



**CITY COUNCIL SPECIAL SESSION MEETING MINUTES ~ APPROVED
AUGUST 2, 2016 AT 4:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

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

1. CALL TO ORDER

Mayor Rebecca Ruede called the August 2nd Special Session of the Dunes City Council to order at 4:00 pm.

2. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

3. ROLL CALL

Roll Call was taken by City Administrator/Recorder, Jamie Mills.

Present: Mayor Rebecca Ruede, Council President Maurice Sanders, Councilor Sheldon Meyer, Councilor Duke Wells, Councilor Ed Scarberry, and Councilor Tom Mallen.

Absent and Excused: Councilor Ken Platt.

Also Present: City Administrator/Recorder Jamie Mills, Administrative Assistant Rapunzel Oberholtzer, and Mr. and Mrs. Robert Forsythe.

4. APPROVAL OF THE AGENDA

Council President Sanders requested that the Agenda be changed to include a For the Good of the Order discussion prior to Adjournment. There were no objections and Mayor Ruede agreed to add the discussion item to the Agenda.

Councilor Scarberry made a motion to approve the Agenda as amended. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

5. CITIZEN INPUT

There was none.

6. PUBLIC HEARING

Mayor Ruede read from a script prepared for conducting a quasi-judicial public hearing:

“This evening we have a public hearing on a request for a Variance to waive rear yard setback requirements for a property located on the corner of North Pioneer Road and Darlings Loop, as applied for by Robert and Cindy L. Forsythe.

“These proceedings will be recorded.

“This hearing will be held in accordance with the land use procedures required by the City and the State of Oregon. This is a Type III Quasi-Judicial Procedure.

“Staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the City Council must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria which you believe applies to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City and parties involved an opportunity to respond to the issue would preclude an appeal to the Oregon Land Use Appeals Board based on that issue.

“Any party interested in a land use matter may challenge the qualification of any Councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor’s bias, prejudice, conflict of interest, or other facts from which the party has concluded that the Councilor will not make a decision in an impartial manner.”

Mayor Ruede asked if any Councilor wished to declare a conflict of interest, bias or ex parte contact. None did.

Mayor Ruede asked if any member of the public wished to challenge a Councilor’s impartiality. No one did.

Mayor Ruede opened the public hearing at 4:04 pm and requested the Staff Report. City Administrator/Recorder Mills explained that the Forsythe’s own a piece of property where there is an undeveloped roadway on one side. The roadway is one of several that have been the subject of discussions at Council meetings. She noted that since the July Council meeting, she wrote a letter to Lane County Property Management Officer Jeff Turk requesting that the County vacate the undeveloped roadways to Dunes City and she provided Mr. Turk with a copy of the draft minutes from the City Council meeting in which she was authorized by the Council to write the letter. Mr. Turk indicated that he would present the issue to the County Commissioners; to date, Dunes City has not received a response to its request.

City Administrator/Recorder Mills pointed out that if the roadway is vacated, it would move the Forsythe’s property line over an additional 16.5 feet and would meet the set back require-

ments. She showed the Councilors an aerial map of the Forsythe's property and indicated where the undeveloped roadway was located as well as where Darlings Marina is situated.

City Administrator/Recorder Mills went on to explain that the City just received the Forsythe's house plans which indicate that a well has been situated on the existing property line of the undeveloped roadway, but it has not yet been determined if the location of the well is or will be an issue of any code compliance. For purposes of this public hearing, the Council could choose to amend the Staff Report and Findings of Fact to include discussion of the well.

Council President Sanders expressed some concern about discussing the well issue during this public hearing because the hearing is only for a determination on whether the house could be situated as requested in the variance application. Mayor Ruede asked if the owners of Darlings Marina had any objections to the siting of the house. Mr. and Mrs. Forsythe replied that they did not. Councilor Wells noted that he spoke to the owners of Darlings and they confirmed that they did not object to the variance application.

There were no other questions for Staff and Mayor Ruede asked for testimony from Mr. and Mrs. Forsythe. Cindy Forsythe stepped to the witness table and introduced herself, stating her address was 83237 North Pioneer Road. She explained that the lot has a very steep slope on the west side and the future house site is at the top of the property where there is some flat land. One corner of the house, she went on, would abut the property line of the undeveloped roadway. She continued to explain that she has talked to her neighbors about the proposed house site and the possible roadway vacation, and they are supportive. Mrs. Forsythe noted that the undeveloped roadway is 33 feet wide which, if vacated by the County, would give both the Forsythe property and the Darlings property an additional 16.5 feet of land, more than enough to meet City setback requirements.

Mayor Ruede asked the Councilors if they had any questions for the Applicants. Council President Sanders asked if the Forsythes objected to the ex parte contact of Councilor Wells with the owners of Darlings. Mrs. Forsythe did not.

Mayor Ruede asked if there was any testimony from those in favor of the application. There was none. Mayor Ruede asked if there was any testimony from anyone opposed to the application. There was none. Mayor Ruede asked the Applicants if they wished to have the record held open and, if so, for how long. They did not want the record to be kept open, and Mayor Ruede closed the public hearing at 4:15 pm.

7. NEW BUSINESS

A. Deliberation and Decision on Forsythe Variance Application

Mayor Ruede explained that Councilors could recommend approval of the application with Conditions and asked City Administrator/Recorder Mills to describe the Conditions. She read from the Findings of Fact and Conclusion:

“1. A building permit must be applied for and obtained for the proposed structure. The Applicant has not provided detailed plans for site and structure. The approved building permit (and accompanying plans) will serve as the Site Plan.

“2. The Applicant must reserve a 10 feet wide utility easement within the platted roadway in favor of Dunes City with the centerline of the easement the centerline of the platted roadway.”

City Administrator/Recorder Mills then pointed out that Condition 2 should not have been listed as the roadway vacation is not relevant to the Variance Application. She suggested that the Council amend the Staff Report and Findings of Fact to delete that Condition.

There was some discussion about the Conditions and whether or not a mention of the well placement being in compliance with applicable State law should be a Condition of Approval. There was some discussion about whether or not it would be appropriate to keep Condition 2 in place. After discussion it was agreed that neither subject should be Conditions.

Council President Sanders made a motion to approve the Variance as applied for based on the Findings of Fact with the following Condition: A building permit must be applied for and obtained for the proposed structure. The Applicant has not provided detailed plans for site and structure. The approved building permit (and accompanying plans) will serve as the Site Plan. Councilor Wells seconded the motion. The motion passed by unanimous vote.

8. OLD BUSINESS

A. Answer the Question: Full Audit or Compilation?

Mayor Ruede explained that the Auditors have recommended a Compilation Audit as opposed to a Full Audit. City Administrator/Recorder Mills explained that the cost of the Compilation was estimated at about \$17,000 and the Full Audit would cost about \$22,000 to \$25,000. There was some discussion about the difference between the two types of audits and City Administrator/Recorder Mills explained that in a Compilation Audit the auditors randomly select transactions and then track them, providing a report on how well the City follows accounting practices.

There was a question about when the last Full Audit was performed. It was generally agreed that it was more than five years ago. There was some discussion about the fact that the City has had good audit reports from the Audit Reviews that have been done the last several years, but it was noted that there was an issue last year when a check was written to pay for services that were not performed. There was some discussion about the cost, with Mayor Ruede pointing out that the Budget Committee had budgeted for a Full Audit this year. Most Councilors agreed that based on past performance the City could get by with a Compilation Audit, but Council President Sanders noted that the City has not had a complete audit for several years and is due for one.

Councilor Meyer made a motion to do a full audit. Council President Sanders seconded the motion.

During discussion, Councilor Scarberry pointed out that the full audit would show that the City is transparent about how it conducts business and residents will appreciate that.

The motion passed with Council President Sanders, Councilors Meyer, Mallen and Scarberry voting in favor and Councilor Wells voting against it.

B. City Administrator/Recorder Contract

Councilor Meyer made a motion to approve the City Administrator/Recorder's employment contract and authorize the Mayor and Council President to sign it. Councilor Wells seconded the motion. The motion passed by unanimous vote.

9. FOR THE GOOD OF THE ORDER

Councilor Wells noted that he received a lot of phone calls when the Hilltop area residents did not have water.

Council President Sanders referred to a copy of a letter from Mr. Paul Gargis in which Mr. Gargis resigned his position on the Planning Commission. He asked if any action was required by the Council. City Administrator/Recorder Mills explained that the letter was addressed to the Mayor and Councilors so they were given copies but no action is required. Mayor Ruede said that she would speak to Mr. Gargis before the August Council meeting and asked that the Agenda for the August meeting include a discussion of what, if anything, the Council decides to do about a formal thank you for Mr. Gargis' years of service to the City.

City Administrator/Recorder Mills reminded everyone that the annual Expo will be held on August 20 and volunteers are needed to help for the day. Councilor Mallen agreed to bar-b-que hot dogs and Councilor Wells agreed to provide the bar-b-que. Mayor Ruede said that she planned to attend. Councilor Mallen noted that Mike Nielson will be at the Expo to present information about Neighborhood Watch programs.

City Administrator/Recorder Mills noted that a table would be set up for candidates for City offices.

10. ADJOURNMENT

Councilor Meyer made a motion to adjourn the Special Session. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

Mayor Ruede adjourned the Special Session at 4:35 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 11th DAY OF AUGUST 2016.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder