



City Council Meeting Minutes ~ Approved
August 12, 2010 at 7:00 pm
City Hall - 82877 Spruce St., Westlake, OR 97439

1. Call to order

Mayor Eric Hauptman called the meeting of the Dunes City Council to order at 7:03 pm.

2. Roll call

Roll Call was taken by Fred Hilden, City Recorder.

Present: Mayor Eric Hauptman, Council President Peter Howison, Councilor Jamie Mills, Councilor Rebecca Ruede, and Councilor Troy Sathe.

Absent: Councilor Richard Koehler (excused), Councilor Susie Navetta (excused).

Also Present: Fred Hilden, Lisa Ekelund and 9 individuals.

3. Pledge of Allegiance

All who were present stood for the Pledge of Allegiance.

4. Approval of the agenda

Councilor Mills made the motion to approve the agenda. Councilor Ruede seconded the motion. The motion passed by unanimous vote.

5. Consent agenda

- City Council meeting minutes from 7/8/2010, 7/12/2010, and 7/26/2010
- Bills of the session through 8/6/2010
- Receipts of the session through 8/6/2010

Councilor Ruede made the motion to approve the consent agenda. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

6. Announcements / Correspondence

Mayor Hauptman announced the following:

- July and August Artist of the Month is Judeen McIlhagga (A few of her beautiful things).
- The City has vacancies on various Committees. One position on the Communication and Education Committee, one position on the Conservation Committee and two positions on the Revenue Committee.
- Bridgework on the Siuslaw Bridge 8/16/2010 through 8/20/2010.
- August Birthdays include Lisa Ekelund (14th) and Selena Carter (23rd).

Councilor Mills reminded everyone that this Saturday from 9:30 am to 12:30 pm is the Shelter in Place Training at the Fire Station in Florence. Councilor Mills said this training is to prepare citizens in planning for that emergency situation.

7. Citizen Input

Ken Henderson ~ 83897 Cloud Nine Rd. ~ Dunes City

Mr. Henderson said he is on the board of the Performing Arts Association / Seacoast Entertainment Association located in Florence. Mr. Henderson said next Thursday is a gala event to celebrate the 30-year anniversary of the association on Thursday August 19, 2010 at 5:30 pm. Mr. Henderson said there will be a no host champagne bar and Mike Strickland who is a renowned pianist would be performing.

8. Mayor's report

Mayor Hauptman said for his report, he just wanted to give kudos to the staff. The Mayor said people do not realize the demands that are placed on the staff and how much they do. The Mayor thanked the staff for their hard work.

9. Committee / Commission reports

- Councilor Navetta did not present a report this month for the Community Center / Police.
- Councilor Navetta did not present a report of the Communication and Education Committee.
- Councilor Howison gave a verbal report of the Conservation Committee.
- Councilor Howison gave a verbal report of the Ordinance Review Committee.
- Councilor Ruede presented a written report of the Parks and Recreation Commission.
- Councilor Sathe presented a written report of the Road Commission.
- Selena Carter provided the draft minutes of the 7/19/10 Road Commission meeting.
- Councilor Mills gave a verbal report of the Site Review Committee.
- Councilor Mills provided the minutes of the 7/14/2010 Site Review Committee meeting.
- Councilor Mills gave a verbal report of the Revenue Committee.
- Councilor Mills provided the minutes of the 7/14/2010 Revenue Committee meeting.
- Councilor Koehler provided a written report of the Water Quality Committee.
- Councilor Koehler provided the draft minutes of the 7/17/10 Water Quality Committee meeting.
- Lisa Ekelund presented a written report of the Planning Department.
- Lisa Ekelund provided the draft minutes of the 7/22/2010 Planning Commission meeting.
- Don Hayes provided a written report of Emergency Services.
- Fred Hilden gave a verbal City Recorder's report.

10. Unfinished / Old Business

- City Recorder Employment Contract

The Mayor stated he would like a motion to approve the City Recorder's Employment Contract.

Councilor Ruede made the motion to approve the City Recorder Employment Contract as presented. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

- Atkeson Property: Status of Bridge permits

Fred Hilden said as of yesterday he received an email from Mr. Turner, confirming their telephone call earlier. Fred said Mr. Turner's email explained the steps they are taking towards resolving this issue.

- Atkeson Property reimbursement for nuisance abatement costs

Fred Hilden said Mr. Turner requested the minutes of the 7/8/2010 minutes so he can review the invoice for reimbursement of the City's costs.

The Mayor asked if Mr. Turner has the option to appeal and Fred Hilden said they have until 8/19/2010 to make that appeal.

- Ordinance Review (scanned on CD)

The Mayor stated that the City now has all of the ordinances on disk. The Mayor said those discs would be provided to the Councilor's in the near future.

11. New Business

- Complaint received on 7/7/2010 regarding shoreland vegetation / tree removal on property located at 83584 Woodland Lane, Map / Taxlot No. 19-12-23-33-01300

David Dumas ~ 83586 Cold Springs Lane ~ Dunes City

Mr. Dumas approached the Council. Mr. Dumas said he (Mr. Dumas) submitted a complaint to the City about his neighbor cutting trees in the shoreland area. Mr. Dumas said he saw a permit on Mr. Laurie's gate and he (Mr. Dumas) did not know how Mr. Laurie got that permit since he (Mr. Dumas) is a Committee member who has a hand in the permitting process.

Mr. Dumas explained that Mr. Laurie said he (Mr. Laurie) had a permit to cut down the trees. Mr. Dumas said he (Mr. Dumas) was concerned that this was the shoreland zone and he (Mr. Dumas) offered to go to City Hall with Mr. Laurie to check into exactly what the permit covers. Mr. Dumas said Mr. Laurie said he (Mr. Laurie) was paying the workers by the hour and did not want to go to take the time to go to City Hall.

Mr. Dumas said he (Mr. Dumas) went to City Hall and found a four-year old permit to cut one tree. Mr. Dumas said Mr. Laurie responded to his (Mr. Dumas) findings by saying it was too late to do anything now. Mr. Dumas said Mr. Laurie was not rude but Mr. Laurie was dismissive. Mr. Dumas said he (Mr. Dumas) believes Mr. Laurie knew what he (Mr. Laurie) was doing in the riparian area. Mr. Dumas said he (Mr. Dumas) has noticed Mr. Laurie clearing the area in the shoreland zone. Mr. Dumas said Mr. Laurie responded to his (Mr. Dumas) question regarding the clearing by stating that the Fire Marshall gave him (Mr. Laurie) permission to cut the shrubs.

Councilor Howison asked Mr. Dumas if he (Mr. Dumas) would consider this due to intentional acts.

Mr. Dumas said he (Mr. Dumas) would say it was intentional.

Councilor Howison asked if it would be safe to say that Mr. Laurie was not cooperative.

Mr. Dumas said Mr. Laurie did not want to take steps to find out exactly what the permit covered.

Councilor Howison clarified that Mr. Laurie cut the trees and then a couple of days later Mr. Laurie cut other trees.

Mr. Dumas said the other trees that were cut several days later were not in the 50' shoreland zone.

Mayor Hauptman asked if Mr. Dumas believes Mr. Laurie's intent was to gain a better view.

Mr. Dumas said he (Mr. Dumas) does not know Mr. Laurie's intent but he (Mr. Dumas) does know that Mr. Laurie intends to sell his (Mr. Laurie) property.

Councilor Ruede asked if Mr. Laurie was given notice that this would be discussed today.

Fred Hilden said Mr. Laurie was aware that this topic was on the agenda but when Mr. Laurie was contacted, Mr. Laurie was going to the airport to leave to Kansas City. Fred said Mr. Laurie was not able to get representation because of the short notice.

Councilor Mills said the allegation is the removal of four trees and it appears in at least one of the photographs, one of the trees is leaning against the house. Councilor Mills clarified that the leaning tree was the one that held the permit.

Councilor Howison said large huckleberries and three trees were removed.

Councilor Mills asked if it was evident that this brush was cut or was it mashed from the tree felling. Councilor Mills said if the brush was just pushed down, it would bounce back up.

Councilor Howison said there were huckleberry stumps.

Councilor Sathe asked Mr. Dumas what kind of re-vegetation would be required to put this property back into its original state.

Mr. Dumas said the trees would not be able to be replaced in our lifetime because they were so mature. Mr. Dumas suggested replanting.

Councilor Sathe said there is not a burden that there will be run off or erosion.

Mr. Dumas said there could be. Mr. Dumas explained that there was one large root ball that could cause erosion. Mr. Dumas said there is a wooden wall before the lake water hits the property. Mr. Dumas said because of this wall, it is not certain that there would be an erosion issue. Mr. Dumas said there was vegetation removal a few years ago and it grew back.

Councilor Howison asked Fred Hilden about his conversation with Mr. Laurie.

Fred Hilden said Mr. Laurie indicated that he removed only two trees.

Councilor Howison said Planning Chairman, Lee Riechel remembered issuing the first permit several years ago. Councilor Howison said he (Councilor Howison) finds it interesting that Mr. Laurie removed four trees yet told Fred Hilden that he (Mr. Laurie) only removed two.

Councilor Howison made the motion to find these four violations as violations of our City Code, they are single day violations for each one and the City could fine up to \$500 for each violation. Councilor Sathe seconded the motion.

Councilor Mills said she does not feel comfortable accusing someone of a crime especially when they are not able to be present to defend themselves.

Councilor Ruede concurred with Councilor Mills. Councilor Ruede said she would like to know if Councilor Howison is speaking on behalf of his Committee.

Councilor Sathe said he would vote in favor of this simply because the Committee has worked hard on this matter and it is important to follow the Committee's recommendations with what they find in our City.

The motion made by Councilor Howison and seconded by Councilor Sathe to find these four violations as violations of our City Code, they are single day violations for each one and the City could fine up to \$500 for each violation tied by vote of 2 ayes and 2 nays (Councilor Mills and Councilor Ruede).

Mayor Hauptman asked Mr. Dumas when he (Mr. Dumas) spoke to Mr. Laurie.

Mr. Dumas said he (Mr. Dumas) spoke to Mr. Laurie on the day Mr. Laurie started cutting which was right around the Fourth of July. Mr. Dumas said Mr. Laurie was dismissive. Mr. Dumas said he and Mr. Laurie had a lengthy conversation. Mr. Dumas said he (Mr. Dumas) would love to see Mr. Laurie explain his (Mr. Laurie) actions.

Councilor Howison said the Mayor has re-opened this up for discussion.

The Mayor said it is not open for discussion but because he (The Mayor) has the tie vote, he (The Mayor) is asking questions. The Mayor asked Fred Hilden if Mr. Laurie was aware of the meeting and if Mr. Laurie had time to anticipate this.

Fred Hilden said Mr. Laurie did not receive the agenda a week ago because he was not on the interested parties list. Fred said Mr. Laurie expressed his concern of the short notice and he (Mr. Laurie) would try to get his (Mr. Laurie) attorney to attend but was unsuccessful. Fred said Councilor Howison's observation that Mr. Laurie only commented that he cut two trees in the beginning of July concerns him (Fred). Fred said he does not like being told untruths. Fred said he has not confronted Mr. Laurie about this but he (Fred) plans to.

Councilor Howison said the issue of fairness is always a concern but his (Councilor Howison) issue is fairness to the City. Councilor Howison said dragging these things out costs the City more time and money. Councilor Howison said if it is deemed a violation Mr. Laurie would have time to appeal.

To break the tie vote on the motion made by Councilor Howison and seconded by Councilor Sathe to find these four violations as violations of our City Code, they are single day violations for each one and the City could fine up to \$500 for each violation Mayor Hauptman said he would vote in favor of fining Mr. Laurie.

Mayor Hauptman directed the Council to discuss the amount of the fine.

Mayor Hauptman said Lisa Ekelund presented a great grid to help them assess the fines.

Councilor Mills asked if The Council would address one tree at a time or all of it as one group.

Councilor Howison said it should be grouped, as it does not make sense to do them individually. Councilor Howison read item "H" under resolution 5-12-05. Councilor Howison said he (Councilor Howison) believes Mr. Laurie took little or no action.

Councilor Mills said her (Councilor Mills) only concern is that Mr. Laurie had the permit for the one tree that was surrounded by the deck. Councilor Mills said if she were in Mr. Laurie's position, she (Councilor Mills) might also think she (Councilor Mills) would have the right to take all of the trees out of the deck. Councilor Mills said she would concede giving the item a code of "4" on this issue when calculating the fine.

Councilor Sathe said he would agree with Councilor Mills. Councilor Sathe said the one tree had a permit and everything else should be calculated as a "4".

The Councilor reviewed the calculation steps in Resolution 5-12-05.

Councilor Howison said item "P" is a "1" and all Councilors agreed.
Councilor Howison said item "R" is a "2" and all Councilors agreed.
Councilor Howison said item "C" is a "4" and all Councilors agreed.
Councilor Howison said item "E" is a "2" and all Councilors agreed.
Councilor Howison said item "A" is a "1" and all Councilors agreed.
Councilor Howison said item "G" is a "2" and all Councilors agreed.

Councilor Howison said after calculating all of the items using the formula in Resolution 5-12-05 it would equal \$260 per violation per day. Councilor Howison said this would be for one day only.

Councilor Sathe suggested that the City Council require a specified time for re-vegetation and also set a fine to be imposed if Mr. Laurie does not complete the required vegetation within the time the Council specifies.

Councilor Howison said he (Councilor Howison) would trust the Planning Commission to make the final decision on a re-vegetation plan.

Mayor Hauptman said the \$260 fine is per infraction, which equals a total of \$1,040.

Councilor Howison made the motion that the Council assigns \$260 per violation per assignment of the seven criteria from resolution 5-12-05 as discussed for a total fine of \$1,040. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

Councilor Howison made the motion to direct Mr. Laurie to file an application for a vegetation removal permit, which includes a vegetation inventory, and also require a re-vegetation plan. Additionally, the permit will cost \$75 (\$25 permit fee doubled with \$25 surcharge to equal \$75) with completed application to be submitted within 60 days from today's date of 8/12/2010. In addition, the application will be reviewed by the Conservation Committee with the Conservation Committee's recommendation to be forwarded to the Planning Commission. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

Councilor Sathe made the motion that the City put a sunset date of all vegetation and tree removal permits of one year. Councilor Howison seconded the motion.

Councilor Mills moved to amend the motion to send it to the Ordinance Review Committee or

instruct the City Recorder to write the amended Ordinance.

Lisa Ekelund pointed out that there are other items in Ordinance 154 that need to be addressed and corrected so amending the entire Ordinance would be a good approach. Lisa said she has already worked on changing the Ordinance so adding the sunset date would be a simple process.

Mayor Hauptman directed Lisa Ekelund to correct Ordinance 154 to include the sunset date of 1 year.

Councilor Sathe withdrew his motion and Councilor Howison withdrew his second to the motion.

Mayor Hauptman directed Lisa Ekelund to provide the revised Ordinance to the Ordinance Review Committee for review before it is provided to the Council for a vote.

Fred Hilden said putting a sunset date on the permit could be administrative.

Mayor Hauptman said because the City has been kicked around about their Ordinances in the past, he (The Mayor) thinks an amendment would make the process cleaner.

12. Unscheduled Items Not Listed on the Agenda

- Appointment of Communications and Education Committee member

Mayor Hauptman stated that the City received an application from Mary Jo Leach for the Communications and Education Committee.

Mayor Hauptman recommended Mary Jo Leach for the Communications and Education Committee.

Councilor Sathe made motion to appoint Mary Jo Leach to the Communications and Education Committee. Councilor Mills and Councilor Howison jointly seconded the motion. The motion passed by unanimous vote.

13. Adjournment

There being no further business to come before the City Council, Councilor Ruede made the motion to adjourn the meeting and Councilor Mills seconded. The motion passed by unanimous vote.

The meeting of the Dunes City Council adjourned at 8:32 p.m.

The proceedings of the Dunes City Council meeting were recorded on tape, and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available at Dunes City Hall and online at www.dunescity.com

APPROVED BY THE DUNES CITY COUNCIL ON THE 9th DAY OF SEPTEMBER, 2010.

[Signed copy available at City Hall]

Eric Hauptman, Mayor

ATTEST:

(estimated) 100 square feet of vegetation (see stump #4 picture).

It is also estimated that the four subject stumps greatly exceed the removal allowance of 25% of total trees from the shoreland zone. This assumption is held because there are no remaining large trees between the house and the water's edge and that the house is built in the shoreland zone and will have required the removal of all trees within its outline.

The committee's findings are therefore that four violations of the city's vegetation removal code have occurred on this property:

Removal of tree represented by stump #2;

Removal of tree represented by stump #3;

Removal of tree represented by stump #4;

Removal of vegetation at stump #4.

It is the committee's recommendation that the Planning Commission forward this report along with a recommendation to pursue violation action and penalties per DC Code Section 154, subsections 154.08 Violations and 154.99 Penalty.

Peter Howison, Chairman

Judy Johnson

David Dumas

Liz Purtell

Lee Riechel

Parks and Recreation Report to Council

Rebecca Ruede, PRC Chair August 12, 2010

The Parks and Recreation Commission did not hold a regular meeting in July. However, we continue to work on our projects throughout the summer.

I want to take a minute to acknowledge the many volunteers that work faithfully to help us with the parks. Without their many volunteer hours, we would have to pay for the mowing, and trimming and weeding. Volunteers have been mowing and trimming Byrd Park, Overlook Park and Petersdorf Park for over 20 years. Speaking on behalf of the PRC, and Dunes City... Thank you.

I would encourage citizens to lend a hand when they can to help us and, if you want to volunteer, call me or Fred to coordinate.

The next regularly scheduled meeting of PRC is September 15th @ 3pm Dunes City Hall.

Road Chairman's Report to City Council

August 12, 2010 ~ Prepared by Troy Sathe, Road Chairman

The last Road Commission meeting was July 19th at 6:30 pm.

We thanked Commissioner Curran for taking the 2011 Special City Allotment Grant Application to Salem for us - way to go Jerry! Commissioner Curran and Citizen Ron Tucker continued their work on finding which streets were city streets and which are privately owned. Commissioner Smith is still looking for a trailer.

After reviewing the survey bids the Road Commission recommended Wolford Land Surveying for the survey of for Foothill Drive and Francis Bay Lane, and that he set the fourth pin so the job is complete.

Councilors Navetta and Koehler were nice enough to join us and let us know their concerns about Ocean Blvd. Two Commissioners and I reviewed the area and found two problems - there is a big pile of wood stacked in the road right of way and there is deterioration of the berm. We recommended that Mr. Middlestadt fix these two problems.

The Road Commission inspected a driveway permit at 83534 Clear Lake Road and found an excavation permit was required. Residents around Huckleberry Lane asked for deer signs and a letter was sent to the Lane County asking them to install signs in their right of way on Clear Lake Road.

The Road Commission had a brushing party on Rio Drive this month. Thank you Norman and Judy Martin for all your help and bringing up the chipper. The Fishmill Way project is well under way and is going on schedule. The bids for the slurries closed today and we will supply info as soon as we have the dates.

The next Road Commission meeting will be at 6:30 pm August 16th at Dunes City Hall.

Thank you,
Troy Sathe, Road Commission Chair

Water Quality Report to Council

August 12, 2010

All members were present during the July WQ meeting.

In the Myrtlewood area and a barrier that deflects vehicle borne pollution into the lake was suggested.

Speed limits in this area are 45 mph. A review of all three main roadways from Dunes City into US

Route 101 shows all three enter in hazardous 55 mph places. The committee is in agreement that, with the landowner's approval, continuing a fluid barrier northward to keep run off from entering the lake is the best current option. Additionally, a request to ODOT for a lowering of speed to a consistent 45 mph was suggested.

All committee members will receive a pictorial disk of the watershed shot in July of 2006.

Concerns about riparian area violations were discussed.

Mark moved that the council review the riparian ordinances with regard to deterrents for violations in order to assure lake water protection. Dave seconded. All approved.

Dave moved to accept the Site review report on the Laurie property. Mark seconded. All approved.

Mark and Steve presented the report that was shown to the council last week.

John reviewed the proposed amendments to OAR 690-518 the Mid-Coast Basin Program. He emphasized that one of the proposed changes could have a negative impact on the use of Dunes City's Municipal Water Right Permit. (See referred to report at [dunescity .com](http://dunescity.com))

WQC goals were reviewed. Bob affirmed our part in the state's response to Blue Green Algae blooms and how to keep this issue alive with our input.

Water Quality Committee Chairman Richard Koehler

PLANNING DEPARTMENT REPORT

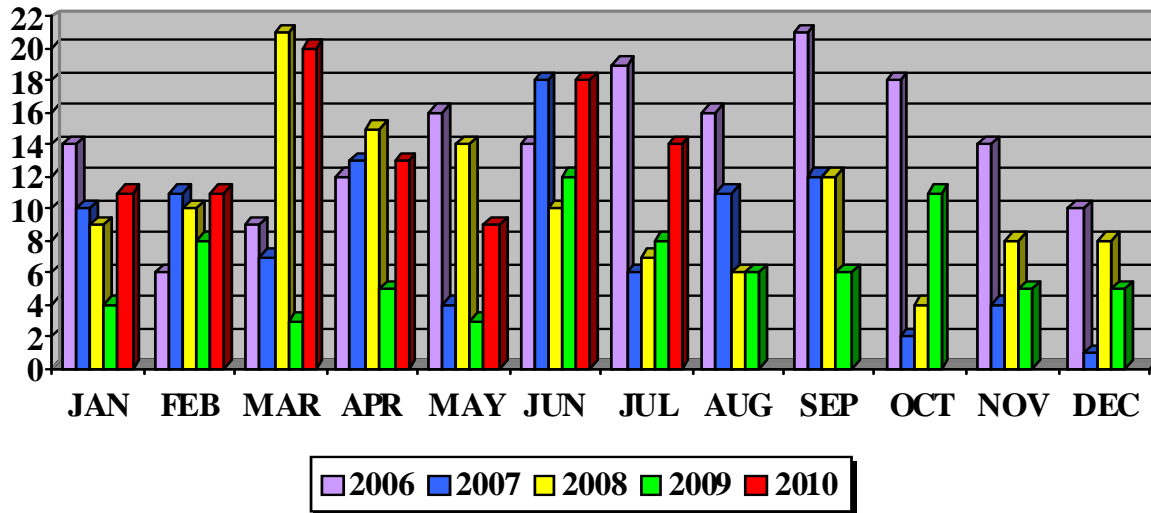
Report Date: August 4, 2010

Staff: Lisa Ekelund

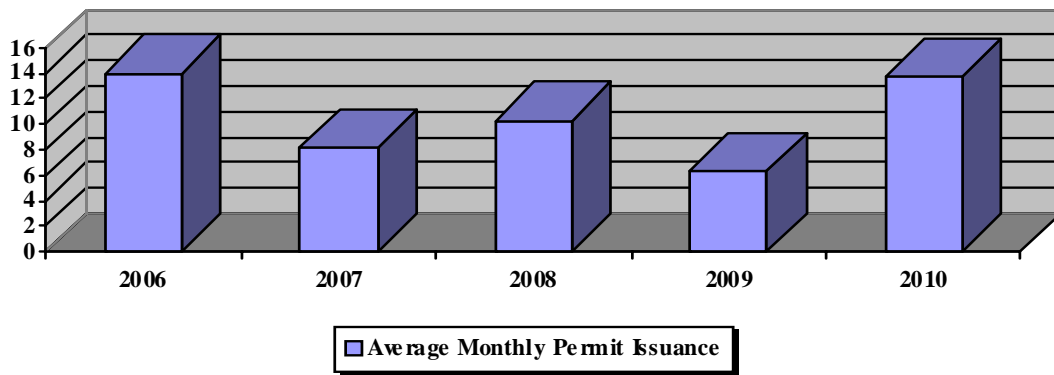
In the Month of July, Dunes City issued 14 permits. These permits include Dunes City's second new residential construction for property located at 5540 Meadow Lake Way. The total permit issuance for the year is 96. The average monthly permit issuance for the year is 13.71,

which is a 223% increase compared with 2009.

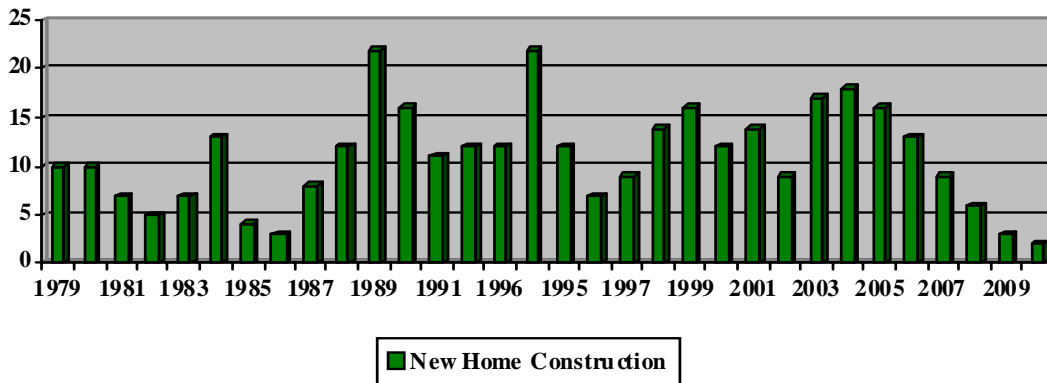
The last meeting of the Planning Commission was held on July 22, 2010. At this meeting, the Planning Commission voted unanimously to place Commissioner Lee Riechel into the Chairmanship position. Additionally, as advised by the Conservation Committee, the Commission voted unanimously to approve a shoreland zone vegetation / tree removal application for property located at 4836 Laguna Lane ~ Westlake, OR. Because this was a lightly scheduled meeting, the Commission decided to discuss their approach towards the code audit and each Commissioner has expressed their dedication in reviewing the code for discussion at the August meeting.



Total Monthly Permit Issuance



Average Monthly Permit Issuance



City Recorder Report to City Council
 August 12, 2010 ~ Prepared by Fred Hilden

June was another very busy month in the City Recorder’s office. The final plat application for Woahink Ridge Estates was reviewed and processed and I participated in the Road Commission’s evaluation of the site to ensure compliance with all requirements. Public notices for the vacation of the Samuel Haig Jameson Gateway Road were prepared and submitted to The Siuslaw News and posted on the property, as well as City Hall and the post office.

As you know, Maria McConnell’s resignation was received and as a result, we developed a plan to consolidate the Road Secretary position with the Administrative Assistant position. Interviews were conducted and with the help of Lisa Ekelund, Councilor Sathe and Mayor Hauptman, Selena Carter was selected to fill the position. Her training is well under way and she is coming up to speed very quickly with both her road department and general responsibilities.

The budget hearing was conducted and the Dunes City Budget for 2010-2011 was adopted and prepared to be sent to the Oregon Department of Revenue. The Business License Ordinance was updated and prepared for the City Attorney’s review. A letter was prepared and mailed to Steve Turner regarding the incomplete bridge permit application for the Atkeson property. I also participated in a discussion with Councilor Jamie Mills and Dr. Richard Anderson regarding the Woahink Lake output control structure, covered under a separate report.

Requests for Proposals (RFPs) were prepared and submitted to bidders for tree removal, roof/gutter cleaning and general landscape maintenance. Leaning Tree Service was selected as the winning bid and the work was completed over a seven day period. An RFP was also prepared and sent out for bid for the electrical work at City Hall. This work should be completed in July.

Finally, Conservation Committee postcards were prepared with no staff time and stamped and mailed by a volunteer. Hats off to the City’s volunteers!

July will be focused on sending out water rights admin fee invoices, preparing for the November election for Mayor and Councilor positions and the upcoming audit.

Respectfully submitted, Fred Hilden City Recorder

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