic development.

Mayor Ryan asked for the applicant's rebuttal testimony. There was none.

Mayor Ryan closed the public hearing.

Mayor Ryan asked for Councilors' deliberation.

Councilor Blum supported the application but disagreed with the emergency adoption; it was not a matter of health or safety, and the public needed adequate time to process what was happening on the property.

Council President Connolly was in support of the application and of the emergency adoption request. She thought the community had an opportunity for input in 2010, there had been outreach done by the Planning Commission, and the 21-day appeal period was fair. She said there was a lack of available light industrial property, and she did not want the City to lose living wage jobs to other communities.

Councilor Preedin was in full support of the application with staff conditions of approval, as stated by staff, and was in favor of declaring an emergency.

Mayor Ryan commended the project; he thought it was good for the City. He said the recommendations were good and he supported the application but did not support the emergency declaration; gaining nine days was not significant.

Planner Mardell reviewed there were two sets of motions in front of Council tonight; one was approving the land-use file, and one was for the adoption of the ordinance. She explained our Charter spoke to the 30-day effective date before an ordinance was final.

Planner Mardell explained in land-use decisions, there was a 21-day appeal period where we had to send notice to DLCD so they could review for errors or mistakes. This period also allowed private parties the opportunity to appeal the application.

Principal Planner Mardell and Attorney Chrostek reviewed Council would first need to make a motion on the land use decision and then they could discuss the emergency declaration when making the motion(s) for the ordinance.

*Council President Connolly made a motion to approve City Files CP 20-02, ZM 20-01, a comprehensive plan map amendment, comprehensive plan text amendments, and zoning map amendment for 800 W. Barclay Drive subject to the conditions of approval as presented by staff. Councilor Preedin seconded the motion. The motion passed 4-0.*

Council discussed the applicant's request to approve the ordinance by title and by emergency.

*Council President Connolly moved to have the City Attorney read Ordinance No. 507 by title only. Councilor Preedin seconded the motion. A roll call vote was taken. The motion carried 4-0.*

Attorney Chrostek read Ordinance 507 by title.

*Councilor Preedin made a motion to adopt Ordinance 507 by Title. Council President Connolly seconded the motion. A roll call vote was taken. The motion carried 4-0.*

**B. Public Hearing and Consideration of Resolution 2020-29- A RESOLUTION OF THE CITY OF SISTERS ADOPTING A SUPPLEMENTAL BUDGET AND ESTABLISHING APPROPRIATIONS WITHIN THE 2020/21 BUDGET.**

Mayor Ryan opened the public hearing.

Director O'Neill explained this supplemental budget included items that affected the General Fund, Sewer Fund, Sewer System Development Charge (SDC) Fund, and

Transportation SDC Fund. He reviewed the general fund was impacted by City managed sanitation accounts, the Sewer SDC Fund was impacted by the aerator improvement

project in FY 2019/20, and the Transportation SDC Fund was impacted by the US20/Locust Roundabout project and the timing of ODOT's withdrawal of funds for design/development and the funding of right-of-way acquisition from the Sisters School District.

Mayor Ryan asked for public comments; there were none. He closed the public hearing.

*Council President Connolly made a motion to approve and adopt Resolution 2020-29. Councilor Preedin seconded the motion. The motion carried 4-0.*

**C. Public Hearing and Consideration of Resolution 2020-30 -A RESOLUTION OF CITY OF SISTERS APPROVING A COUNCIL-APPROVED AMENDMENT TO THE SISTERS URBAN RENEWAL PLAN.**

Mayor Ryan opened the public hearing.

City Manager Misley reviewed Resolution 2020-30 was in partnership with the resolution passed earlier in the evening by the Urban Renewal Agency amending the Urban Renewal Plan.

Mayor Ryan asked for public comments; there were none. He closed the public hearing.

Council President Connolly noted Council had spent quite a bit of time in workshops discussing this resolution, and many hours of staff time had been spent on these amendments.

*Council President Connolly made a motion to approve and adopt Resolution 2020-30. Councilor Preedin seconded the motion. The motion carried 4-0.*

**D. Discussion and Consideration of Resolution 2020-31- A RESOLUTION OF CITY OF SISTERS ADOPTING PUBLIC ART POLICY AND GUIDELINES.**

City Recorder Prosser reviewed this policy had been brought to Council in a previous workshop and would be a starting point for a public art program.

Councilor Blum thought these guidelines were a good first step and formed a basis to move forward; it was necessary and important to get the groundwork done.

*Councilor Blum made a motion to adopt Resolution 2020-31, adopting the public art policy and guidelines. Councilor Preedin seconded the motion. The motion carried 4-0.*

**VII OTHER BUSINESS**

A. Staff Comments – See Workshop minutes.

**VIII MAYOR/COUNCILOR BUSINESS**

Councilor Blum stated she had reviewed a City of Bend memo, prepared by their legal counsel, on the ability of US Immigration and Customs Enforcement (ICE) to perform in their City and what State laws there were that governed them. She thought all Councilors should review the memo as it outlined what could and could not be done. City Manager Misley said he would pass the memo on to Council.

Councilor Preedin noted First Story had opened the application process up for three homes in McKenzie Meadow Village. He would like the Council and staff to get the word out to the community regarding this opportunity.

Councilor Preedin said the Sisters Country Economic Development (SCED) Board had decided to postpone the fall Made in Sisters event due to COVID-19. The event would be rescheduled in the spring.

Mayor Ryan asked if City Manager Misley had received any feedback from the Council regarding Amy Burgstahler's request to amend Resolution 2020-28. City Manager Misley had not received feedback from the Council on the request. Council discussed amending the Resolution.

Councilor Blum thought the way the resolution currently read it was intended to be a general and welcoming big umbrella; we could not think of every possible group that could be discriminated against or unwelcome. She sympathized with people directly impacted as they were the most sensitive to the language, and they would appreciate their group being accentuated. She was open to changes to the resolution but did not think we would ever be able to be inclusive of all of the individual possibilities.

Councilor Preedin and Mayor Ryan agreed with Councilor Blum.

Council President Connolly said working in the world of special education, the terminology was continually changing, and up until recently, it was abilities, not disabilities, abilities captured whether they were mental, physical, or cognitive. She thought the resolution read true, as everyone, regardless of your challenges, was accepted. Council President Connolly floated the wording past other experts in special education and thought if we wanted to change the resolution, we should add the word "their" abilities. She did not think adding one word changed the resolution's intent, and it was acceptable as it was currently written.

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Councilor Preedin said if there were something we were not addressing, something specific, he would like to hear more about it.

Mayor Ryan asked Council to consider giving the approximately \$1,800 remaining in the Community Grant fund to the Red Cross. He noted they were consistently serving our community.

**IX ADJOURN: 7:46 pm.**



Kerry Prosser, City Recorder



Chuck Ryan, Mayor