



**CITY COUNCIL MINUTES ~ APPROVED  
MARCH 10, 2011 AT 7:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded on tape and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at [www.DunesCity.com](http://www.DunesCity.com)

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Fred Hilden, City Recorder, took Roll Call.

**Present:** Mayor Eric Hauptman, Councilor Richard Anderson, Councilor Richard Koehler, Councilor Jamie Mills, Councilor Troy Sathe, and Councilor Duke Wells.

**Absent:** Council President Rebecca Ruede (excused).

**Also Present:** City Recorder Fred Hilden, City Planner Lisa Ekelund, and several citizens.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

Councilor Anderson made a request to change the agenda to remove 11.E. regarding the complaint regarding Shoreland Vegetation Removal, to be covered in his report. Councilor Koehler made a request to amend the agenda to move 11.B. regarding the proposed Septic Ordinance from New Business to Unfinished/Old Business as a discussion item.

**A motion was made by Councilor Mills to remove item 11.E. (Shoreland Vegetation Removal) from the agenda. Councilor Sathe seconded the motion. The motion passed by unanimous vote. A motion was made by Councilor Koehler to move item 11.B (Septic Ordinance) to Unfinished / Old Business as a discussion item. Councilor Mills seconded the motion. The motion passed by unanimous vote.**

**5. CONSENT AGENDA**

Councilor Mills commented that the minutes of the Special Session from February 21, 2001 show her (Councilor Mills) as both present and absent and excused.

**Councilor Sathe made a motion to approve the Consent Agenda with the correction to February 21, 2011, showing Councilor Mills as absent and excused. Councilor Mills seconded the motion. The motion passed by unanimous vote.**

## 6. ANNOUNCEMENTS / CORRESPONDENCE -

- Fred Hilden introduced Larry Bacon recognizing his talents in photo artwork, which is currently displayed in the Council Chambers.
- Mayor Hauptman announced that there is 1 opening on the Dunes City Parks Committee.
- The League of Oregon Cities will hold a work session with the City Council on Wednesday March 16, 2011 from 5-8 PM (Pizza will be served)
- Buckskin Bob Vacation Request will be heard on April 14, 2011.

## 7. CITIZEN INPUT:

### George Burke ~ Resident of Dunes City

Mr. Burke commented on the Septic Ordinance regarding maintenance work under Lane County jurisdiction. For Dunes City to have jurisdiction you must have State certified maintenance workers. He does not agree that the City should be involved with septic system maintenance.

### Mary Jo Leach ~ Resident of Dunes City

Mrs. Leach spoke on illegal dumping and no sewer fees in Dunes City. Property owners must take responsibility of controlling sewage leaking. She explained that the City has done a poor job of administering the septic ordinance. Mrs. Leach commented that it took the Site (Review) Committee and individual Councilors getting involved to correct the problem and she appreciates those that have worked with the community to protect the lake.

### Ian Chun ~ Resident of Newport, Oregon

Mr. Chun spoke on the expansion of Dunes City's Urban Growth Boundary (UGB) and requested consideration of annexation of his property - 100 acres of F2 land, bordering the south edge of Dunes City. He offered an incentive, to donate over 1/4 mile of shoreline to Dunes City, to be included as part of the annexation. Mr. Chun indicated he is anxious to move forward with his proposal.

### John Stead ~ Resident of Dunes City

Mr. Stead referred to Ordinance 192 adopted in 2007 regarding water rights. The burden and expense to Dunes City with increased fees and expenses continue to be of a concern. He indicated that the City increased the fee from \$100 per year to \$150 per year because of increased costs. Now if that fee is reduced, the expense will be pulled out of the General Fund, further pushing the City towards a City tax. The choices are to do away with the program or leave the payment in tact. Certainly don't reduce them unless the staff comes up with a more effective way to administer them.

### Peter Howison ~ Resident of Dunes City

Mr. Howison explained that it has come to his attention that the Conservation Committee is foregoing (he thinks) its obligation to manage the shoreland and riparian areas. He referred to two recent site reviews involving management of the shoreline and the last site review of the lakeside. He reported evidence of removal of shoreland protection foliage that had been cut. Mr. Howison corresponded with Dave Perry of DLCD (Oregon Department of Land Conserva-

tion Development). Mr. Perry responded with a letter referring to State required jurisdiction of riparian coastal shorelines (Statewide Goals 5 & 17) on vegetation management and water quality and water temperature, trees and shrubs below 12 ft., and indicating the City's jurisdiction is to enforce the statewide goal to protect the upland buffer and non-aquatic areas. He also commented on a submission from the Department of State Lands (DSL) that requires permits for removal of vegetation in the riparian areas, as our lakes are salmon habitat.

The City Recorder commented that a letter from Steve Burton was submitted relating to water rights compliance and has been placed in the record.

## **8. COMMITTEE / COMMISSION REPORTS**

- Mayor's Report (None)
- Community Center Report (none)
- Communication & Education Committee ~ a written report was received from Councilor Ruede.
- Councilor Anderson gave a verbal report on the Conservation Committee.  
Council discussion took place regarding the enforcement of shoreland vegetation removal.
- Ordinance Review Committee (none)
- Parks & Recreation Commission report (none/no quorum)
- Councilor Sathe gave a verbal report on the Road Commission meeting held 2/21/11.
- Road Secretary Selena Carter presented draft minutes from the 2/21/11 Road Commission meeting.
- Site Review Committee (none)
- Revenue Committee ~ a written report was received from Councilor Ruede.
- Councilor Mills reported on the Water Quality Committee meeting held 2/16/11.
- Lisa Ekelund provided a written report for the Planning Department.
- Lisa Ekelund provided the draft minutes of the 2/24/11 Planning Commission meeting.
- Fred Hilden presented a written City Recorder report.

## **9. PUBLIC HEARING (NONE SCHEDULED)**

## **10. UNFINISHED / OLD BUSINESS**

- A. Mayor Hauptman opened the discussion on Ordinance #209 (revised), establishing an Ordinance Review Committee. The Mayor opened the public comment period at 7:58 pm.

Susie Navetta ~ Resident of Dunes City

Susie Navetta expressed her concern that the committee could function with only 2 members.

Mary Jo Leach ~ Resident of Dunes City

Mary Jo Leach questioned who is on the committee, who is writing all the new ordinances and the process of appointments. She also commented that 2 members is a funny number.

Council and audience discussion took place and Mayor Hauptman reviewed the history of the committee and how the process will work. Mayor Hauptman closed the public comment period at 8:07 pm.

**Councilor Sathe made a motion for the second reading of Ordinance #209 as written by title only. Councilor Mills seconded the motion. The motion passed by unanimous vote.**

**Mayor Hauptman read Ordinance #209 by title only.**

Councilor Koehler expressed concern about the number of members and stated that he agrees with the public comment regarding members.

**Councilor Koehler made a motion to change the Members; Qualifications 32.12 (A) to read “The committee shall consist of four members, three of whom are city residents but not officers...” The motion died for lack of a second.**

Mayor Hauptman requested a motion to approve Ordinance #209 as presented and adopting it for final passage.

**Councilor Sathe made a motion to adopt Ordinance #209 as written. Councilor Wells seconded the motion. The motion passed by a vote of 4 ayes and 1 nay. (Roll call vote: Wells (aye), Sathe (aye), Koehler (nay) Ruede (excused), Mills (aye) and Anderson (aye).**

- B. Mayor Hauptman opened discussion regarding the fence at the end of Foothill Drive on county road preventing access to Playground Lot. Fred Hilden presented information regarding the letter from the Skeelee’s attorney regarding an annexation proposal. Councilor Koehler questioned the validity of the map presented with the proposal. Councilor Koehler further recommended that the title company defend our claim and that we not consider the annexation proposal. Mayor Hauptman provided more background on the property that was platted in the fifties.

**Councilor Sathe made a motion to direct staff to contact Lane County to execute the removal of the fence. Councilor Koehler seconded the motion. The motion passed by unanimous vote.**

- C. Mayor Hauptman opened public comment for the proposed Ordinance amending Title 14 of the Dunes City Code of Ordinance by addition of chapter 141 entitled “Septic System Maintenance” with pros and cons to the existing ordinance.

Those who spoke in support of the current Septic Ordinance included:

Henry Leach, David Bellmore, April Dumas, Susie Navetta, Mary Baumeister (letter received 3/10/11 read into the record), Mark Chandler, John Stead, Ron Tucker, David Dumas, Peter Howison, Del Reisenhuber (letter received 3/5/11 read into the record) and Mary Jo Leach.

Those who spoke in opposition to the existing Septic Ordinance included:  
Paul Floto, Rene McGuire and Judy Martin.

Those undecided: Jerry Curran and Darlene Beckman

Councilor Wells commented that it is not his goal to be divisive and that he cares a great deal about the citizens in Dunes City. He went on to point out that his main problem with the current septic ordinance was the “mandatory” requirement and the fact that the “burden” for all of the water quality in Woahink Lake is being placed on Dunes City residents when many other people and roads, etc. contribute to water quality problems.

Councilor Mills commented that she wrote the Revised Septic Ordinance and that she is able to author an ordinance regardless of how she personally feels about the matter. She went on to express concerns about the requirement for inspections when some people only live in their home a few weeks out of the year. Councilor Mills explained that she is leaning toward allowing the existing ordinance to run its course until March of 2012 because of the importance of mapping.

Councilor Koehler commented that he has so much respect for the people that enabled this ordinance that is working so well. He went on to state the biggest institutional memory we have are the citizens of the community that have allowed us to bring matters like this into focus. Councilor Koehler went on to explain some of the duties of the Water Quality and Communication and Education Committees that include being good stewards to our citizens. He also referenced the Comprehensive Plan regarding the land’s ability to handle nutrient loading. Councilor Koehler suggested that we continue due diligence and continue with our efforts and maybe a better ordinance.

Councilor Sathe commented that we know the current ordinance has done some good but that it has holes in it and needs to be changed. He advocates drafting a new septic ordinance completely rather than trying to amend the existing ordinance. Councilor Sathe explained that he does not want to be working on this for the next year and a half.

Councilor Wells explained that his purpose was to propose an entirely new ordinance rather than changes to the existing ordinance.

Councilor Anderson commented that it is obviously very difficult to have one-size fits all ordinance when a lot of these homes have two people and may never have to be pumped.

Mayor Hauptman commented that he had a concern about the language in the proposed ordinance that indicates the current ordinance has created a hardship on residents. The Mayor explained that he has asked the City Attorney for an interpretation of whether we can have a septic ordinance.

**Councilor Wells made a motion to have the Ordinance Review Committee review and rewrite the Septic Ordinance. Councilor Sathe seconded the motion. The motion passed by a vote of 4 eyes and 1 nay (Councilor Koehler).**

## 11. NEW BUSINESS:

### A. Planning Commission Appointment: (1 opening and 3 applicants)

Planning Commissioner Applicants Darlene Beckman and David Bellmore presented their qualifications to the Council for serving on the Planning Commission. Paul Gargis was not present.

**Councilor Koehler made a motion to appoint David Bellmore to the Planning Commission. The motion died for lack of a second. Councilor Mills made a motion to appoint Darlene Beckman to the Planning Commission to serve the remaining portion of Mr. Bassett's term. Councilor Wells seconded the motion. The motion passed by a vote of 4 ayes and 1 nay (Councilor Koehler). Roll call vote Wells aye, Sathe aye, Koehler nay, Mills aye and Anderson aye.**

### B. Water Rights Compliance Fee:

Mayor Hauptman expressed concern about taking any action without carefully examining the information that has been provided.

Councilor Sathe expressed concern that \$150 per household is not needed to cover the cost of the Water Rights Compliance Fund. His proposal of \$100 per household would more than cover the budget requirements.

City Recorder Fred Hilden responded that there is adequate time to address the fee since invoices won't be prepared for next year until July 1<sup>st</sup>. Further, with a thorough analysis of the expenditures there needs to be further evaluation and an opportunity for review. Finally, there is no expense allocated for the perfection of the City's water right. Perfecting the water right will result in a substantial expenditure to upgrade the outlet control structure and the downstream reporting of in-stream flows required by our water right.

Councilor Koehler asked whether there are more than 130 people (96) that have been using water from Woahink Lake.

Mr. Hilden responded with a brief summary of the Water Right.

Councilor Koehler commented that the responsibility for the weir is more of the State's issue noting that Honeyman Park could be a part of this.

Councilor Sathe commented that if we got the other 96 people on the water right, there would be more than enough money to cover this. He also indicated that he does not want this to drag out and a final decision needs to be made by the May Council meeting.

**C. Water Quality Committee's Quality Assurance Protection Plan:**

Councilor Mills presented the Water Quality Protection Plan (QAPP) reporting the status of the volunteer Water Tester's data. Once approved, the plan would allow all of the data collected since 2002 to be recognized and included in the national data system. The committee is ready to submit the document to the Department of Environmental Quality for consideration and is seeking permission from the Council to submit it to DEQ.

**Council Mills made a motion that the Council permit the Water Quality Committee to submit the Quality Assurance Project Plan to send this report to the DEQ for their consideration. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

**12. UNSCHEDULED ITEMS NOT LISTED ON AGENDA**

**13. EXECUTIVE SESSION:** None

**14. ADJOURNMENT**

**There being no further business to come before the City Council, Councilor Koehler made a motion to adjourn the meeting. Councilor Sathe seconded the motion. The motion passed by unanimous vote.**

**Mayor Hauptman adjourned the meeting of the Dunes City Council at 10:48 PM.**

**APPROVED BY THE DUNES CITY COUNCIL ON THE 14<sup>th</sup> DAY OF APRIL 2011.**

[ Signed copy available at City Hall ]

Rebecca Ruede, Mayor

ATTEST:

[ Signed copy available at City Hall ]

Fred Hilden, City Recorder

Communication & Education Committee  
Report to Council  
March 10, 2011  
Councilor Ruede

The Communication and Education Committee met on February 18, 2011. Members present were Mary Jo Leach, and Cyndi Cullison. April Dumas was absent.

Discussion items included the creation of a Mission statement, the newsletter, the Festival of the Lakes and website improvements.

No final decisions were made.

The next meeting is March 18<sup>th</sup> @ 3:30.



Revenue Committee  
Report to Council  
March 10, 2011  
Councilor Ruede

The Revenue Committee met on February 24, 2011. Members present were Ed Scarberry, John Stead and David Bellmore. Members absent were April Dumas and Paul Wilbanks.

Discussion items included lighting costs for the city, franchise fees that the city collects and the newly created City Business License.

The Revenue committee will finalize their mission statement at the next meeting that is scheduled for March 24, 2011 @ 3:30 pm.

WATER QUALITY COMMITTEE REPORT  
MARCH 10, 2011

The Water Quality Committee met at its newly established regularly scheduled meeting time on February 16, 2011. The water testers on Siltcoos reported ugly algal blooms in Kiechle Arm in late January. Dave Dumas also reported that his wife, April, seemed to be seeing a lot more parrot feather around their dock this year.

The Committee reviewed the draft Quality Assurance Protection Plan (QAPP). It was decided that the committee members would take the document home and review it, get their comments to Mark Chandler before February 28<sup>th</sup>, so the QAPP can be on the City Council agenda in March for approval to submit the document to DEQ.

We discussed the committee's budget request briefly.

Steve Hager gave an interesting presentation on how the Weather Influences Algal Blooms and silt build up in Siltcoos Lake. One point made in the presentation was that the Portland State University 319 report released in 2009 made reference to a finding that 1 to 18% of the nutrient loading in Siltcoos likely comes from septics, but that has now been corrected to state between 1 and 4.5% of the nutrient loading in Siltcoos likely comes from septics, as the majority of the nutrient loading appears to come from plant and other materials being "washed down" from the creeks during storm events.

The subject matter of the newsletter article request from the Communication and Education Committee was discussed and a topic selected.

I reported that there are several regulatory actions seeking comment and inquired of the committee if they had a desire to respond. These regulatory actions include: Lane County Roads Advisory Committee public hearing on Capital Improvement Program for 2012 through 2016, held on February 23<sup>rd</sup>; DEQ's proposed rule amendment to the pesticide general permit for application of pesticides, for which comments are due March 2<sup>nd</sup>; DEQ's proposed water quality standards regarding application of greywater for which comments are due by March 11<sup>th</sup>; DEQ's proposed Human Health Toxics Rule, for which comments are due April 2<sup>nd</sup>; and the National Marine Fisheries Services notice of designation of critical habitat for the southern distinct population segment of the Pacific Eulachon, which was recently listed as threatened under the Endangered Species Act. The critical habitat proposed for designation includes the Siltcoos River and Siltcoos Lake. Comments to that proposal are due March 2<sup>nd</sup>. Due to time constraints, the consensus of the committee is to not comment on these items, but continue to monitor proposed actions. Milton Farrand volunteered to monitor state and county proposals and I will continue to monitor federal proposals and bring them to the attention of the committee for consideration.

The proposed draft septic ordinance language was discussed. The Committee recommends that the proposed ordinance be studied further before being considered at a public hearing, so as to, for example, obtain the data to support the allegations contained in the "whereas" clauses. This recommendation was adopted by unanimous vote of the citizen members and water testers of the committee.

Due to a scheduling conflict that makes the room unavailable at the regular meeting time, the next meeting will be held at City Hall on March 16, 2011, at 3:00 p.m.

City Planner Report to Council  
March 10, 2011 ~ Prepared by Lisa Ekelund

In the Month of February, Dunes City issued 5 electrical permits and 1 excavation and grading permit. The total permit issuance for the year is 9. Last month I mentioned that the City would be processing its first new home construction permit application. The review of this application is finished and we are only waiting for the water right application to be submitted along with payments of all fees.

Last month, the Planning Commission held their meeting on February 24th. During this meeting, the Planning Commission unanimously voted to approve a shoreland vegetation removal request for property located on the SW portion of Kiechle Arm Road. The Commission also continued their discussion on their review of Chapter 155 of the Dunes City Code of Ordinances. A special work session was scheduled on March 8th and the Commission will continue these work sessions until their task is complete. Additionally, Commissioner Martin has been working on a review of City's CCI process as defined in the Dunes City Comprehensive Plan along side the process defined by the State in its Planning Goals and he presented a document with his recommended changes.

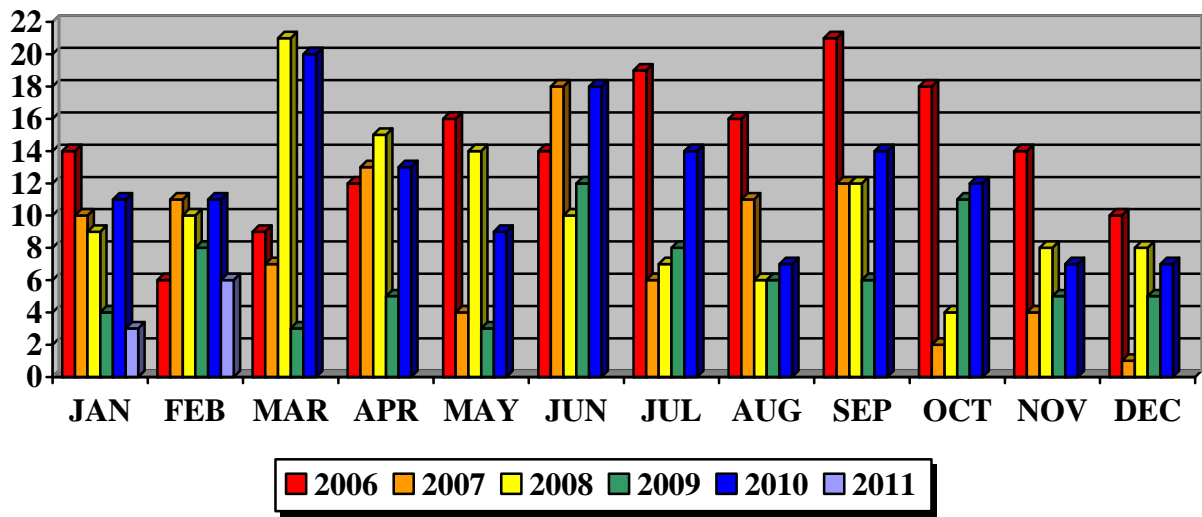
The next regularly scheduled meeting of the Planning Commission will be held on March 24th at 5:00 pm unless the time is otherwise changed. For those who are interested in attending the Planning Commission meetings, you can view the City's calendar on the front door of City Hall, at the Westlake Post Office, or online at [www.dunescity.com](http://www.dunescity.com).

In closing, I regretfully announce that on March 1st, the City received a resignation from Planning Commissioner Tom Bassett. Mr. Bassett's commitment to the City and sincerity towards his work and those around him will be greatly missed. Staff wishes Mr. Bassett the best with his new business adventure and we hope Mr. Bassett's shoes are filled by someone who is able to bring equal dedication to this position.

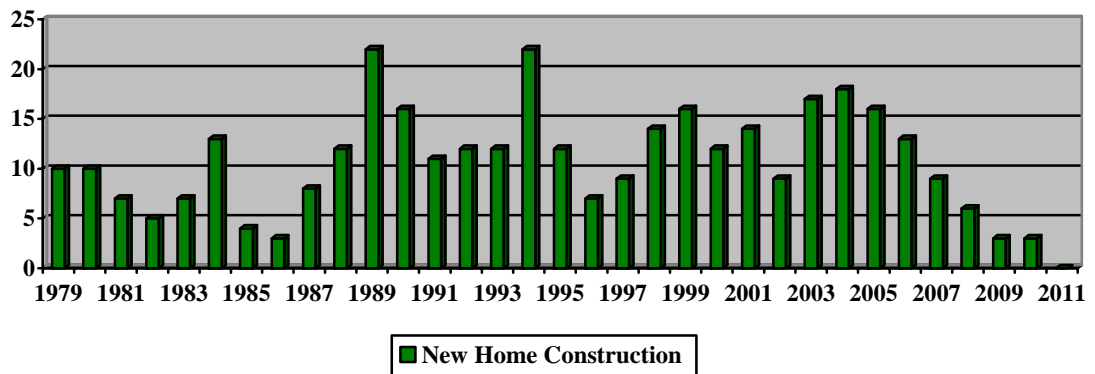
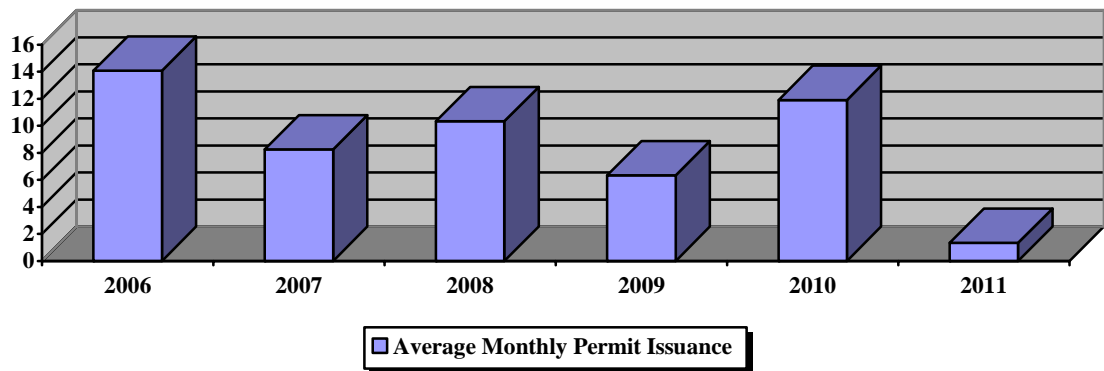
Respectfully submitted,

Lisa Ekelund  
City Planner

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Total Monthly Permit Issuance



## **City Recorder Report to City Council**

March 10, 2011 ~ Prepared by Fred Hilden

During February, all state and federal payroll and 1099 summary forms (W3 & 1096) were completed and filed on time. All receipts and payables were processed in QuickBooks and fund allocations were completed for both January and February to prepare for monthly reporting of income vs. expense and budget vs. actual. A new section in the Council packets for these reports will follow the "Correspondence" tab in the binders. I am pleased to announce that we continue to operate well below budget. Personnel Expenses for the first eight months of the fiscal year are under budget \$15,748. The budget for this year was reduced by 14% compared with 2009-2010. This year's budget provided funding for 124 hours of staff time per week and we are currently staffed at 117 hours per week.

Two City Council Special Sessions were conducted in February requiring a substantial amount of research and preparation time. Both were conducted for Executive Sessions on matters not subject to disclosure and involved conference calls with two of our new attorneys, Christy Monson and Carrie Connelly. Our new legal Council has so far proven to be a good decision.

Having received written notification of Mr. Montgomery's request to continue processing his preliminary plat application for a new subdivision, staff has been aggressively moving ahead with this project. Mr. Montgomery has been in to discuss the status of his application with me and once we have our engineering report from The Dyer Partnership, we will schedule a formal review of the project with the City Council and Mr. Montgomery.

The contract with our new building services company, The Building Department LLC was finalized in February. The contract has been completed and signed and the first month of operations with them has gone very smoothly. Our budget for building services is more than sufficient to meet our contract terms with The Building Department LLC.

Dunes City continues to take the lead in processing permits, coordinating plan reviews and scheduling inspections. Lisa Ekelund will continue to maintain our permit database and is in the process of cross-training Haley Nelson as time permits on permit issuance, permit database maintenance and filing.

An investigation into a permit for a new home that was issued in June of 2010 when our prior building services company was still under contract, revealed that the property owner / contractor had been overcharged on the plumbing portion of this group of permits (structural, mechanical and plumbing) by \$1,362.63. This error appears on Bills of the Session this month for reimbursement to the property owner.

The desktop computer in our building department that is used by our Planner, Lisa Ekelund, has begun restarting itself frequently and should be replaced. Records indicate this computer is over five years old and the constant interruptions to productivity are costing us more than the replacement cost. As we have budget available for its replacement, I have included this item on Bills of the Session for Council approval. A vendor has not yet been selected.

*Continued on page 2*

Haley Nelson received additional training on maintenance of the septic database. This involves research using both the RLID and Lane County internet databases. She continued to make good progress on our total review of the septic database during February. This process should be completed in March. Haley also processed all water meter readings, three business license applications and sent out twenty septic packets.

Selena Carter researched the ownership of South Pioneer Road and continued organizing Road Department storage and files.

Respectfully submitted,

Fred Hilden  
City Recorder