



**CITY COUNCIL MEETING MINUTES ~ APPROVED
DECEMBER 9, 2010 AT 7:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

1. CALL TO ORDER

Mayor Eric Hauptman called the meeting of the Dunes City Council to order at 7:01 pm.

2. ROLL CALL

Roll Call was taken by Fred Hilden, City Recorder.

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

Absent: Councilor Susie Navetta (excused).

Also Present: City Recorder, Fred Hilden, City Planner, Lisa Ekelund and 29 individuals.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Mills moved to postpone the Committee and Commission appointments until after the new Council is seated in January of 2010. The motion was seconded by Councilor Sathe.

Mayor Hauptman said the Council has a motion and a second. The Mayor said all those in favor signify by saying aye. The Council voted and the Mayor said they just postponed the Committee appointments.

Councilor Howison stated that he would like to call a special meeting with the consent of another Councilor at which time the Council will have their full repertoire of Councilors and the Council can address these issues with the full set of Councilors.

Mayor Hauptman asked if Councilor Howison would like to make his comment a motion.

Councilor Howison said he would like to make a motion. Councilor Howison said two Councilors can ask for a special meeting and it is apparent that this may not pass right now but they could call a meeting later on. Councilor Howison suggested the Council meet some time next week. Councilor Koehler seconded the motion.

Councilor Mills said she would like to remind everyone that the motion was to postpone until after the new Council is seated and this is what was approved.

Councilor Howison said Councilor Mills was correct.

Fred Hilden requested a roll call vote on Councilor Mills' motion.

Mayor Hauptman asked Lisa Ekelund to read the motion back to the Council and Lisa said she was not sure if she documented the motion in its entirety along with the vote.

Lisa Ekelund read back to Council what she had had typed, which was "Councilor Mills moved to postpone the Committee and Commission appointments until the Council is seated in January 2010." Lisa said the motion was seconded by Councilor Sathe but she was not able to document the vote.

Mayor Hauptman said this is a good reason for the City Recorder to request a roll call vote.

Councilor Mills said there was a typo and it should be January 2011.

Lisa Ekelund thanked Councilor Mills for the correction.

The motion made by Councilor Mills and seconded by Councilor Sathe to postpone the Committee and Commission appointments until the Council is seated in January [2011] passed by the following roll call vote:

Councilor Sathe.....aye
Councilor Koehler.....nay
Councilor Howisonnay
Councilor Ruede.....aye
Councilor Mills.....aye

Lisa Ekelund asked Mayor Hauptman if Councilor Howison made a motion as well.

Mayor Hauptman said Councilor Howison did not make a motion. The Mayor said Councilor Howison made a statement that a special meeting of the Council could be called by two Councilors in this month.

Lisa Ekelund thanked Mayor Hauptman for his clarification.

Councilor Mills made the motion to approve the Agenda as amended. The motion was seconded by Councilor Sathe. The motion passed by unanimous vote.

5. CONSENT AGENDA

- City Council meeting minutes from 11/18/2010.
- Bills of the session through 12/3/2010.
- Receipts of the session through 12/3/2010.

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

6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Hauptman announced the following:

- November and December artists of the month are Stephanie Sarles and Rick Marsh.
- Dunes City Hall will be closed the week between the Christmas and New Year Holidays.
- Volunteers are still needed for one Road Commission and several Committee positions.

- As Councilor Mills was excused in November, they will celebrate her birthday this evening.
- The Mayor has asked the City Recorder to investigate and evaluate training options for the League of Oregon Cities Oregon Local Leadership Institute.

7. CITIZEN INPUT

Duke Wells ~ 5593 Woahink Drive ~ Dunes City

Duke Wells said Councilor Mills covered what he was going to speak about but he would still like to say he is honored to take the seat as a Council member and assist with the Committee and Commission appointments.

Norman Martin ~ 83750 Rio Drive ~ Dunes City

Norman Martin read the following into the record:

1. "I recommend that each member of the DC Planning Commission and DC C Councilors be provided a copy of the "Dunes City Council Rules of Procedure, (the Blue Book)."
2. "As a party interested in the selection of members for city commissions and committees I challenge the qualifications of Cr. P. Howison to participate in voting for positions of the D.C. Planning Commission and Site Review Committee because of his personal interest, and hence his inability to make an impartial decision, (as per Section 9.2 of the D.C.C. Rules of Procedure - page 5)."
3. "I remind the mayor and councilors that all commission and committee members may be recommended by the mayor but must be approved by the D.C. councilors by vote as per D.C. Code."
4. "I urge D.C.C. to have commission and committee position selections tabled until the new councilors are sworn in at the January 2011 regular council meeting."

Mike Smith ~ 83819 Summerbell Drive ~ Dunes City

Mike Smith thanked Councilor Howison. Mike said, agree with him (Councilor Howison) or not agree with him (Councilor Howison) politically, he (Mike) thinks everyone can agree that he (Councilor Howison) has not been an empty suit on the Council. Mike said Councilor Howison has done the best he (Councilor Howison) can do for the citizens and the community. Mike said the Council is going to hear from Councilor Sathe regarding the fence located on Foothill Road. Mike said he would like to urge the Council to take the fence down. Mike said this is a public right-of-way and they (the owners of the fence) are blocking access to land that the City owns. Mike said this has been a continual game that has been played for close to five years now with objection and deals cut and all different things going on. Mike said none of their (the owners of the fence) claims have been justified or been proven to be true. Mike said the Mayor brought this issue to the Road Commission specifically several months ago. Mike said it was found that the fence is located in the County, the County has deemed that the fence has to be moved, the County ordered that the fence be moved and now the County is trying to cut an eleventh hour deal. Mike said he would request that the Council not accept this deal, make this fence come down, it should not be there. Mike said this is the same type of issue as Greengate Road where they had a fence across a public right-of-way in which the County deemed that the fence should be removed. Mike said he would like to urge the

Council to take the Road Commission's recommendation and please make the fence go away; it has been there for far too long.

8. MAYOR'S REPORT

Mayor Hauptman said he spoke to Dick Anderson earlier this week and Dick objected to appointing Committee members in December because Dick felt that the people volunteering should know what Councilor would be chairing what Committee. The Mayor said he told Dick that he (The Mayor) felt that this was reasonable. The Mayor said he told Dick that he (The Mayor) would announce his (The Mayors) intention on who would chair what Committees tonight. The Mayor said he spoke to the Councilors and they have either agreed or asked for these Committees. The Mayor said Councilor Jamie Mills would chair the Water Quality Committee and the Ordinance Committee, Councilor Rebecca Reude will chair the Education and Communication Committee and the Revenue Committee, Councilor Troy Sathe will chair the Road Commission, Councilor Richard Koehler will chair the Parks and Recreation Committee, Councilor Elect Duke Wells will chair the Site Review Committee, Building Committee (Community Center), and possibly be the Chief of Police if it is found that a Chief of Police is necessary, and Councilor Elect Richard Anderson will chair the Conservation Committee. The Mayor thanked everyone who has volunteered now and in the past. The Mayor said that volunteers are crucial to Dunes City's survival.

9. COMMITTEE / COMMISSION REPORTS

- Councilor Navetta did not provide a report for the Community Center.
- Councilor Navetta did not provide a report of the Communication and Education Committee.
- Councilor Howison said his report would be read during the vegetation removal discussion on the Jackson property listed under New Business.
- Councilor Howison said he had no report of the Ordinance Review Committee.
- Councilor Ruede presented a written report of the Parks and Recreation Commission.
- Councilor Ruede provided the minutes of the 11/3/2010 Parks and Recreation Commission meeting.
- Councilor Sathe presented a written Road Chairman report.
- Road Secretary, Selena Carter provided the draft minutes of the 11/15/2010 Road Commission meeting.
- Councilor Mills said the Site Review Committee did not meet last month so there is no report.
- Councilor Mills said the Revenue Committee did not meet last month so there is no report.
- Councilor Koehler said the Water Quality Committee did not meet last month so there is no report.
- Lisa Ekelund presented a written report of the Planning Department.
- Fred Hilden gave a verbal report on Emergency Services.
- Fred Hilden presented a written City Recorder report.

10. UNFINISHED / OLD BUSINESS

- City Attorney Services

Mayor Hauptman said he would like to see a motion on the floor.

Councilor Ruede made the motion for The Local Government Law Group PC, a member of Speer Hoyt LLC to become the new City attorney. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

- Ordinance No. 208 titled *An Ordinance Amending Chapter 32 of the Dunes City Code of Ordinances Regarding Members; Qualifications and Meeting; Quorum of the Dunes City Road Commission; and Declaring an Emergency.*

Councilor Mills made the motion to have the first reading of Ordinance No. 208 by title only. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

Mayor Hauptman read Ordinance No. 208 by title only.

Councilor Sathe made the motion to have the second reading of Ordinance No. 208 by title only. The motion was seconded by Councilor Mills. The motion passed by unanimous vote.

Mayor Hauptman read Ordinance No. 208 by title only. The Mayor asked if any of the Councilors have any or potential conflicts of interest and no one spoke.

Mayor Hauptman opened the public comment period at 7:38 pm. No one spoke. Mayor Hauptman closed the public comment period at 7:39 pm.

Councilor Howison asked why they are declaring this as an emergency.

Mayor Hauptman said it is because the Road Commission has a meeting on the 20th of this month.

Councilor Howison said he sees no reason to pass this as an emergency.

Mayor Hauptman asked if there is any more comment.

Councilor Mills asked Councilor Sathe if the emergency clause is only because the Road Commission has a meeting coming up.

Councilor Sathe said right now the Chair cannot vote and it is the only Committee where the Chair cannot vote to break a tie.

Fred Hilden said in the current ordinance, there is no allotment for a Vice-Chair and the City does not have a Director of Roads.

Councilor Mills said she agrees with Councilor Howison. Councilor Mills said she believes that the emergency clause is something that the Ordinance Review Committee should look at or possibly the Council could look at it during a work session. Councilor Mills said if the Council decides that they want to be able to have the flexibility to say that an ordinance will become effective immediately, perhaps they should change the code so there is that option.

Councilor Howison said he believes it has to be unanimous to have it pass as an emergency.

Mayor Hauptman said that Councilor Howison is correct.

Councilor Howison said this is his last meeting, he has always been a stickler on this, and he cannot vote on this as an emergency.

Councilor Koehler said he tends to agree regarding the use of the emergency clause and he thinks the clause should be used sparingly.

Councilor Ruede asked Councilor Sathe if this would create a hardship on the Commission if they delete the emergency clause.

Councilor Sathe said no, it would be fine.

Councilor Mills moved to amend Ordinance No. 208 by striking section 7, the emergency clause. Councilor Howison seconded the motion. The motion passed by unanimous vote.

Councilor Howison moved to approve Ordinance No. 208 as amended. Councilor Mills seconded the motion. The motion passed by the following roll call vote.

Councilor Mills.....aye

Councilor Ruede.....aye

Councilor Howisonaye

Councilor Koehler.....aye

Councilor Sathe.....aye

- Response to First / Foothill proposal from Liam Sherlock.

Mayor Hauptman explained that there is a fence located across First Street and Foothill Drive. The Mayor said this fence restricts public access to the road along with access to what is known as “the playground lot.” The Mayor gave a brief history of how Dunes City obtained its interest in the playground lot. The Mayor explained that the City received a title policy that insures Dunes City is the owner of the lot. The Mayor said the City had the end of Foothill Drive surveyed to discover that the fence is located on the other side of the urban growth boundary and thus in Lane County.

Councilor Mills said she had researched this quite some time ago. Councilor Mills said she asked Lisa Ekelund to distribute a copy of the Deed to the Council. Councilor Mills said the deed belongs to T & K Lands and it describes their acquired land. Councilor Mills said the first thing she would like to bring attention to is the plat map for the subdivision that is in the Council packet titled "North Addition Plat." Councilor Mills said if the Council looks at parcel 5 of the legal description on the deed to T & K Lands, it says regarding the land that is being conveyed, parcel 5 lots 1 through 11 inclusive in block 1, lots 1 through 19 inclusive of block 2, and lots 1 through 6 inclusive of block 3 and you will note it is without lot 700. Councilor Mills clarified that the playground lot is not included in the description of lot 1 through 6 and therefore, T&K Lands has no interest in lot 700 (the playground lot).

Mayor Hauptman asked how the Council would like to respond Mr. Sherlock's letter.

Councilor Sathe said all of the Road Commission members want the fence removed. Councilor Sathe said if we end up letting them keep the fence with only a key issued to the City, people would have to check out the key and it is just a step backwards.

Councilor Ruede said the Parks and Recreation Commission have discussed this matter and they determined that the discussion be forwarded to the Road Commission and therefore, she (Councilor Ruede) is in favor of the Road Commission recommendation.

Mayor Hauptman said one of his thoughts is that the Skeele's are concerned about vandalism and

there has been a problem with children and teenagers going back there. The Mayor said it would be a win/win if they moved the fence so that the City could have access to the playground lot. The Mayor said the County is only inspired by this because Dunes City is inspired by it. The Mayor said Fred Hilden has done a wonderful job in the discussions with Lane County.

Councilor Sathe said he would like to hear the opinion of Commissioner Smith and Commissioner Wells. Councilor Sathe said they are here tonight and they are members of the Road Commission.

Commissioner Wells said he thinks that the Skeele's have a right to fence in their property. Commissioner Wells said he does not have time or emotion attached to this topic. Commissioner Wells asked if this is another battle the City wants to fight and if it is worth fighting. Commissioner Wells said he respects what Councilor Sathe believes as an appropriate action. Commissioner Wells said he thinks the key is a bad idea because you do not have ownership, you get permission and that sets a bad precedence. Commissioner Wells said it would be better to have individual padlocks and in the best case, take the fence down but the City may have a battle on its hands.

Commissioner Smith said he agrees with Commissioner Wells. Commissioner Smith said the fence is in a public right-of-way and the Skeeles have ignored the City. Commissioner Smith said he thinks this pattern will continue. Commissioner Smith said if the Council accepts what they (the Skeeles) are offering it is a step backwards to the City's legitimate ownership of the lot. Commissioner Smith said the Skeeles have no right to block public access to lands. Commissioner Smith said he believes a compromise could be reached if they would move the fence out of the public right-of-way and not bar access to the legitimately owned property of the City.

Councilor Mills asked if the fence goes all the way across lot 700.

Mayor Hauptman said he believes so.

Councilor Mills moved that the City respond to Liam Sherlock that the City would agree for the Skeeles to move the fence so that it follows the east border of lot 11 in block 1 to the point that is the NW corner of lot 700 and then move along the northern border of lot 700, in other words, move the fence up so that it goes up along the lot, crosses the County's right-of-way, Foothill Road, and along the northern border of lot 700 to the edge and then if they want to put a gate in on the right-of-way and do a deal with keys with the County, they can, but for our purposes, follow along, go across, and cut out our parcel. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

11. NEW BUSINESS

- Commission and Committee Appointments

This Agenda item was postponed to January 2011 per motion made by Councilor Mills under Approval of the Agenda.

- Complaint dated 11/22/10, Shoreland Vegetation / Tree Removal (David Jackson Property: 5465 Huckleberry Lane, Map / Tax Lot 19-12-14-10-01810.

Councilor Ruede said she would like to recuse herself from the discussion of this action item because she has been a close personal friend of the Jacksons for many years. Councilor Ruede left the dais and took a seat in the audience.

Councilor Howison read the Conservation Committee report.

Lisa Ekelund spoke in regards to her staff report. Lisa explained the distinctions between the abatement process and the imposition of a penalty. Lisa offered to go through each of the considerations when calculating a penalty per Resolution No. 5-12-05.

Councilor Howison read each calculation consideration per Resolution No. 5-12-05 and provided input.

Councilor Sathe requested to have Mr. Jackson answer some questions before they go further.

Mr. Jackson took a seat before the Council.

Councilor Sathe asked if Mr. Jackson was present when these violations occurred.

Mr. Jackson said he was not present when the work was done. Mr. Jackson said the contractor was given directions prior to the work being performed. Mr. Jackson said the contractor showed up a month later but he (Mr. Jackson) was out of town.

Councilor Sathe asked who the contractor was.

Mr. Jackson said the contractor was John White.

Councilor Sathe said when Mr. Jackson found out that John White cut everything so low, he (Councilor Sathe) imagines that Mr. Jackson was mortified which is perhaps why he did not come to City Hall right away.

Mr. Jackson said there was a pile of brush 6-8 feet high covering up the work so he did not know at first what exactly happened. Mr. Jackson said no, he did not turn himself in.

Mayor Hauptman asked if there were any more questions.

Mr. Jackson questioned if the fine procedure had been used before in the past successfully and if there is an appeal process. Mr. Jackson said without the City's knowledge of the exact location of the property line, it would be difficult for the City to make a judgment on the extent of vegetation inventory and its removal. Mr. Jackson said when he read the Committee report, he did not read any names behind it so he is not sure who prepared the report. Mr. Jackson clarified stating that he is referring to the evaluations that were done.

Fred Hilden said the evaluations Mr. Jackson is referring to are all part of Lisa Ekelund's staff report.

Mr. Jackson asked if the Committee was involved with this evaluation.

Fred Hilden said the staff report was prepared based on the evaluation, the code and the applicable law. Fred said the evaluation presents different options for the Council to use in the decision making process.

Mr. Jackson asked if this evaluation for these deductions had been reviewed by the Committee.

Councilor Howison asked Lisa Ekelund if the Committee's report was used to make those conclusions and Lisa said yes.

Mr. Jackson asked if the Committee concurs with the conclusions that were reached.

Councilor Howison said some of the Committee members are present and they could be asked if they concur.

Conservation Committee member David Dumas spoke from the audience and stated that he does concur with the conclusions that were reached.

Mr. Jackson asked if the decision of the number of occurrences is an objective decision or is it subjective.

Councilor Howison said he believes it is objective. Councilor Howison gave a history of how these decisions have been made in the past. Councilor Howison said for this purpose, even though there were three trees cut, it is still only one violation because we assume it occurred on the same day.

Mayor Hauptman said the concern of cutting vegetation in the shoreland area is for erosion. The Mayor said there must have been a reason that Mr. Jackson hired Mr. White to cut the trees down. The Mayor asked Mr. Jackson why he hired Mr. White and what the point of cutting the trees down is. The Mayor said he is sure Mr. Jackson does not want to erode his hillside.

Mr. Jackson said those were not his instructions, they were not to be cut down. Mr. Jackson said in fact, he is not aware of any trees being cut down. Mr. Jackson said he is aware of brush being cut in the 50-foot zone and he agrees that it is a violation. Mr. Jackson said he is not sure if there is any removal of trees. Mr. Jackson said he understands that there was a violation and he understands that he did not obtain a permit for the vegetation removal in the 50-foot zone. Mr. Jackson said he does not agree with "removal" because he is not sure if this has happened.

Councilor Howison said Mr. Jackson is applying to be a member of the Conservation Committee. Councilor Howison said he would hope that Mr. Jackson would enforce these rules if Mr. Jackson were selected as a member.

Mayor Hauptman said the issue is whether or not there will be erosion problems on the slope. The Mayor said he would like to see Mr. Jackson be required to allow the City to inspect in the spring to check for new growth and at this point, the City could condition Mr. Jackson should the City at that time observe there to be any erosion areas.

Lisa Ekelund said it would be beneficial to control the erosion now considering Dunes City's average rainfall in December is 12 inches.

Mayor Hauptman asked if it is the recommendation from the Planning Department that Mr. Jackson measure the erosion.

Lisa Ekelund said yes, she would like to see an erosion control plan come from Mr. Jackson and she would like to see Mr. Jackson carry out that plan. Lisa said once the plan is complete, Mr. Jackson should notify staff so a site visit is scheduled and performed to verify the erosion methods are in place and are working as intended. Lisa mentioned setting a time frame for these actions and the Mayor said time is of the essence.

The Mayor asked if Mr. Jackson would be in town for a while.

Mr. Jackson said he would be able to do this within 30 days.

Councilor Howison said two weeks would be better. Councilor Howison said it concerns him that this Committee, this Council and this staff has spent hours and hours on this and he (Councilor Howison) thinks it is only fair that the Council place a modest fine to cover some of the expenses.

Councilor Howison moved that the Council fine the owners of property located at 5465 Huckleberry Drive for 3 or 2 violations in the amount agreed upon in the City Council Resolution 5-12-05 in addition to 1 native plant equivalent to the 6 removed be planted to replace them and wood chips or straw shall be applied to prevent erosion and have a follow up visit after these measures are done and make a retroactive permit for the vegetation removal permit and all of these conditions are to be completed within 30 days from today's date. Councilor Koehler seconded the motion.

Councilor Mills said Mr. Jackson did admit to two violations and this is the evidence that the Council has. Councilor Mills said she is not sure if replanting the trees is necessary or if there is room for them. Councilor Mills said Mr. Jackson would do more damage by going in there, digging a hole, and putting a tree in the ground. Councilor Mills said the shrubbery would grow back.

Councilor Howison said 1/3 of the property is void of trees. Councilor Howison said you could only remove 25% of the trees.

Councilor Mills said the Council does not even know if there were trees removed.

Councilor Howison said this is not even being considered as part of the violation.

Councilor Mills said she understands that there are two violations; one is that vegetation was removed, and two is that Mr. Jackson did not get a permit.

Councilor Howison said Mr. Jackson did not get a vegetation removal permit, this is 154.03 (A) (1), they were trimming vegetation closer than three feet and this is 154.03 (B) (1) (a), and the third violation is vegetation removal within 15 feet of the high water mark. Councilor Howison said those are three violations and he does not see how anyone can contest those. Councilor Howison said the tree removal is hypothetical and not related to this issue.

Councilor Sathe asked if Mr. Jackson did in fact remove vegetation from this area.

Mr. Jackson said he did not remove any, the contractor cut vegetation in that area and all he has left is the brush that was cut down. Mr. Jackson said it was cut down in the 50-foot area but in the 15-foot area, he is not sure. Mr. Jackson said there were some stumps 4-5 feet from the water line that did look like they had been recently cut.

Councilor Mills said she agrees that there would be three violations.

Councilor Howison amended the first motion to fine the owners of 5465 Huckleberry Drive for three violations of 154.03 (B) (1) (a), (A) (1), and (A) (2) (a) in the amount of \$100 per violation. Councilor Koehler seconded the amendment to the motion.

The motion made by Councilor Howison that the Council fine the owners of property located at 5465 Huckleberry Drive for three violations of 154.03 (B) (1) (a), (A) (1), and (A) (2) (a) in the amount of \$100 per violation as agreed upon in the City Council Resolution 5-12-05 in addition to 1 native plant equivalent to the 6 removed be planted to replace them and wood

chips or straw shall be applied to prevent erosion and have a follow up visit after these measures are done and make a retroactive permit for the vegetation removal permit and all of these conditions are to be completed within 30 days from today's date. Councilor Koehler seconded the motion. The motion passed by vote of 3 ayes and 1 nay (Councilor Sathe).

Mayor Hauptman clarified that it will be a total of \$300 for the fine.

Councilor Howison asked Mr. Jackson if he could place hay down within two weeks and Mr. Jackson said he could possibly do this depending on the weather.

Alan Montgomery spoke from the audience stating that hay would be better to place on the ground as opposed to wood chips.

Councilor Howison made the motion to provide hay for the bare areas of ground within 30 days. Councilor Koehler seconded the motion. The motion passed by a vote of 3 ayes and 1 nay (Councilor Sathe).

Councilor Ruede returned to her seat at the dais.

- Resolution Series 2010, No. 5 titled *A Resolution Acknowledging the FCC Award of a New Non-commercial-Educational Full Power FM Radio Station Construction Permit to Lane County Nonprofit, West Lane Translator, Inc.*

Mayor Hauptman said Mr. Dawson had asked the City to acknowledge the FCC Award of a New Non-commercial-Educational Full Power FM Radio Station Construction Permit to Lane County Nonprofit, West Lane Translator, Inc.

Rand Dawson ~ 82820 Siltcoos Station Rd. ~ Westlake

Mr. Dawson thanked the Mayor and City Recorder for placing this item on the Agenda at such short notice. Mr. Dawson said he is a volunteer with West Lane Translator which is a 50 year old non-profit in the area. Mr. Dawson said they are seeking a resolution of support from Dunes City and the purpose of this is to begin to educate the local public as to the opportunity of a recent award by the FCC for the West Lane Translator as a noncommercial educational radio station, which is a very significant event.

Councilor Sathe made the motion to read Resolution Series 2010, No. 5 titled *A Resolution Acknowledging the FCC Award of a New Noncommercial-Educational Full Power FM Radio Station Construction Permit to Lane County Nonprofit, West Lane Translator, Inc.* by title only. Councilor Howison seconded the motion. The motion passed by unanimous vote.

Mayor Hauptman read Resolution Series 2010, No. 5 by title only.

Councilor Sathe made the motion to pass Resolution Series 2010, No. 5. The motion was seconded by Councilor Koehler. The motion passed by unanimous vote.

12. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

There were no unscheduled items not listed on the Agenda.

13. ADJOURNMENT

Mayor Hauptman invited everyone present to have some cake for Councilor Mills' birthday. The Mayor asked if any of the Councilors had anything further to say.

Fred Hilden said he has a very important announcement although it is preliminary and tentative. Fred said on December 2nd, he received on behalf of the City, a letter from John Johnson at ODOT announcing that the City has been awarded a \$25,000 grant for the Fishmill Way project. Fred said this was an incredible amount of work done by the City's contract Director of Roads, Gary Baker, and by himself.

Mayor Hauptman commended Fred Hilden for his hard work.

Councilor Sathe thanked Fred Hilden for his persistence. Councilor Sathe said if they were having a special session next week, he would like to receive at least three days notice so that he could plan on attending. Councilor Sathe said in the future, he would like better pictures taken for reports received from the Conservation Committee.

Councilor Koehler wished everyone Happy Holidays.

Councilor Howison said it has been a great privilege to serve Dunes City and old politicians never die they just get unelected. Councilor Howison said he wishes the best of luck to those serving next year and he hopes everyone has a great new year.

Councilor Ruede said Merry Christmas to everybody.

Councilor Mills said Merry Christmas to everybody.

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 9:17 pm.

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 13th DAY OF JANUARY, 2011.

[Signed copy available at City Hall]

Eric Hauptman, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder

Conservation Committee Report to City Council December 9, 2010 – Peter Howison

The Conservation Committee met on November 24, 2010 at David Jackson's 5465 Huckleberry Lane property where a complaint had been made regarding vegetation removal in the 50 foot shoreland protected zone. Our members, including Peter Howison, Liz Purtell and David Dumas, accessed the site of the complaint by utilizing the neighbor's easement which runs through the Jackson property to 5449 Huckleberry Lane. Mr. Jackson, who is the city's insurance agent and previous city counselor as well as previous chairman of this very Conservation Committee, met us at the site of the vegetation removal in question.

The property involved is very steep. An incline of 62 degrees was determined by level and protractor measurement. A trigonometric calculation put the 50 foot setback at the 81 foot diagonal. This measurement from the shore extended across the access road and 6 to 8 feet up the similarly very steep section above the road. Here, according to Mr. Jackson, the neighbor had removed several trees which leaned over the road and interfered with large vehicle access.

Therefore, we decided to focus on the lower section which was entirely in the 50 foot setback and the subject of the complaint. In this area there had previously been large rhododendron, salal and huckleberry bushes and several small trees with stumps ranging from 5 to 9 inches. The neighboring property still contained the heavy canopy of bushes preventing a heavy rain from directly eroding exposed soil as it would hit the leaves and trickle to the ground.

Mr. Jackson told us he had asked the person he hired to trim down to 36 inches but was not present during the work which occurred in July. This was before passage of our business license ordinance which requires the city to provide information to licensees concerning the city's rules regarding vegetation removal in the shoreland and riparian protected zones. Unfortunately the contractor had removed most of the bushes below the 36 inch mark with the range being mostly between 18 inches and 30 inches. There were also at least 6 tree stumps, three in the zone below 15 feet measuring 7-8 inches, 5 inches and a bifurcated stump of 5 by 9 inches. The remaining three were above the 15 foot mark. They measured 6-7 inches and 7 inches, and one was estimated at 6-8 inches. Several older stumps were also present but no detailed stump count was attempted.

In conclusion, vegetation removal in the 15 foot setback, tree removal both below and above the 15 foot mark and shrub removal below the 36 inch mark are all violations of 154.03. Even with a vegetation removal permit and approval by the Planning Commission only the trees in the 15 to 50 foot zone might be permitted after an accurate stump count. So few trees have been left in this area that the allowed 25% tree removal limit has likely already been met.

Parks & Recreation Commission
December 9, 2010
By Councilor Ruede

The Parks and Recreation Commission met on November 3rd. All members were in attendance.

The main topic of discussion was the budget for next year. We are estimating there will be approximately \$3,000 un-expended funds and our Recorder has indicated that the funds may be carried over for next year. Since it is expected that we will receive the same amount Rural Tourism Marketing Funds again, we are anticipating a budget of \$15,000.

A number of ideas were discussed. However, it was the consensus of opinion of the Commission that it is not in the best interest of the City to spend funds just because we have them. Commissioners were asked to come prepared for budget discussion at the next meeting Scheduled for December 8, 2010 @ 3pm.

Road Chairman's Report to City Council

December 9, 2010 ~ Prepared by Troy Sathe, Road Chairman

The Road Commission met on November 15th at 6:30 pm at Dunes City Hall. All members were present except Jerry Curran and Jo Owen who were excused.

Commissioner Smith reported that he has not found a trailer yet, but his father in law has one the Road Commission could borrow.

Commissioner Curran and Citizen Ron Tucker had no update on researching the legality of Dunes City streets.

Commissioner Wells will present bids for the tree removal at the end of Buckskin Bob at the December meeting.

The Road Commission approved a draft of Ordinance #208 regarding the rights of the chair and vice chair being able to vote in case of a tie and forwarded the ordinance to the City Council for approval.

Road Secretary, Selena Carter informed the Road Commission of the new laptop she was using.

A discussion occurred about vacating a small part of the end of Buckskin Bob that has no significant use to Dunes City, only possible liabilities. Several citizens gave their input on the discussion. The Road Commission recommended this issue be brought forward to City Council for their input.

The Road Commission heard a complaint from Judy Bedsole about George Burke's retaining wall. The Road Commission found the complaint had no basis to pursue it any further and dismissed it.

The Road Commission postponed until next month to go through the Master Road Plan and find any areas where it is lacking or needs to be changed.

The next Road Commission meeting will be at 6:30 pm December 20th at Dunes City Hall.

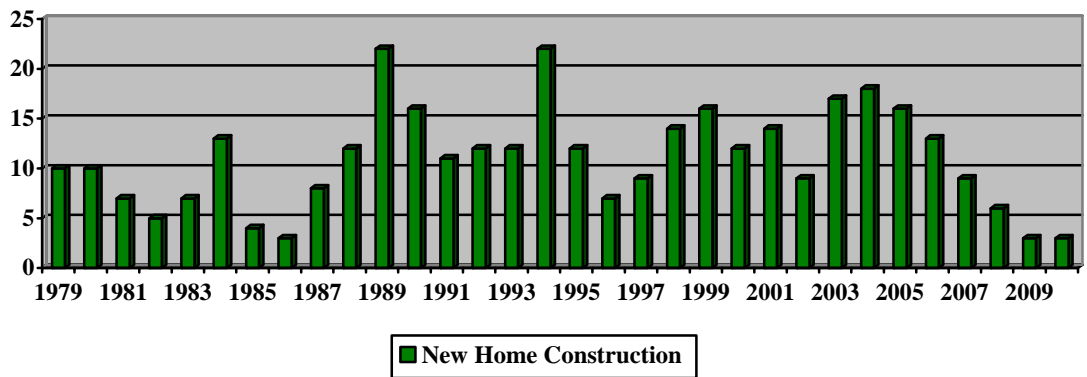
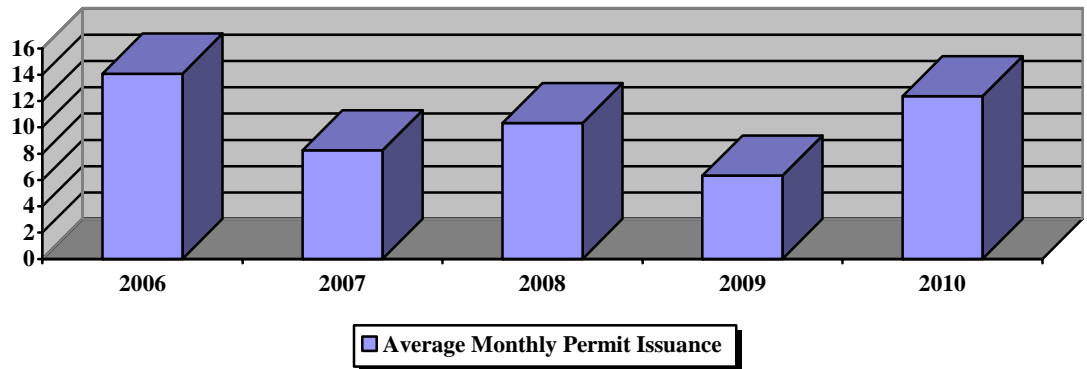
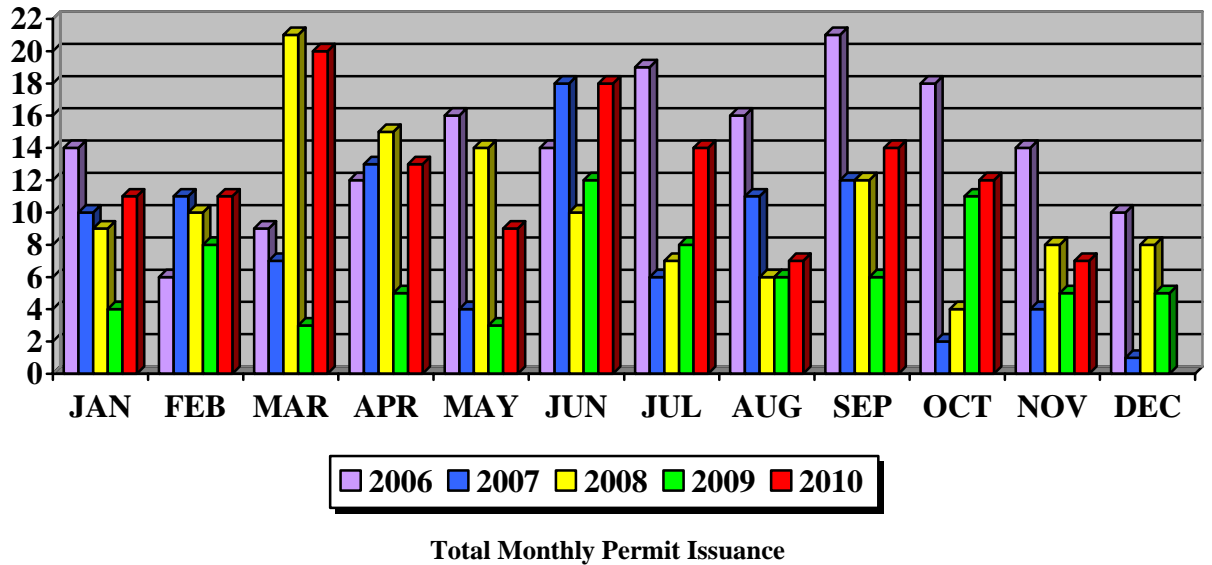
Thank you,
Troy Sathe, Road Commission Chair

PLANNING DEPARTMENT REPORT

Report Date: December 1, 2010
Staff: Lisa Ekelund

In the Month of November, Dunes City issued 7 permits. The total permit issuance for the year is 136. The average monthly permit issuance for the year is 12.36, which is a 195% increase compared with 2009.

The November meeting of the Planning Commission was cancelled and because of the Christmas Holiday, the December meeting of the Planning Commission is moved to Thursday December 16th at 5:00 pm.



After a substantial amount of effort contacting nearby cities and the law firms representing them, Dunes City received one additional response to our request for proposal for City Attorney services. The response from Jane Hanawalt was distributed to Council members after the November 18th City Council meeting. While Ms. Hanawalt is local and has substantial government experience, her portfolio is rather lacking in the area of land use code and related litigation. Because of the firm's circumstances, it appears our current City Attorney is not going to be available after January 2011. This will leave Dunes City in a very awkward situation with the remaining litigation cases that will be coming back to us from LUBA and the Court of Appeals. With this in mind and considering we have only received two responses to our RFP, I recommend that we engage The Local Government Law Group PC (Speer Hoyt) as our attorney of record and review possible ordinance and code revision projects that Jane Hanawalt can bid on an individual basis. This will provide the City with the required skills to complete the litigation and avoid unnecessary expense for routine legal matters.

As part of a major cost saving effort, we have decided to close City Hall from Friday, December 24, 2010 through Sunday, January 2, 2011, reopening on Monday, January 3, 2011. This will mean saving three days of payroll and payroll liabilities totally more than \$1,600. This also provides the staff with some much needed time away from the office, and is supported by all.

A press release will be prepared in mid-December announcing the closure.

During November the final draft of Ordinance #208 including recommended changes to Ordinance 149 (Chapter 32.40-32.49) that created the Road Commission was prepared and presented to the Road Commission. At their regularly scheduled meeting on November 15, 2010, the Road Commission approved Ordinance #208. The public notice requirements for consideration of this ordinance by the City Council at the December 9, 2010 regular meeting have been met and it is presented on the agenda. Lisa Ekelund has completed her recommended changes to the Solid Waste Ordinance, Chapter 50 (garbage collection). The revisions will be referred to the Revenue Committee for final approval and should be ready for City Council review in early 2011.

In November the City Recorder's office began including all reports to Council in the City Council meeting minutes for posting to the web as previously agree with our webmaster.

The electrical upgrades to City Hall were completed by Derek Neff, Absolute Electric and the final inspection performed. All worked passed inspection and the final invoice is presented in the December 9, 2010 bills of the session.

During the last two days of November, Lisa Ekelund and I interviewed the top six of fifteen applicants we received for the Administrative Assistant position. On Wednesday, December 1st, after reference checks and follow-up interview calls we made an offer to the top candidate. I am pleased to announce that Haley Nelson will join the Dunes City staff on Monday, December 6, 2010. Her payroll will be handled through Cardinal Services.

Selena Carter processed all water meeting readings, three business license applications and sent out twenty septic packets. The monthly Septic Activity Report is included and made part of this report as attachment "A."

Respectfully submitted,
Fred Hilden
City Recorder

Septic System Maintenance Status Report
December 9, 2010 ~ Prepared by Fred Hilden

Currently, there are 786 records in the City's Septic Database, including residences, commercial properties and vacant lots.

There are sixteen (16) months remaining before March 2012, the date that Ordinance #203 stipulates all Dunes City septic systems need to be inspected.

Dunes City Septic System Maintenance Status Report – Activity through November 2010			
	# Notified	# Complied	Percentage Complied
Prior to June 2009*	281	246	87.5%
July 2009 – Dec 2009	103	83	80.6%
Year to date 2010	180	135	75.0%
Totals	564	464	81.03%

* These numbers will change as property files are researched and the database updated.