

# Dunes City Council ~ Regular Meeting

Thursday, October 8, 2015 ~ 7:00 pm



The meeting will adjourn not later than 10:00 pm. If agenda items are not completed, the meeting will continue the next Thursday at 7:00 pm. (Please fill in a "Request for Recognition" form and give to staff if you wish to address the Council or present testimony at a Public Hearing.)

## AGENDA

1. **Call to Order** ..... **Mayor Ruede**

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Motion to Approve the Agenda** ..... **Action Item**

5. **Consent Agenda** ..... **Action Item**

All items listed here are considered to be routine by the Dunes City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered.

- A. City Council Meeting Minutes from September 10, 2015
- B. City Council Special Session Minutes from September 22, 2015
- C. Bills of the Session through October 2, 2015
- D. Receipts of the Session through October 2, 2015

6. **Announcements / Correspondence**

- A. We have many volunteer openings on various Commissions & Committees. Please contact City Hall for information.
- B. The 3<sup>rd</sup> Quarter Budget Committee meeting is scheduled for Wednesday, October 21, 2015, at 3:30 p.m.

7. **Citizen Input**

Maximum time 20 minutes: Speakers will be limited to three minutes. If the number wishing to testify exceeds seven speakers, each speaker's time may be reduced to fit within 20 minutes.

8. **Executive Session**

- A. Held pursuant to ORS 192.660(2) f) to consider documents exempt from public inspection.

Dunes City Hall is accessible to the disabled. If special accommodations are needed, please contact the City Recorder at 541-997-3338 at least 48 hours in advance of the meeting so that appropriate assistance may be arranged.

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**9. New Business**

- A. Separation Agreement..... **Action Item**
- B. Application for Appointment to Water Quality Committee..... **Action Item**
- C. Election/Appointment of Council President. .... **Action Item**
- D. Engineering Report re: water usage and measurement (J. Mills) .....Discussion/  
**Action Item**
- E. Road Commission Issues/Concerns (J. Mills) .....Discussion/  
**Action Item**
- F. Portage at Siltcoos Dam (J. Mills) .....Discussion/  
**Action Item**

**10. Unfinished / Old Business**

- A. Scotch Broom Flyer (S. Meyer).....Discussion/  
**Action Item**
- B. Siuslaw School District Construction Excise Tax (Mayor Ruede).....Discussion/  
**Action Item**
- C. Road Vacations (J. Mills) .....Discussion/  
**Action Item**
- D. Shared Domestic Water Right (J. Mills).....Discussion/  
Appeal Ordinance Numbers 165 & 192 & Confirming Appeal of Ord. 185 **Action Item**
- E. Revenue Suggestions .....Discussion/  
**Action Item**
- F. Police Car (J.Mills) .....Discussion/  
**Action Item**

**11. Reports**

- A. Mayor’s Report .....R. Ruede
- B. Communication & Education Committee Report.....J. Mills
- C. Ordinance Review Committee Report .....J. Mills
- D. Community Center Report.....D. Wells
- E. Conservation Committee Report.....K. Platt
- F. Parks & Recreation Committee Report.....E. Scarberry
- G. Road Commission Report & August RC Draft Minutes .....M. Sanders
- H. Water Quality Report.....S. Meyer
- I. Emergency Services Report.....J. Mills
- J. Hazard Mitigation Plan Report .....J. Mills
- J. City Administrator / Recorder / Planning / Staff Report .....J. Mills

**12. For the Good of the Order**

**13. Adjournment**

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**CITY COUNCIL MEETING MINUTES ~ DRAFT  
SEPTEMBER 10, 2015 AT 7:00 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](http://www.DunesCity.com)

**1. CALL TO ORDER**

Mayor Rebecca Ruede called the September 10<sup>th</sup> meeting of the Dunes City Council to order at 7:00 pm.

**2. ROLL CALL**

Roll Call was taken by Administrative Assistant Rapunzel Oberholtzer.

**Present:** Mayor Rebecca Ruede, Council President Jamie Mills, Councilor Ed Scarberry, Councilor Ken Platt, Councilor Maurice Sanders, Councilor Duke Wells, and Councilor Sheldon Meyer.

**Absent and Excused:** City Administrator/Recorder Fred Hilden.

**Also Present:** Administrative Assistant Rapunzel Oberholtzer, Administrative Assistant Linda Stevens, LCOG staff attorney Gary Darnielle, future Dunes City residents Cindy and Robert Forsythe, Dunes City residents Bonnie Allen and Keith Hull, CUP applicant Richard Strongegger, and other citizens.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

Councilor Sanders asked if there were any Agenda items that should be removed due to the absence of the City Administrator/City Recorder. Mayor Ruede did not think so and noted that if any item on the Agenda could not be discussed during the meeting, she would entertain a motion to table the item until a future meeting.

**Councilor Sanders made a motion to approve the Agenda. Councilor Meyer seconded the motion. The motion passed by unanimous vote.**

**5. CONSENT AGENDA**

**Councilor Scarberry made a motion to approve the Consent Agenda. Council President Mills seconded the motion. The motion passed by unanimous vote.**

## 6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Ruede read aloud the list of announcements from the meeting Agenda.

- A. We have many volunteer openings on various Commissions and Committees. Please contact City Hall for information.
- B. September birthday wishes to Administrative Assistant Rapunzel Oberholtzer on the 2<sup>nd</sup>.

Mayor Ruede noted that there is new artwork on display in the Council Chambers by local artist Kyle Lind.

## 7. CITIZEN INPUT

(00:04:30) Mayor Ruede recognized Councilor Sanders who signed in to provide citizen comments. Councilor Sanders recused himself from discussion of Agenda Item 10(C) regarding road vacations, noting that the matter directly impacted property he owns in Dunes City. He went on to request that the Council open discussion of that item to public input from citizens present who may have information on the issue or who may have advice to offer.

Mayor Ruede recognized Ms. Bonnie Allen who was also signed in to give citizen comments. Ms. Allen referenced Agenda Item 10(D) Shared Domestic Water Right, Appeal of Ordinance Numbers 165 and 192 and Confirming Appeal of Ordinance Number 185, noting that these are important, complicated issues. She requested that the Council reserve its work for discussion only and not take any action. She went on to note that this subject had not been part of the August Council meeting discussion and merited more time for citizen input. (00:05:53) Ms. Allen then referenced the Item Summary Memo provided by Staff relative to the Richard Strongegger application for a Conditional Use Permit. She explained that she felt the (page two of the Memo) description of the Planning Commission's hearing on the application was not fairly presented. She went on to note that there was a meeting quorum and the quorum was fully qualified to make a decision, which it did after adjudicating for two hours and arriving at a unanimous decision. She pointed out that the Vice Chairman, as leader of the meeting, could not vote on the matter. Ms. Allen also pointed out there is an ongoing need for citizen participation on Committees and added that she felt "when citizens participate in a Committee and see their work denigrated" it cannot help but have a negative effect on recruitment efforts.

(00:07:15)

Mayor Ruede called upon Mr. Keith Hull, also signed up to give citizen comments. He stated that he did not have anything further to add to the remarks made by Ms. Allen.

Mayor Ruede recognized Cindy Forsythe. Ms. Forsythe introduced herself, noting that she addressed the Council last month concerning roads that were part of the Tsiltcoos Lake Club Plat. She noted that there was a new map showing the roads in question and explained that while the map shows some roads that are proposed to be easements to Dunes City, the map does not indicate which roads have been developed or which roads might be developed in the

future. She concluded by noting that, in her opinion, that are still issues with the proposal from Lane County. (00:08:33)

## 8. PUBLIC HEARING

### A. Conditional Use Permit Application – Richard Strongegger

Mayor Ruede read from a script prepared to announce the Public Hearing.

“This evening we have a public hearing on a request for a Conditional Use Permit for a parking pad and covering located at 82868 Lake Boulevard in Dunes City as applied for by Richard Strongegger.

“These proceedings are 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 criteria of substance 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 Board of Appeals 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, prejudgment, conflict of interest, or other facts from which the party has concluded that the Councilor will not make a decision in an impartial manner.” (00:10:57)

Mayor Ruede asked if any Councilor wished to declare a conflict of interest or bias. Council President Mills declared that she attended the Planning Commission’s meeting and Public Hearing on this matter, but has not discussed that meeting with anyone else and the Public Hearing is already a matter of public record. (00:11:13) Mayor Ruede disclosed that she and City Administrator/Recorder Hilden visited the property approximately one year ago. Councilors Sanders, Meyer, Wells, Scarberry, and Platt all disclosed that they had seen the site at one time or another. (00:12:07)

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

Mayor Ruede opened the hearing for the Conditional Use Permit at 7:14 pm and asked for the Staff Report. (00:12:45)

Mr. Darnielle explained that CUP 01-15 is for a parking pad and structure that was built on property located at 82868 Lake Boulevard in 2012. At that time the City initiated infraction procedures because the structure lacked both land use approval and a building permit. He went on to explain that the reason the building needed land use approval is because the placement is in the Riparian Area of the Shoreland Zone which both have a 50-foot set back from the water requirement. The structure itself is about 10-15 feet from the Siltcoos River. Trying to cure the infraction situation, Mr. Strongegger applied for a Conditional Use Permit (CUP) in 2012. That application was denied by the Planning Commission, appealed to the City Council and denied in 2013. Subsequently, Mr. Strongegger applied for a second CUP in the spring of 2015. On August 27, 2015, the Planning Commission held a public hearing on the application, which it denied. (00:14:46)

Mr. Darnielle described the process for considering the CUP. Because the structure is located in the Shoreland Zone, the City's Shoreland Zone Code applies. In this case, the use is not a permitted use, but may be a conditional use under "other water-related structures." If it is determined that the structure is not water-related, the permit must be denied on that basis which, in this case, is what the Planning Commission did. (00:15:40) If the structure is determined to be water-related, then the conditional use approval criteria apply. If those criteria are met, the criteria for the Riparian Area set back apply, which requires approval of a variance. There are criteria for approving a variance. (00:16:40)

He went on to explain that the Council has to separate any discussion of an infraction/penalty from discussion/consideration of the permit application. The discussion during this meeting is to determine whether the application meets the conditional use criteria and criteria for a variance. Whether or not that is the case, the other issue is a determination on abatement or potential penalty, and that is an entirely different matter that would require another public hearing. Mr. Darnielle noted that the City does not have criteria in its Code to determine how to assess a penalty. (00:17:44) He pointed out that one of the actions Staff took after the Planning Commission's August meeting was to try to determine the actual costs to the City for processing this infraction to provide a baseline for determining a penalty. (00:18:03)

Mr. Darnielle recommended that when the Council begins its deliberations, the first determination should be whether, or not, this structure is water-related. He pointed out that there is no definition in Dunes City Code for water-related, but there is one in the Statewide Planning Goals. The Council needs to determine if there is a relationship between the structure, its use and the river. (00:19:23)

Mayor Ruede asked if any Councilors had questions for Staff. Councilor Sanders asked Mr. Darnielle if the CUP is approved by the Council and later the use for the structure changed, could the permit be revoked. Mr. Darnielle explained that if the use changed, there would be another public hearing to determine whether the new use is water-related and whether it was compatible with Code. Council President Mills asked what would happen if the Council determined that the use was not water-related. Mr. Darnielle explained that because the structure is in both the Shoreland Zone and the Riparian Area, criteria for both must be met, and if any one of the criteria is not met, the permit must be denied.

(00:22:50) Councilor Scarberry asked whether the Council had to create a definition for water-related during this meeting if there isn't one in Dunes City Code. Mr. Darnielle explained that was not necessarily true and pointed out that "water-related" is determined on a case by case basis depending upon the use of the structure and its proximity to the nearest body of water. He went on to note that the Council's decision on this matter would not necessarily determine the City's definition of water-related, only whether or not in this particular instance the structure in question is water-related. (00:25:09)

Mayor Ruede asked Mr. Darnielle to clarify the timeline for the Council to make a decision on the permit and assess a penalty. Mr. Darnielle explained that the land use issue is the only issue subject to a 120 day deadline for decision, which begins when the application is deemed complete (in this case the completion date was June 5, 2015). He noted that if the 120 day deadline passed the applicant would have the option of going to Lane County Circuit Court and filing a Writ of Mandamus, which is essentially an order by a Judge ordering a City to take an action it is required by law to do, in this case to process a land use decision within 120 days of the date the application is deemed complete. He went on to note that the applicant could also waive the 120 day deadline. Once a decision is rendered, Staff would need time to prepare written order based on the Council's decision. (00:31:10)

There being no further questions for Staff, Mayor Ruede announced that testimony would be heard and then called upon Mr. Stronegger.

Mr. Stronegger described the condition of the property when he bought it, noting that the area where the building in question is located had been used for parking trailers, old car parts, etc. He filled and leveled the area for the structure, which has no plumbing or electricity, and planted trees, all of which helped to stabilize the river bank and hillside. He went on to remark that if he is required to remove the building he could go back to parking anything he wanted, but he would rather have equipment covered and out of sight and keep the area neat. Mr. Stronegger admitted that he made a mistake by not obtaining the required permits to begin with, and he is hoping to come to an agreement with the City that would allow him to keep the building.

Mr. Stronegger explained that he primarily stores his boat trailer in the building and, on occasion, his RV for short periods of time. He noted that RVs are strictly regulated and are not allowed to leak any kind of fluids at any time, so his RV is not polluting the river. He pointed out that people park vehicles along the edge of Lake Boulevard next to the river on a regular basis, and that Lake Boulevard itself is not 50 feet from the river. (00:37:35)

Mayor Ruede announced that the Council would hear testimony from those in favor of approving the permit. There was no one present who wished to offer testimony in favor but Mayor Ruede noted that the Council had received one letter in favor of approving the CUP and that letter would become part of the record. She also noted that the Council had received one letter opposed to the CUP, which would also become part of the record.

Mayor Ruede announced that the Council would hear testimony from any one opposed to approving the permit and recognized Ms. Bonnie Allen. (00:39:00)

Ms. Allen pointed out that the Planning Commission voted unanimously against approving the permit application based on the fact that Mr. Strongegger's building is definitely not water-related. She also pointed out that Dunes City Code restricts building in the Riparian Area and, if a water-related structure is allowed, City Code allows only one building per lot. In this case, she went on, Mr. Strongegger already has a boat house on his property and has, therefore, met his limit for structures in the Riparian Area. (00:40:00)

Mayor Ruede recognized Mr. Keith Hull who said that he was opposed to any kind of building in the Riparian Zone. He went on to say that if a structure has been built in the Zone without a permit, it is a violation of City Code and should be removed. (00:40:45)

There being no one else present to offer testimony on the permit, Mayor Ruede asked Councilors if they had any questions for Mr. Strongegger. In response to questions from Council President Mills, Councilor Sanders and Councilor Scarberry, Mr. Strongegger confirmed that he had been using the area for parking of trailers and vehicles and that there was no other place on his lot to park his RV. He explained that his intent was to use the building to store his boats, boat and car trailers and, occasionally, his RV for a short time. (00:45:20)

Mayor Ruede asked Councilors if they had any questions for anyone who testified. There being none, Mayor Ruede closed the public hearing at 7:46 pm.

## **9. NEW BUSINESS**

### **A. Richard Strongegger Conditional Use Permit – Deliberation and Decision**

Councilor Sanders asked Mr. Darnielle if a boat house on the river counted as a structure in the Riparian Zone. Mr. Darnielle replied that it did. Mr. Darnielle noted that he looked at the City's Riparian Area Code and did not find the limit of one building that Ms. Allen referenced in her testimony. There was some discussion about whether or not that limitation was in the Comprehensive Plan and it was determined that it was not.

Councilor Meyer asked Mr. Darnielle for clarification about the variance criteria in Exhibit G, page 7, of the Staff Report and Findings of Fact, "A variance shall not be required for existing non-conforming structures to the extent specified in 155.5.2.2 and 155.2.3." and the Finding, "Non-conforming structures are 'legally existing' by definition. This provision applies to uses that were legally established but changes in code that followed made them 'non-conforming' (but legally established). The parking pad and structure were never legally established and are therefore not legally in existence. This variance criterion is therefore not applicable to this application." (00:51:07) Mr. Darnielle explained that there is a potential that the area's uses prior to adoption of current Shoreland and Riparian Zone Code may be grandfathered, but the structure is not. He went on to note that the argument

that removing the structure and using the area for parking could contribute to erosion along the river did not apply to the decision on the CUP. (00:52:00)

(00:54:00) Council President Mills remarked that given this unique situation where it would cause Mr. Strongegger great hardship to park his vehicles elsewhere, the limited use of the area for parking an RV, and more frequent use of the area for trailers and boats, she found the use to be water-related. (00:54:31)

Mr. Darnielle reminded Councilors that the first issue to decide is whether the building is water-related, if it is not it cannot be in the Shoreland Zone. He went on to explain that if the building is found to be water-related, then the Council must determine whether it meets all of the conditional use criteria and the variance criteria for the Shoreland and Riparian Zones. (00:55:00) He also explained that the Council may place conditions on the use of the building limiting the uses to those that are specifically water-related.

Councilor Sanders expressed concern about how using the building to park an RV could be considered water-related and suggested that a condition limiting the use be attached to any approval. (00:57:32) Councilor Sanders referenced earlier comments about parking along Lake Boulevard and noted that he did not see a relation to that and the parking structure in question. He also expressed concern about an earlier comment suggesting that City Code allowed just one dock and one boat house, but the actual Code could not be readily located for reference; he went on to note that without the Code he could support a finding of a water-related use based on common sense. (00:58:50)

Mayor Ruede initiated a discussion of an August 21, 2015, Staff Report (Exhibit G) and the Findings of Fact and Conclusion and Recommended Decision from page 13, and read aloud:

*IV. Findings of Fact and Conclusion*

*Based on the findings stated in Section III Review of Applicable Criteria of this report, Staff findings support a Planning Commission recommendation of Approval of the Conditional Use, as proposed, to the Dunes City Council. Staff is recommending conditions of approval as stated in Section V of this report.*

*V. Recommended Decision*

*Recommendation of approval of the application for Conditional Use subject to the following conditions of approval:*

- 1. In accordance with Lane Manual 15.515, stormwater runoff from private property shall not be directed to the Lane County road right-of-way, or into any Lane County drainage facility, including roadside ditches. Ditches adjacent to County roads are designed solely to accommodate roadway stormwater runoff.*
- 2. A building permit must be applied for and obtained for the existing boat/RV storage 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. The applicant shall propose an acceptable pollution reduction facility that will treat all stormwater runoff from any new or replaced impervi-*

*ous surface area, or an equivalent on-site area, that will result from a 5-year design storm of 4.11 inches. The City's Engineer must approve the pollution reduction facility. If the stormwater runoff (pollution reduction) requirements are met, this conditional use approval will serve as a land use compatibility statement for the building permit. The City's Engineer must approve the pollution reduction facility. Failure to obtain a building permit will invalidate this conditional use permit.*

3. *Conditional Use is granted for the grading of the site and the boat/boat trailer storage structure as a "water-related" use within the Shoreland portion of the Open Space Overlay Zone. Any substantive changes to the use or structure will require an application to modify this Conditional Use Permit.*

Mr. Darnielle then referred to the August 27, 2015, Findings of Fact (Exhibit A) page 3 listing the applicable criteria for determining whether the structure is water-related from Dunes City Code 155.2.3.300 Open Space Overlay (OS) Zone (Shorelands), and explained that the Councilors did not have to rely on the Findings provided by Staff but could create their own Findings.

**(01:04:24)** Following discussion, **Councilor Sanders made a motion to make a finding that the use of the structure as presented is water-related because of its use as storage for boats and boat trailers, and is in the immediate vicinity of public boat ramps and water ways. (01:04:06) Council President Mills seconded the motion.**

There was some discussion about whether or not to add a conditional use to the motion. It was agreed to do that at a later time. **(01:05:30)**

**Mayor Ruede called for a vote on the motion. There was one vote against the motion, after which Mayor Ruede called for a roll call vote. The motion passed with five votes in favor (Council President Mills, and Councilors Scarberry, Platt, Sanders, and Wells). There was one vote in opposition (Councilor Meyer). (01:06:30)**

Mr. Darnielle suggested that Councilors next review the Criteria, Standards and Conditions of Approval for the Conditional Use Permit, as outlined in the August 21, 2015, Staff Report and Findings of Fact (Exhibit G) beginning on page 3 to determine whether the standards and criteria are met. He proceeded to read the use criteria and discussed the Findings prepared by Staff. Council President Mills asked him if the Council could adopt the Findings and Conditions set forth in the Staff Report and Findings of Fact from the Planning Commission to the Dunes City Council, Exhibit G. **(01:11:53)** Mr. Darnielle explained that the Council could, for the most part, do that. He noted that there are one or two Findings that are not adequate, such as the Finding relating to site, size, dimension, etc. He went on to say that the Council could discuss the Findings and then instruct Staff to incorporate the result of the discussions into a modified, final Findings of Fact to be signed by the Mayor or the Council President. **(01:13:10)**

Mr. Darnielle explained that once the criteria for allowing the building in the Shoreland are met, then criteria for allowing it in the Riparian Area must also be met. **(01:13:38)** He

went on to explain that the Riparian Area Code includes its own set of variance criteria which are not the same as the standard Requirements for Variances in City Code Section 155.5.1.1. (01:14:40)

Mayor Ruede called for a break in the meeting at 8:15 pm to allow Staff to locate the variance criteria for discussion. She reconvened the meeting at 8:24 pm.

Mr. Darnielle explained the two options for the Council to consider. The first, which Staff referenced in its Staff Report, is the City Code's standard variance requirements from Section 155.5.1.1. The second option is a hardship variance, which is described within the Riparian Zone Code. In this case, he went on to note, Staff applied the traditional variance requirements in its Staff Report (Exhibit G) and, if the Council agrees with Staff's analysis, it can then adopt Staff's Findings of Fact and Conclusion from that Staff Report. (01:18:40)

**Council President Mills made a motion to adopt the Findings of Fact and Conclusions as set forth in the Staff Report to the Dunes City Planning Commission (Exhibit G in Council packets) dated August 21, 2015, and all of the conditions set forth therein but specifically adding that the building be used for boat and boat trailer storage.**

(01:19:40) Mr. Darnielle suggested also incorporating the changes discussed during this meeting be adopted and Councilors did not disagree. He explained that Staff would prepare a final order incorporating all of those changes, the existing Findings that were approved by reference and the Conditions, and that document would be brought back for signature. (01:20:17)

**Councilor Scarberry seconded the motion. The motion passed with five votes in favor and one vote in opposition (Councilor Meyer).** (01:21:05)

Councilor Sanders requested that Staff be directed to schedule another public hearing to address recovery of City costs related to this matter and fines. Mr. Darnielle recommended consulting with the Dunes City Attorney about the public hearing as there are notifications that are required and a due process to follow. (01:23:00) Mayor Ruede asked Staff to schedule the public hearing for October's Council meeting.

#### B. Propane Tank Purchase/Shared Shipping

Administrative Assistant Linda Stevens reported that the purchase of propane tanks would be made through a different vendor than the one originally selected. The new vendor will ship free of charge so the concern about sharing of shipping costs by the City and a City resident is no longer an issue.

#### C. Scotch Broom Flyer

Referring to the *Science Findings* brochure that was included in the Councilor's meeting packets, Councilor Meyer reported that he had contacted Dave Peter, one of the authors of the brochure, and Mr. Peter recommended working with the OSU Extension Service to de-

termine the best Scotch Broom eradication method due to the concern about using herbicides around Dunes City's lakes and the potential for water contamination. Mr. Peter suggested a multi-phase approach to eradication, such as pulling the plants before they go to seed and burning them year after year. Councilor Meyer will continue to work with the authors of the brochure and will contact the OSU Extension Service to develop a plan for eradication that will not impact water quality. (01:26:40)

Mayor Ruede offered to give Councilor Meyer the name of a DEQ representative she met at the Mayors' Conference who might also have suggestions for an eradication program. Councilor Sanders asked Councilor Meyer if he would object to contacting the County to find out what herbicides, if any, the County sprays on its roadways to control brush. Councilor Meyer agreed to do so and report back to the Council. Mayor Ruede suggested that the information Councilor Meyer gathers could be included in the next City newsletter, if the information is available in time.

#### D. Woahink Lake Outlet Control Structure Update

Council President Mills reported that she met with Mr. and Mrs. Anderson and their daughter to discuss the history of the outlet control structure, the City's need for access to the structure and the options with regard to access. She reported that she also met with Gene Wobbe to find out what was needed to split off a portion of the Anderson's property for the City and whether or not the split portion would meet Dunes City Code for minimum lot width. Mr. Wobbe will provide a report to the City.

Council President Mills also reported that Stuntzner Engineering and Forestry concluded that, based on the measurements provided to them by the City in the manner that the measurements was provided, they could not determine water usage under the current permit. The firm made recommendations for various water reading options, which will be presented to the Council during the October meeting. (01:30:11)

#### E. Police Car

Since the City Administrator/Recorder was not present to provide an update on this matter, Mayor Ruede asked if Councilors wished to table discussion until a future meeting.

**Council President Mills made a motion to table discussion. Councilor Sanders seconded the motion. There was no vote taken.**

### 10. UNFINISHED/OLD BUSINESS

#### A. Staff Employment Matrix

Since the City Administrator/Recorder was not present to provide an update on this Agenda item, **Councilor Sanders made a motion to table discussion. Councilor Meyer seconded the motion. There was no vote taken.**

## B. Siuslaw School District Construction Excise Tax

Council President Mills reported that she spoke with Florence City Planner Wendy Farley about this issue and learned that, at some point, State law changed to allow cities to keep more than 1% of the school construction excise tax to cover their expenses. Apparently, Florence and Dunes City are the only two cities in the State that have not requested an increase. Ms. Farley indicated that she expects the City of Florence to write a letter to the School District requesting an increase and providing information to show that the increase is justified. Ms. Farley suggested that Dunes City do the same. Councilors agreed to do so. (01:35:00)

There was some discussion about creating a new Memorandum of Understanding that specified the percentage Dunes City wanted to keep. Mayor Ruede volunteered to work with Florence Mayor Joe Henry on a joint approach to the School District and report back to the Council during the October meeting. (01:36:13)

## C. Road Vacations

Councilor Sanders recused himself from discussion because he owns property that would be affected by City action on this issue.

Council President Mills explained that the map showing the roads Lane County proposed to transfer to Dunes City was provided by former Mayor Bob Petersdorf. Mr. Petersdorf informed Council President Mills that the roads shown on the map were also intended to be used for water pipes to deliver water from a municipal water system. (01:37:55)

Ms. Forsythe restated her concern about the map, explaining that the map was from a subdivision that was designed in 1908, before Dunes City existed as a City and it did not show which of the platted roads have been developed. Council President Mills pointed out that, although it was not very clear on the map, the developed portions currently used for ingress and egress are shown as an outline within the proposed roadway. She went on to note that if the City needed to preserve utility easements it could be possible to vacate the road easement and leave a utility easement in place. (01:40:54)

During further discussion, it was generally agreed that the City wanted the land the County proposed to transfer but there were certain logistics and perhaps conditions which need clarification. There was some discussion about how to allow property owners adjacent to the easements to acquire the land and who would pay the costs associated with title transfers. There was some concern about whether the City could vacate the land to adjacent property owners but still retain a utility easement and there was concern about cost for potential land surveys and title transfers. (01:46:38)

**Council President Mills made a motion to table further discussion until the October meeting. Councilor Scarberry seconded the motion. There was no vote taken.**

Mayor Ruede requested that everyone think about the issue and ideas for the Council to consider and asked Staff to include the original letter from the County Property Manager in the October meeting packets.

D. Shared Domestic Water Right – Appeal Ordinance Nos. 165 & 192 and Confirm Appeal of Ordinance No. 185

Council President Mills pointed out that the Ordinance as recently amended by the Ordinance Review Committee was included in the Councilors' meeting packets for reference during discussion. (01:49:55) Councilor Meyer expressed concern that the Council's consideration of the Ordinance was premature in light of the fact that the City still does not know how much water it is using and has no way of measuring usage. Council President Mills explained that the City has received a request from a commercial water company to connect to the City's system and the request requires a response from the City.

Councilor Meyer noted that Siltcoos Lake has downstream water rights from Woahink Lake, which is thousands of gallons of water every day that could be accessed as it flows into Siltcoos. (01:50:36) Council President Mills pointed out that the current shared domestic water supply agreement was adopted by Resolution only and cannot, therefore, be enforced. She went on to explain that the language in the proposed Ordinance is combination of past Ordinances and Resolutions with language for commercial use added.

Councilor Meyer expressed concern about adopting an Ordinance before the City has the ability to monitor how much water the City is using. Councilor Sanders suggested tabling further discussion until next month. There was some discussion about the document's definition of domestic use. It was generally agreed that more research was needed to define domestic use and that the proposed Ordinance and Stuntzner report could be discussed again during the October meeting. (01:56:45)

E. Emergency Generator Update

Administrative Assistant Linda Stevens reported that the City has received a lower quote for propane tanks from a different vendor than the one the City originally contacted. The tanks will fit on the pad created for the generator and will meet required setbacks. She will request confirmation of the quote for the generator which was originally quoted several months ago. She noted that a fifty percent down payment would be required at the time the order for the generator is submitted.

There was some discussion about how to secure the propane tanks and the generator to prevent theft or vandalism. Administrative Assistant Stevens noted that the law prohibits fully enclosing the area with a fence but the generator will be bolted to the pad and the propane tanks will be banded together.

Council President Mills explained that the issue of City Hall's encroachment onto adjoining property is not resolved. She went on to report that she has spoken with neighboring property owners and with the City Attorney to determine options. The City Attorney out-

lined two possible legal avenues, both of which would be time consuming and costly. The City Attorney suggested that the Mayor send a letter to the property owners with an offer to purchase the land at a price calculated to be fair market value. Council President Mills pointed out the draft of a proposed letter was included in the Councilors' meeting packets.

Mayor Ruede expressed concern about installing the propane tanks and generator before the encroachment issue is resolved. It was generally agreed that the Mayor would send the letter with an offer of \$2,400. (02:05:30)

## 11. REPORTS

Mayor's Report: Mayor Ruede reported during the work crew clean up, the crew unearthed two mortars that turned out to be practice bombs from when a wartime military installation was located in Dunes City. She also reported that a TV crew would be interviewing her about the find at City Hall. She went on to note when the Sheriff was here to inspect the mortars he confiscated them. Since then, Mayor Ruede contacted the Florence Military Museum to ask if the Museum would want to have them for display, which Museum staff said they would. Mayor Ruede will try to get the mortars returned and put on display at the Museum.

Communication and Education Committee Report: Council President Mills reported that the first Community Expo was a success with about 150 people attending. She also reported that speakers included SVFR Chief Jim Langborg, CERT expert Frank Nulty and Senator Arnie Roblan and there were booths staffed by The Coquille Traditional Skills Center, Bob's Fishin' Barn, West Coast Shoreline Restoration, Oregon DEQ, Thrive Foods, and others. She noted that she is working on the next newsletter and is looking for ideas.

Ordinance Review Committee Report: Council President Mills reported that the Committee met to discuss the proposed Shared Domestic Water Supply Ordinance and dog licensing and enforcement.

Community Center Report: Councilor Wells reported that Administrative Assistant Linda Stevens had a contractor inspect the siding on the City Hall building and the contractor found more damage than was expected. An RFQ for repairs needs to be sent out so the repairs can be completed before winter.

Conservation Committee Report: Councilor Platt had no news to report.

Parks and Recreation Committee Report: Councilor Scarberry reported that he is hoping to hold the quarterly meeting next week. He also reported that Administrative Assistant Linda Stevens was able to find a contractor to remove all of the dangerous overhanging limbs and dead wood at the Overlook area.

Road Commission Report: Councilor Sanders reported that the maintenance work on Russell Drive and Rio Drive was completed and looks very good—the contractor did an excellent job and no change orders were required. He noted that the overall pavement condition index in the City is very high, and the City should be proud of that. He requested that the November meet-

ing Agenda include a presentation and discussion by Roads Director Gary Baker of the five-year maintenance program so that the Council has an idea of what will be needed in the future and the costs involved.

Water Quality Committee Report: Councilor Meyer provided a copy of the water quality report for the current month in the Councilors' meeting packets. He reported that test results remain good. The Committee will meet next week.

Emergency Services Report: Council President Jamie Mills reported that City Administrator/Recorder Hilden attended the August 17 WLEOG meeting held at the Coast Guard Station in Florence. A complete report on the meeting was included in the Councilors' packets.

City Administrator/Recorder/Planning/Staff Report: Mayor Ruede pointed out that the City Administrator's report, as prepared by Administrative Assistant Linda Stevens was also included in the Councilors' meeting packets, as was a Safety Committee report.

## **12. FOR THE GOOD OF THE ORDER**

Councilor Wells asked Councilors to keep in mind how hard City Staff has been working lately and the City should continue to explore ways to take care of Staff. Councilors Meyer and Sanders concurred with Councilor Sanders adding "kudos" for assembling a very complex Council meeting packet.

Council President Mills noted that Administrative Assistant Renee Green requested assistance with Code Enforcement issues that she is not authorized to investigate. She expressed concern that there may also be some building without permits that cannot be investigated while the City's Code Enforcement Officer is absent and suggested that the Council consider appointing an interim Enforcement Officer. Councilor Platt volunteered to help with the pressing issues.

Council President Mills suggested that the City purchase a time clock for the office.

## **13. ADJOURNMENT**

**Mayor Ruede requested a motion for adjournment. Councilor Scarberry made the motion to adjourn. There was no second and no vote taken.**

Mayor Ruede adjourned the meeting at 9:30 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 8<sup>th</sup> DAY OF OCTOBER 2015.**

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Rebecca Ruede, Mayor

ATTEST:

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Jamie Mills, City Administrator Pro Tempore



**CITY COUNCIL SPECIAL SESSION MEETING MINUTES ~ DRAFT  
SEPTEMBER 22, 2015 AT 9:00 AM**

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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](http://www.DunesCity.com)

**1. CALL TO ORDER**

Mayor Rebecca Ruede called the September 22<sup>nd</sup> Special Session meeting of the Dunes City Council to order at 9:00 am.

**2. ROLL CALL**

Roll Call was taken by Administrative Assistant Renee Green.

**Present:** Councilor Sheldon Meyer, Councilor Duke Wells, Councilor Maurice Sanders, Council President Jamie Mills, and Mayor Rebecca Ruede.

**Absent and Excused:** Councilor Ed Scarberry and Councilor Ken Platt.

**Also Present:** Administrative Assistant Renee Green.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

**Councilor Sanders made a motion to approve the Agenda. Council President Mills seconded the motion. The motion passed by unanimous vote.**

**5. ANNOUNCEMENTS / CORRESPONDENCE**

There was none.

**6. CITIZEN INPUT**

There was none.

**7. EXECUTIVE SESSION**

Mayor Ruede read from a script prepared to announce Executive Session.

“I now adjourn this Special Session of the Dunes City Council to go into Executive Session, held pursuant to ORS 192.660(2)(f), to consider information or records that are exempt by law from public inspection. Only representatives of the news media and designated staff shall be allowed to attend the Executive Session. The time is 9:03 am.”

Mayor Ruede reconvened the September 22<sup>nd</sup> Dunes City Special Session meeting at approximately 10:18 am.

## 8. NEW BUSINESS

### A. Deliberation and Decision re: Executive Session .....Discussion/**Action Item**

Mayor Ruede announced that due to the lengthy absence of the City’s City Administrator she would entertain a motion to appoint an interim City Administrator.

**Councilor Sanders made a motion for the Council to appoint as the pro tempore City Administrator, until the absence is resolved, to conduct City business Council President Jamie Mills, provided that she agrees to temporarily step down from the Council and the Council agrees to pay her \$16.00 per hour as an hourly employee. (00:03:54) Councilor Wells seconded the motion.**

Council President Mills agreed to accept the appointment and temporarily recuse herself from participating in Council business. (00:04:27)

Councilor Sanders requested a roll call vote on the motion.

**The motion passed by unanimous vote with Councilors Meyer, Wells and Sanders all voting in favor.**

Mayor Ruede requested the record reflect that Council President Mills did not vote on the motion. It was agreed that the protempore City Administrator would begin work Wednesday, September 23.

## 9. FOR THE GOOD OF THE ORDER

Councilor Wells remarked that, even though funds are tight, the City needs to take care of its City Staff.

## 10. ADJOURNMENT

**Councilor Wells made the motion to adjourn. Councilor Meyer seconded the motion. There was no vote taken.**

Mayor Ruede adjourned the meeting at 10:27 am.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 8<sup>th</sup> DAY OF OCTOBER 2015.**

---

Rebecca Ruede, Mayor

ATTEST:

---

Jamie Mills, City Administrator Pro Tempore

**BILLS OF THE SESSION: 9/5/2015 thru 10/2/2015**

Archetype Consultants				\$720.00
Campbell Productions				\$245.00
Central Lincoln P.U.D. (Street Lights)				\$1,499.38
Central Lincoln P.U.D. (City Hall)				\$93.85
CenturyLink				\$296.88
Charter Business (Internet Access & Email)				\$60.95
City of Florence (Planning Training)				\$40.00
County Transfer & Recycling				\$24.07
DCBS - Fiscal Services (3rd Quarter State Surcharges)				\$804.96
Florence Events Center (Projector Rental 2015 Expo)				\$25.00
Governments Ethics Commission (Annual Dues)				\$237.66
Jamie Mills (Lunch with Mayor Ruede)				\$25.00
Johnson Rock Products, Inc (Russell & Rio Project)				\$51,785.95
Intuit				\$2.00
Linda Stevens (Office Supplies-Coffee, etc.)				\$121.02
MCI				\$41.31
Oregon Department of Motor Vehicles (Police Car)				\$102.00
Oregon Water Services (Install Water Meter)				\$204.07
Pest Tech				\$80.00
Postmaster (1st Class Stamps Measure 56 Septic)				\$539.00
Quill (Measure 56 Supplies, Office Supplies)				\$477.63
Rebecca Ruede (Lunch with Jamie Mills)				\$53.99
Siuslaw News (Stronegger Notice/2015 Expo)				\$556.66
Siuslaw School District 97J				\$1,332.54
Speer Hoyt LLC (Employee Matters)				\$1,178.10
Speer Hoyt LLC (General)				\$149.60
Speer Hoyt LLC		Speer Hoyt Total	\$1,327.70	\$0.00
Terry English dba Dunes City Home Services (September Office Cleaning 2x)				\$130.00
The Building Department LLC (September Bldg Official / Inspection Services)				\$1,998.00
The Dyer Partnership (2015 Street Maintenances)				\$1,199.63
True Cut Engraving (Plaque & Shipping)				\$5.50
University Of Washington (Ship Water Samples)				\$0.00
Vend West				\$7.00
Verizon Wireless (Cell Phone)				\$73.30
Wells Fargo Financial Leasing, Inc				\$185.25
Wes Wells Landscaping (DC Overlook Clean Up & Dumping)				\$1,100.00
City County Insurance (September Health Ins - Hilden)				\$500.00
PERS (September - Hilden)				\$458.66
Gross Payroll Expenses		Personnel Total	\$9,253.45	\$8,294.79
Above bills in the amount of	\$74,648.75	approved per motion,	<b>TOTAL</b>	<b><u>\$74,648.75</u></b>

ATTEST: \_\_\_\_\_

Mayor / Council President

**RECEIPTS OF THE SESSION (Deposits): 9/5/2015 thru 10/2/2015**

Business License				\$340.00
Building Rental				\$0.00
Franchise Fee, Cable TV				\$4,263.21
Garbage Licensing Fee				\$0.00
Grant / Misc. Fees / Newsletter Ads (50.00)				\$50.00
Franchise Fee, PUD				\$3,927.18
Lien Searches				\$100.00
Triathlon Merchandise				\$0.00
Permits, Demolition				\$0.00
Permits, Conditional Use				\$0.00
Permits, Deposits				\$0.00
Permits, Driveway & Access				\$0.00
Permits, Electrical				\$95.00
Permits, Excavating & Grading				\$0.00
Permits, Final Plat / Site Review				\$0.00
Permits, Manufactured Home Fees				\$0.00
Permits, Mechanical				\$335.00
Permits, Other (Inspections, LUCS (100.00), etc.)				\$100.00
Permits, Penalties				\$0.00
Permits, Plan Check Fees				\$606.45
Permits, Planning Fees				\$200.00
Permits, Plumbing				\$515.00
Permits, Right of Way Use				\$0.00
Permits, Structural				\$1,053.00
Permits, Building Surcharge				\$226.36
Permits, State Surcharge				\$239.76
Permits, Vegetation / Tree Removal		Permits Total	\$3,370.57	\$0.00
Septic Inspections				\$550.00
Tax, Cigarette				\$167.39
Tax, Liquor (OLCC)				\$1,760.69
Tax, Oregon State Highway Apportionment				\$7,295.63
Tax, Lane County Motel Fund				\$3,415.22
Tax, School Excise				\$1,346.00
Water Rights Application Fees				\$0.00
Water Admin Fees				\$405.00
			<b>TOTAL</b>	<b>\$26,990.89</b>



APPLICATION FOR APPOINTIVE OFFICE  
(Please Print or Type)

September 29, 2015  
Date

Water Quality Committee  
Position Applying For

Sweet  
Last Name

Carol  
First Name

A.  
Middle Initial

4976 Lake Drive  
Street Address  
Florence, OR 97439

625 Highway 101 #153  
Mailing Address

Home Phone

Work Phone

541-999-7451  
Cell Phone

carol.wcentruma@gmail.com  
Email Address

Retired  
Current Occupation

Mental Health Counselor & Teacher  
Prior Occupation(s)

yes  
Resident of Dunes City?

4 1/2 months  
How Long?

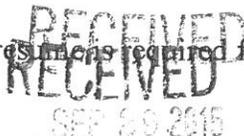
Have you ever been convicted of a felony? Yes  No  If yes, explain: \_\_\_\_\_

Education/Experience/Interests

BA English, M.A. Counseling Psychology,  
English as Foreign Language Certificate,  
CNA certificate State of Maine

Carol Sweet  
Signature

Note: Your resignation is required for City Councilor or Planning Commissioner.



Dunes City Hall • 82870 Struce St • PO Box 97 • Westlake, OR 97493  
Phone (541) 997-3338 • Fax (541) 997-5751 • www.dunescity.com

TERM EXPIRES 1/1/18



TELEPHONE (503) 357-5717  
FAX (503) 357-5698  
WEBSITE: [www.stuntzner.com](http://www.stuntzner.com)  
2137 19<sup>th</sup> Avenue  
Forest Grove, OR 97116

*COOS BAY - FOREST GROVE - DALLAS - JUNCTION CITY*

September 3, 2015

Jamie Mills  
Dunes City  
PO Box 97  
Westlake, OR 97493

Dear Mr. Mills,

Per your request, Stuntzner Engineering & Forestry, LLC has completed a Water Right Assessment for Dunes City. It is enclosed.

If you have any questions about it, please contact Jeffrey Kee at 503-357-5717 or [jkee@stuntzner.com](mailto:jkee@stuntzner.com).

Sincerely,

*Stuntzner Engineering & Forestry, LLC*  
Carol Taylor  
Office Assistant

RECEIVED  
LS  
SEP - 8 2015  
R. Kee  
DUNES CITY, OR



Dune City estimate to install meters on all diversions using municipal Water Right Permit S-33923

From Jeffrey Kee, CWRE

Stuntzner Engineering & Forestry LLC Forest Grove Or 503-357-5717 [jkee@stuntzner.com](mailto:jkee@stuntzner.com)

## Background

The city of Dunes City on the Southern Oregon Coast has a municipal water right that allows individual water users to put in their own pumps for domestic water use. A condition of Permit S-33923 is to report monthly and annual water use. In order to perfect this right all of the permit conditions must be met.

### Monitoring Water Use

Monitoring water use from over 200 individual users can be a challenge. When they are all taking surface water from a lake they border at the back of their properties, it is even more challenging.

### Current System

The current system employed by Dunes City requires users to send in a postcard with their monthly water use reported. This method has many challenges from non-compliance, to under reporting to mis-reading meters and reported use.

A more consistent reporting system is desirable, as well as required by the Oregon Water Resources Department.

### System Options

Two new systems that would improve reporting are 1) an electronic reporting system and 2) a city employee manually operated system.

### Electronic System

There are a couple of manufacturers producing remote reading water use systems. The most common design includes replacing all the meters with meters that have an electronic reporting and relay system. Meter replacement and new fitting requirements can cost as much as \$250 per meter. Setting up the entire system begins at a minimum of \$15,000.00 These numbers were provided by Ferguson Enterprises in Portland. See attachment A for an estimate for 275 meters.

Your electronic reading system may require access via boat on the lake.

## Manual System

Employing a manual system would require additional staff time. Requiring standards for meter design and installation would be important for efficiency. Manual systems are the most common employed by water distributors and require a person reading the meter monthly. Depending on the design, standardizing (replacing) all meters would cost between \$80 and 200 \$ depending on material and fittings required. This does not include labor to install the meters.

## Reporting Requirements

Please see attachment C regarding OWRD reporting options and spreadsheet design offered up by Dorothy Pederson, Water Use Specialist.

## Other Flow Measurement Needs

Dunes City has multiple permits which include recording flows into Lake Woahink, lake levels and flow out of the lake.

Staff gauges are the simplest and least costly flow measurement tools. All designs should be evaluated with the local water master or other staff from Oregon Water Resources Department to make sure they will meet the monitoring requirements of the Permits.

A simple design could include staff plates bolted onto a concrete bridge abutment. Regular readings of the gauge, coupled with some stream cross section data could provide flow information. Cameras designed to take photos on 24 hour intervals could be placed to capture gauge data. These cameras can be purchased on line for less than \$250. Staff plates can be purchased from Stevens Water in Portland for between 35\$ and 42\$ per 3ft section depending on the detail. ( see attached) Installation not included.

Additional information that may need to be gathered on a monthly basis for accurate monitoring would include developing rating curves at the staff gauge location and regular readings with a velocity meter (848\$ forestry-suppliers.com).

## Summary and Recommendation

There are a myriad of systems that could be used to monitor your water usage. System design depends on investments and should be coordinated with the local water master (District 15) to insure design will meet Permit requirements.

There are many opportunities to partner with organizations that could design and provide regular monitoring of the stream flow and lake levels from private watershed restoration groups to state and federal agencies such as the Water Resources Department and the US Geological Survey. Partnering with a public agency usually requires that the collected information is shared with the public.

In the long term, partnering with an organization that has the expertise to effectively measure water would be the least costly system.

## Resources utilized for this analysis

### Oregon Water Resources Department

Watermaster District 15- Roseburg Oregon Dave Williams 541-440-4255

Hydraulic Flow Systems-Rich Martin 503-986-0835

Funding- Slim Peff 503-986-0929

Dorothy Pederson, Water Use Reporting, 503-986-0824

### Staff Gauges

Stevens Water, Portland Or

1-800-452-5272

Fred Hollaway [fholloway@stevenswater.com](mailto:fholloway@stevenswater.com)

Electronic Reading Systems

Ferguson Water Enterprises, Portland Or

Pat Hart

AMI/AMR Specialist

3282 W 1st Ave

Eugene, OR 97402

Mobile (541) 221-4332

Fax (541) 685-1251

[Pat.Hart@Ferguson.com](mailto:Pat.Hart@Ferguson.com)

River Design Group, Corvallis Or

Chris Smith 541-738-2920

## General Information for determining domestic water use

The City of Portland reports on their website that the water use is less than 60 gallons per day per person.

City of Bellingham residential water use calculator

<https://www.cob.org/services/utilities/water-calculator.aspx>

OPB Article on meter reading

<http://www.opb.org/news/article/are-smart-meters-the-smart-thing/>

Potential Partners for cost share and monitoring of flows around Woahink Lake

Siuslaw Watershed Council 541-268-3044

Woahnick Lake Association

Oregon Watershed Enhancement Board

US Geological Survey

Portland Office 503-251-3200

Medford Office Mark Stuart 541-776-4258

Oregon Department of Environmental Quality

Attachment A-Ferguson Electronic Meter Estimate

Attachment B-Stevens Water- Stream Gauge Technical sheet

Attachment C-Dorothy Pederson-e-mail and excel Spreadsheet.

# AMR Plan - Stuntzner Engineering & Forestry.

*Prepared by the Ferguson Meter & Automation Group*

**Accuracy, Efficiency and Safety.** These three words describe the benefits of AMR, or Automated Meter Reading. I have put together a radio reading plan that will help your customer reach each of those goals.



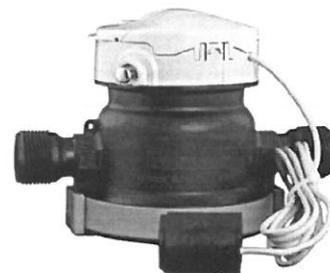
Our radios offer you a 20 year warranty, and the ability to record 35 days of hourly consumption! This data often proves beneficial with usage disputes. In addition to this valuable data, you will receive:

**Greater** reach when reading meters

**Comfort** in knowing that Sensus owns the FCC license and the customer is never in fear of being shut down

**Ability** to expand for future technology advances with their infrastructure

**O**n the meter side, you will need to purchase new AMR compatible meters. Pictured is our accuSTREAM meter, a positive displacement meter that offers a full digital resister and is cable ready to plug into your new radio to begin meter reading.



## **Our reading package includes a hand held device, Ethernet docking station, software and command link**

Your handheld reading unit, offers such features such as:

**Large** easy to read screen

**Internal** GPS

**5** megapixel camera

**Bar** code scanner



### **Reading Package:**

(1) 6501-GB Handheld - \$6,675

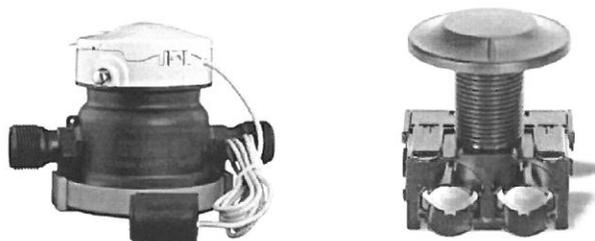
(1) Ethernet Docking Unit - \$875

(1) Command Link - \$500

(1) Software/Support - \$2,500

**\$10,550**

**In addition to the reading package, your system would require the purchase of new meters and radios.**



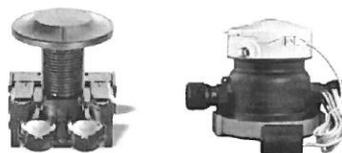
### **Meter and Radio Individual Pricing (2015 Pricing):**

\$155 each - 520M Single Port Smart point Radios

\$185 each – 520M Dual Port Smart point Radios **(Optional)**

\$117 each – accuSTREAM 5/8 X 3/4" meters with electronic register

1 Radio and 1 new accuSTREAM 5/8 X 3/4" meter - \$272



### **Pricing based on 275 services**

Reading Package - \$10,550

New Meter/Radio Combo - \$74,800

Total Radio Reading Package - \$85,350

Total Radio Reading Package (over a two year plan) - \$42,675 each yr.

## Future Phase **Option** - Flex Net (Fixed Base)



I always like to make my customers aware of technology that is available once your radio system is complete. Our Flex Net option will allow your customer to fully maximize our smart water technology. Based off a detailed propagation study, an antenna or two is placed in your service area, to guarantee coverage. As smart water technology is continuing to evolve, our current features include:

### **Hourly customer consumption reported electronically**

(The meter readers can now devote more time to that list of important projects)

### **Ability to get instant reads from the District Office**

(Very helpful with any customer consumption disputes as their hourly consumption information is all at the clerk's computer)

### **Alarms will be detected instantly and issues addressed quickly**

(What a great customer service feature to get out in front of a leak that otherwise would have cost the customer a lot of money as well as wasted our precious resource)

### **Option for customer usage portals**

(Great transparency for Riddle to offer customers a look at their usage during the month and give them a chance to adjust their consumption before the bill arrives)

### **Traffic Safety**

(No longer have to put their reading staff in dangerous high traffic areas)

## Removing dangerous customer encounters

(With Sensus new Ally meter, *which offers an internal shut off valve*, customer shut offs can be taken care of remotely from the district office, removing staff from dangerous encounters)



## Final Thoughts

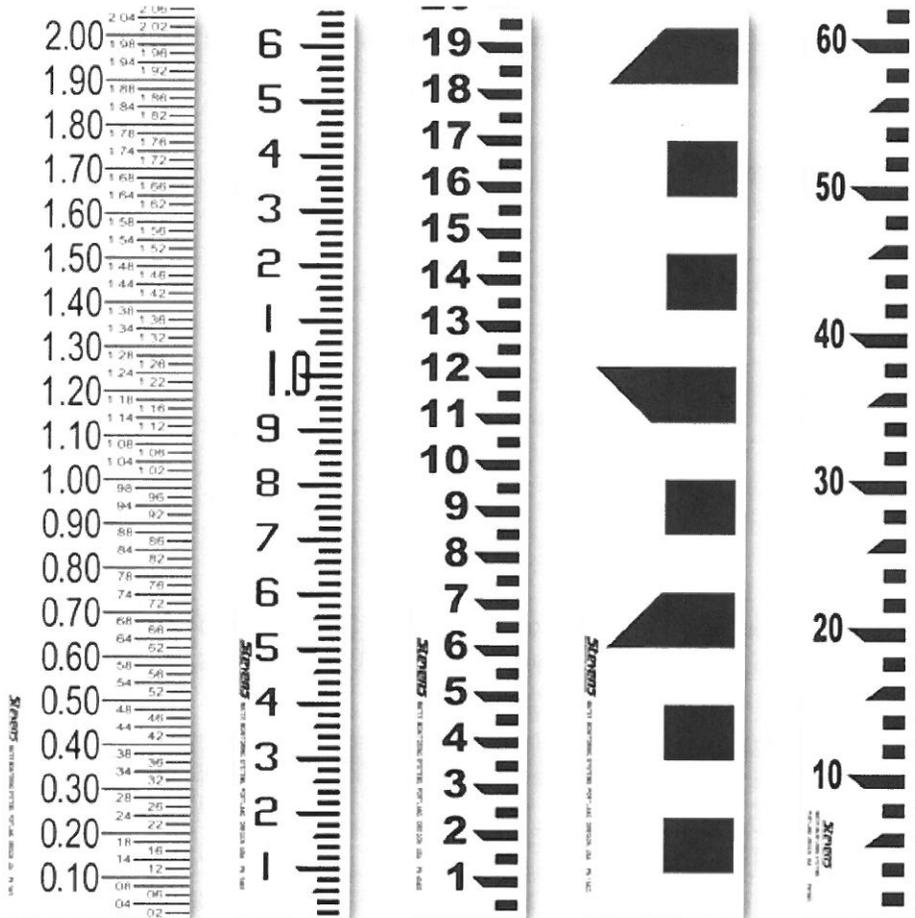
This gives you an overall idea as to what it will take to build a radio read system for your customer. I have customers who have the resources to build a complete system in one budget cycle and others who build over time. I welcome the opportunity to sit down with you and your customer to explain the process in greater detail and answer questions that you have.

Thank you for the opportunity to present an option and look forward to speaking with you further.

Pat Hart  
AMI Specialist  
Ferguson Meter & Automation Group  
[Pat.Hart@ferguson.com](mailto:Pat.Hart@ferguson.com)  
541.221.4332



# Porcelain Enamelled Standard & Custom Staff Gages



Style A

Style C

Style I

Style E

Style M

## Description

The Staff Gage has a long history of providing a direct visual indicator for determining water level. Stevens staff gages are designed for easy mounting to a wall or pier, with heavy metal grommets and a 0.188 inch opening for screws or nails.

Each gage consists of a metal core, coated with porcelain enamel and marked with accurate measurement markings at specific intervals. The metal core is heavy 16 gauge (0.075 in / 1.9 mm) iron, which is completely covered with a baked-on porcelain enamel finish to resist rust or discoloration. Different colors of enamel are used to provide the markings; typically black numbers on a white background. Stevens staff gages are designed for years of trouble-free use, and can be easily cleaned.

### Custom Staff Gages - a unique service offered by Stevens Water!

Stevens designs and provides custom staff gages for applications requiring larger displays, unique mounting angles, slopes or visual flow measurements.

[www.stevenswater.com](http://www.stevenswater.com)

1.800.452.5272

Stevens - The original developer of  
Style A, C, I, E & M staff gages

## Features

- Time-proven basic visual reference of water level measurement
- Easy to see and read
- Available in many standard sizes (english or metric)
- Custom scales, sizes and colors available
- Pre-numbered or "build your own" options
- Rugged and durable weather resistant design

## Applications

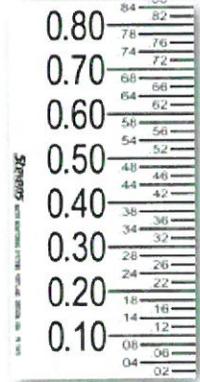
- Rivers, lakes, streams, dams and reservoirs
- Wastewater treatment plants
- Flumes and weirs
- Visual flow measurement
- Tanks

**Stevens**  
Water Monitoring Systems, Inc.

# Standard Staff Gages Styles

## Style A

The Style A staff gage is 4 inches wide and comes in 3.33 ft. sections. The standard maximum height is 13.33 feet. The Style A has graduated marks every ft., 1/10th ft., and 0.02 ft. with total elevations.



Part Number	Range
15415	0 to 3.33 feet
15395	3.33 to 6.66 feet
15396	6.66 to 10.0 feet
15397	10.0 to 13.33 feet
15398	13.33 to 16.66 feet

## Style C

The Style C staff gage is 2.5 inches wide and is available in separate lengths of 0 - 1.06 feet., 0 - 1.56 feet, 0 - 1.56 feet, 0 - 2.06 feet, 0 - 3.06 feet, 0 - 4.06 feet, and 3.06 - 5.06 feet. Style C also comes in standard 3.33 ft. sections. Style C has graduations every 100th of a foot with numerical marks every ft. and every tenth of a ft.



Part Number	Range	Part Number	Range
15402	0 to 1.06 ft.	15409	13.33 to 16.66 ft.
15403	0 to 1.56 ft.	15410	16.66 to 20.00 ft.
15404	0 2.06 ft.	15411	20.00 to 23.33 ft.
15418	0 to 3.06 ft.	15412	23.33 to 26.66 ft.
15419	3.06 to 5.06 ft.	15413	26.66 to 30.00 ft.
43082	0 to 4.06 ft.	15414	30.00 to 33.33 ft.
15405	0 to 3.33 ft.	14509	33.33 to 36.66 ft.
15406	3.33 to 6.66 ft.	14510	36.66 to 40.00 ft.
15407	6.66 to 10.00 ft.	14511	40.00 to 43.33 ft.
15408	10.00 to 13.33 ft.	Please contact Stevens for availability of other ranges.	

## Style I

The Style I staff gage is 2.5 inches wide and has graduation every 0.25 inches with numerical marks every inch. Style I is available in any length ranging from 0 to 48 inches.



Part Number	Range
90223	0 to 14.0 inches
44405	0 to 18.0 inches
44406	0 to 24.0 inches
44407	0 to 30.0 inches
45637	0 to 36.0 inches
45480	0 to 48.0 inches

## Style E

The Style E is an English measurement staff gage that is 3.5 inches wide and is available in 1, 2 or 5 ft. sections. Style E is graduated in feet every tenth of a ft. Separate figure plates (see below) can be fastened on a pier, wall or other surface next to the Style E staff gage to number any desired elevation.



Part Number	Range
15420	1 foot section
15421	2 foot section
15422	5 foot section

## Style M

The Style M is a metric measurement staff gage that is 65 mm wide and is available in 1 meter sections. The Style M is divided into centimeters with each decimeter numbered. Separate figure plates (see below) can be fastened on a pier, wall or other surface next to the Style M staff gage to number any desired elevation.



Part Number	Range
15423	1 meter section

## Figure Plates

Separate numerical figure plates are available in 2" x 3", 3" x 4" and 4" x 6" sizes. Figure plates are commonly used with Style E or Style M staff gages and are fastened to a pier or wall to mark custom elevations.

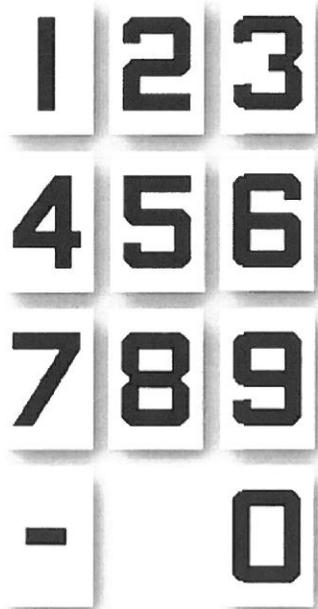


Figure Plate Number	Figure Plate Dimensions 2" x 3"	Figure Plate Dimensions 3" x 4"	Figure Plate Dimensions 4" x 6"
0	15424	90980	28134
1	15425	90981	28135
2	15426	90982	28136
3	15427	90983	28137
4	15428	90984	28138
5	15429	90985	28139
6 or 9	15430	90986	28140
7	15431	90987	28141
8	15432	90988	28142
Minus figure (-)	24187	-	-

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Since 1911, Stevens Water Monitoring Systems, Inc. has been a leading manufacturer of:

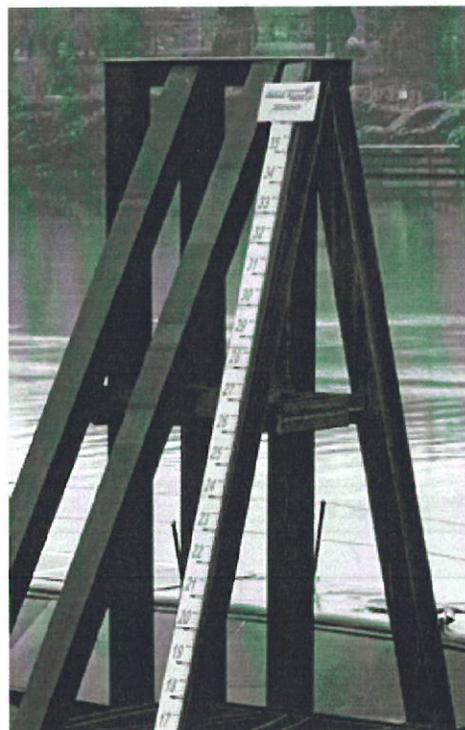
- Water Level Sensors
- Water Quality Sensors
- Soil Moisture Sensors
- Chart Recorders
- Staff Gages
- Telemetry Systems
- Data Collection Platforms

## Porcelain Enameled Staff Gage DATA SHEET

### Custom Staff Gages

Stevens is the leading provider of custom staff gages for unique applications. Staff gages can be designed for applications requiring large displays, flow measurement, slopes, or other unique mounting angles for easy visual measurements. Numbers, graduated markings, and colors used on the gage can also be customized to present a clear, visual measurement of water flow.

Contact Stevens today to discuss your custom staff gage requirements.



Custom Stevens staff gage mounted on a sloped pier on the Willamette River in Portland, Oregon. The submarine pictured is the USS *Blueback*.

The city almost certainly has a single User ID account for water use reporting that includes the permit. The permit could be set up with a Report ID for each of the individual user's diversion points. For User ID accounts with a large number of Report IDs, our online reporting system allows for generating an Excel spreadsheet template that is pre-loaded with a row for each Report ID, and columns for entering monthly amounts, measurement units, name of person reporting, etc. See attached example. The spreadsheet can be saved onto the water user's computer and filled out, then resaved. The water user then goes to the OWRD website, opens their water use reporting account and uploads the spreadsheet report from their computer to submit the data into OWRD's database.

Using this method, the city could provide a way for their water users to access the spreadsheet from the city's website, and fill in water use at their point of diversion (Report ID). Or, perhaps the city could provide another way for users to input the data, that they could then transfer to the official spreadsheet template. Note that the data needs to be volumes of water used (not raw meter readings), and the units need to be expressed using designated codes. The city could monitor compliance and contact users as needed until the report is complete. Then, the city could upload the completed spreadsheet into their User ID account on OWRD's website, which would dump the data into the OWRD water use database. It would then be available for viewing or generating reports using our existing tools.

Let me know if it sounds workable. If not, we can see whether our IT staff can design something customized.

Dorothy I. Pedersen  
Water Measurement Analyst  
Hydrographics Section  
Oregon Water Resources Department  
725 Summer St. NE  
Salem, OR 97301-1266  
(503) 986-0824







Reporter's  
Phone #


## **OPTIONS REGARDING THE SILTCOOS RIVER DAM PORTAGE**

**BACKGROUND:** The City of Dunes City was granted a Division of State Land Public Recreation Facility License, #LI-18793 for the Siltcoos Dam Portage on May 23, 2000. The license was granted for a 15 year period, with an expiration date of May 23, 2015.

In 2012, the portage had fallen into disrepair and was a danger to the public. At that time, Dunes City attempted to divest itself of any interest in the portage, however, to do so would have resulted in a violation of the terms of the grant agreement with the State of Oregon and the City would have had to return all the grant funding previously awarded. As a result, the City pursued and completed the repairs to the portage.

Additionally, the City was noticed by the Land Manager of the Division of State Lands that so long as the portage and all its appendages, including the concrete footing, walkways, ramp and any concrete footings associated with the walkway and ramp, are still installed in the river, it must remain under the authorization of the City.

### **COSTS:**

The cost to extend the current license will be \$375.00.

The cost to physically remove all of the portage structures are currently unknown and would need to go out to bid.

The City would be required to obtain a Removal/Fill Permit from the Division of State Lands with a review by the Army Corps of Engineers. The process requires a Wetlands Delineation Report (costs of the expert plus \$406 to the State), and a removal permit fee of \$250 plus the volume fee based on amount of material removed. If the amount removed is under 500 cubic yards, there is not additional fee, but if the amount exceeds 500 yards, fees are charged on a graduating basis depending upon amount removed. The additional fee starts at \$145.

In addition, the City would be required to restore the bed and banks of the river to the satisfaction of State Lands and likely the U.S. Fish and Wildlife Department. This would require hiring the appropriate engineer to design the project prior to receiving approval of the removal permit from the State. Also prior to the issuance of the removal permit, the Army Corps of Engineers would be required to do an investigation and weigh in on any additional requirements they may wish to have included.

Since we are not the owners of the dam itself, we would also be required to have the authorization to do the work from the current owner of the dam and its works.

# Secrets . . .

Siltcoos Lake, Oregon's largest coastal lake, has a secret . . . Longtime destination for boaters, waterskiers, anglers, and wildlife watchers, Siltcoos Lake has another intriguing feature — its three-mile outlet to the Pacific Ocean.



From shimmering waters of the lake, Siltcoos River slips peacefully through dense coastal forest and tall sand ridges of the Oregon Dunes, then loops into a wide estuary that leads to the Pacific Ocean. Canoe and kayak paddlers can now share in the many secrets of the Siltcoos River Canoe Trail . . .



Enjoy the subtle transition from freshwater lake and forest stream, to saltmarsh estuary and open ocean. Mingle with the wildlife and waterfowl that call this region home as you follow the dreamy river corridor closer and closer to the sea . . .

There are changes and challenges in every season along Siltcoos River Canoe Trail, and onwards around every bend in the river. Come share them!

## Getting There

Dunes City and the community of Westlake are 6 miles south of Florence on US 101 (15 miles north of Reedsport). Take Siltcoos Lake/Westlake Area exit and follow Pacific Ave. to Lane County boat ramp at the edge of Siltcoos Lake. Launch from docks or grassy area. From the boat launch, paddle south 0.5 mile past docks and marinas to the river entrance.

Alternate put-in at USFS Lodgepole Picnic Area: 7.3 miles south of Florence on US 101 (1.3 miles south of Siltcoos Lake/Westlake Area exit), turn west at Siltcoos Recreation Area. Follow the access road to Lodgepole Picnic Area. Put in at grassy area along riverbank.

## Are You Prepared?

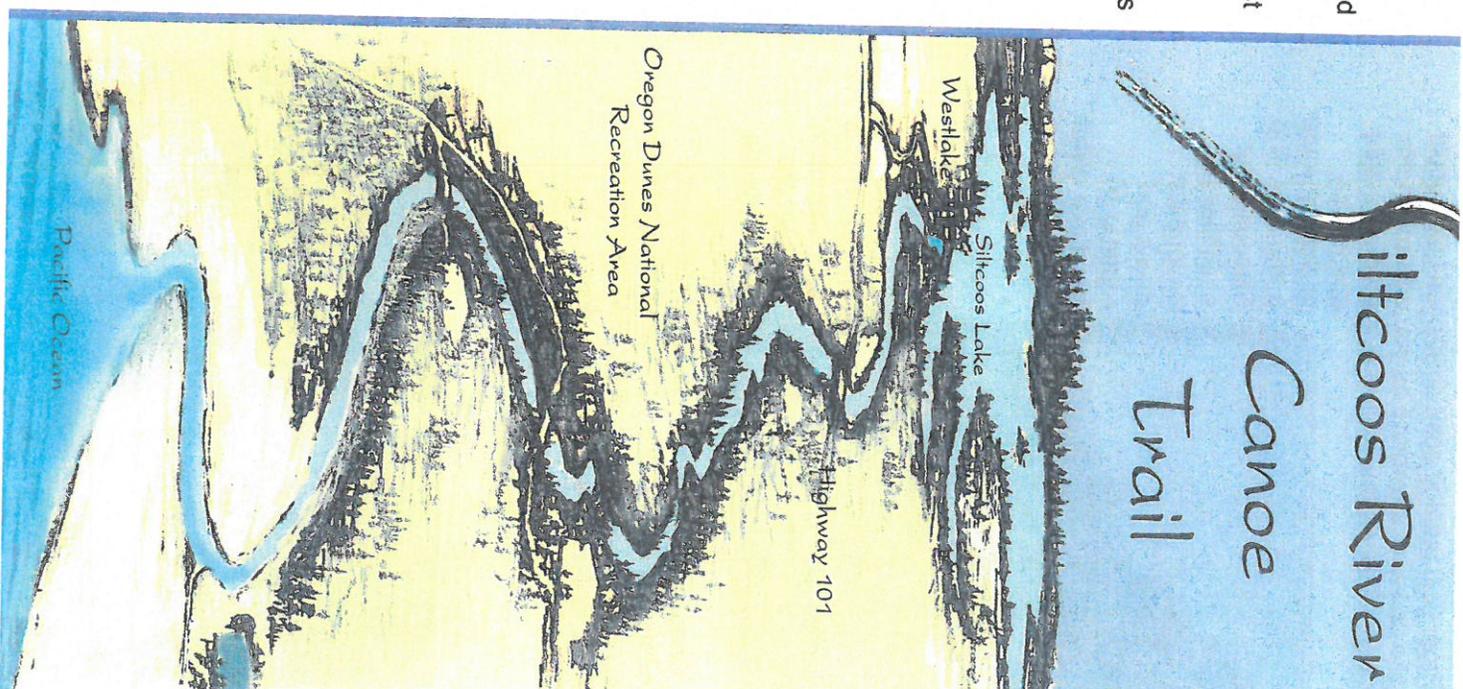
Know your skill level before paddling. Siltcoos River is an easy, Class I paddle without whitewater or rapids. However, there are fallen trees, branches and submerged logs in the channel, and the water is cold in winter and spring. Paddling in the morning during calm weather can be enjoyable since strong northwest winds blow during most summer afternoons. Check tide tables, and time your trip to tidal fluctuations.



## Siltcoos Rules

Lifejacket or personal flotation device (PFD) are required for each person. PFD must be worn at all times by children 12 years old and younger. Do not disturb wildlife. Stay at least 100 feet from marine mammals. Do not enter Snowy Plover nesting areas. Do not exit watercraft within estuary adjacent to closed areas during March 15 - Sept. 15 closures. Please obey Oregon fishing regulations. Be considerate: if you pack it in, pack it out. Dogs are prohibited in the estuary.

For more information contact:  
Oregon Dunes National Recreation Area  
855 Highway 101  
Reedsport, OR 97467 (541) 271-3611  
[www.fs.fed.us/6/siluslaw/oregondunes](http://www.fs.fed.us/6/siluslaw/oregondunes)  
City of Dunes City  
P.O. Box 97  
Westlake OR 97402 (541) 007-2222



From your starting point at Siltcoos Lake, you'll feel a sense of adventure as you embark on the Siltcoos River Canoe Trail. Navigate past cattails and willow



thickets enroute to the river. The Siltcoos River outlet lies just beyond the docks and marinas of Westlake. What lies downriver is a fascinating world of forests, dunes and a wide estuary that opens onto the sea. This is your chance to discover the Secrets of the Siltcoos.

Choose to launch from the boat ramp in the community of Westlake, or from the Lodgepole Picnic Area farther downriver. Each site offers picnic tables, restrooms and parking.



Portage



A portage about halfway between the lake and the

Part of a vital coastal flyway for migratory birds, the Siltcoos region also supports a year-round population of waterfowl, birds and other wildlife.

What will you notice first along the river? Probably the swallows, fitting to and fro as they build their mud nests under the bridges.

A belted kingfisher — easily-recognized by its curved bill and distinctive black and white "tuxedo" markings — may wing by, leading you downriver.

Farther along, you might pass great blue herons and double-crested cormorants standing perfectly still as they search for food along the margins of the estuary.

Gulls, osprey, red-tailed hawks and bald eagles often float overhead. A closer look on the water may reveal some of the other birdlife. You may spot wood ducks, canvasbacks and common mergansers, as well as marsh wrens, rafters and Virginia rails.

The western snowy plover, a threatened shorebird, nests in open sand in the estuary. Plovers are easily disturbed by humans during the nesting season. See map for restricted areas.

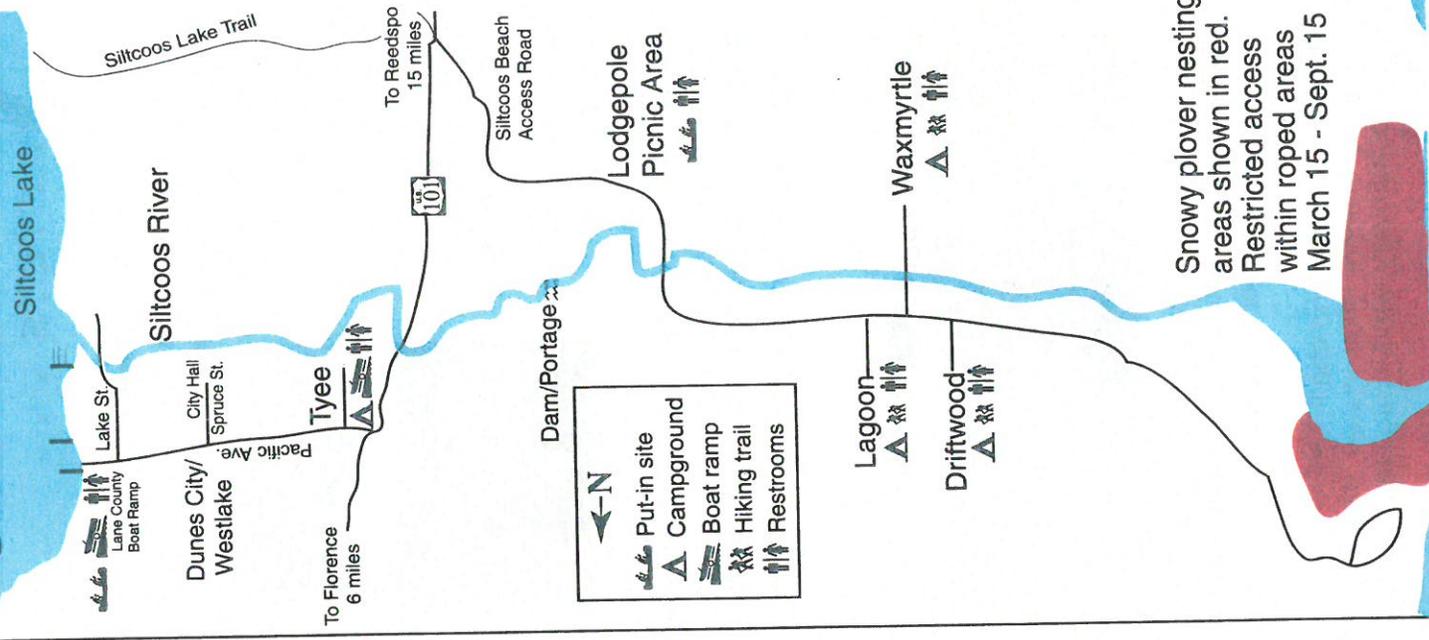
## Mammals

A stop along the river's sandy shoreline may reveal more Siltcoos Secrets.

Birds are the highest-profile residents, but many mammals live here as well.

Tracks along the river's edge can include those of river otter, mink, black bear, deer, raccoon and beaver. You might even chance upon otters splashing or playing in the water.

As you approach the estuary, you may encounter harbor seals or spot sea lions on the beach.



Snowy plover nesting areas shown in red. Restricted access within roped areas March 15 - Sept. 15



# Science

FINDINGS

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issue one hundred seventy six / august 2015

*"Science affects the way we think together."*

Lewis Thomas

## Herbicides: An Unexpected Ally for Native Plants in the War Against Invasive Species



David Stephens

In the Gifford Pinchot National Forest, researchers found that by adjusting the herbicide application rates, invasive plant species could be controlled without significantly impacting native plant species.

*"As natural selection acts by competition, it adapts the inhabitants of each country only in relation to the degree of perfection of their associates..."*

—Charles Darwin,  
*On the Origin of Species*

Visit Gifford Pinchot National Forest's Cave Creek meadow in late spring and it is not the blue-eyed grass' delicate bluish-purple flowers that catch your eye. Instead it is the tens of thousands of Canada thistle stems filling the meadow. These stems

are just a fraction of this plant's biomass: underground is an enormous rhizome network that sends shoots skyward each year.

Similarly, eye-catching yellow flowers of Scotch broom can obscure a young Douglas-fir plantation as the nonnative invasive shrub chokes out the newly planted tree seedlings. Though these landscapes are managed for different purposes, each is vulnerable to an invasion of nonnative invasive plants. Whether the takeover is at the expense of native species or future wood production, the management decision is the same: How to hold off the advance of invasive plant species?

## IN SUMMARY

Herbicides are primarily used for protecting agricultural crops from weeds and controlling vegetation competition in newly planted forest stands. Yet for over 40 years, they have also proven useful in controlling invasive plant species in natural areas. Nonnative invasive plant species, if not controlled, can displace native species and disrupt an ecosystem by changing soil chemical and biological properties. However, before an herbicide may be applied in a U.S. national forest, toxicological and ecological assessments and field testing are required to ensure it won't negatively affect the landscape or people.

In the Gifford Pinchot National Forest, scientists with the U.S. Forest Service Pacific Northwest Research Station established experimental plots to test effects of aminopyralid (a plant growth-regulating herbicide) on both the nonnative and native meadow plant species. When applying less than the manufacturer's maximum labeled rate, researchers found the herbicide reduced the cover of Canada thistle and other nonnatives without strongly affecting native species.

Aminopyralid, along with aminocyclopyrachlor and clopyralid (also plant growth-regulating herbicides), were also tested in a growth chamber trial for their effectiveness in controlling the germination of Scotch broom, a large invasive shrub that often reduces survival of young Douglas-fir. Spraying the soil with each type of herbicide controlled of to 90 percent of the germinating Scotch broom seedlings.

Not all plants introduced to the United States become invasive, but those that do have common traits—rapid growth, prolific vegetative spread or seed production, and the ability to adapt to a variety of landscapes—all of which enable them to outcompete native species. “Many of these invasive species are Eurasian plants which are incredibly competitive, and if you give them a little break, they gain a foothold in the landscape,” says Dave Peter, an ecologist with the Pacific Northwest Research Station in Olympia. “Even an intact native community ultimately might not be able to completely prevent an invasive species from entering the ecosystem.”

Because invasive species cross property lines and jurisdictions, all landowners, whether in urban or rural settings, face the challenges of controlling invasive plant species. “The reason why Green Diamond invests in controlling Scotch broom on our timberlands is because if the plant is left unchecked, it will take over an entire area and choke out the young Douglas-fir seedlings,” says Rick Brooker, a forester with the Shelton, Washington-based Green Diamond Resource Company.

“As the largest custodian of public forest lands in the Pacific Northwest, the U.S. Forest Service has a great responsibility to manage invasive plants on our landscapes so we aren’t sources of infestations of other lands,” says Shawna Bautista, the pesticide use and invasive plant coordinator for U.S. Forest Service’s Pacific Northwest Region. “We also have a responsibility to restore and improve habitats that we manage. The weeds cause very serious

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To provide scientific information to people who make and influence decisions about managing land.

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## KEY FINDINGS

- Even at a low application rate, aminopyralid proved effective in reducing the cover of Canada thistle (*Cirsium arvense*) by 69 percent while reducing the cover of native species by only 29 percent. The threatened mountain blue-eyed grass (*Sisyrhincium sarmatosum*), which is being outcompeted by the Canada thistle, wasn’t affected by application of the herbicide.
- Testing the herbicide at various concentrations revealed that the low application rate had no detectable effect on the total number of plant species in the meadow community; however, the number of plant species declined proportionally with increases in the application rate.
- Applying aminopyralid, aminocyclopyrachlor, and clopyralid to a simulated Scotch broom (*Cytisus scoparius*) seed bank controlled up to 90 percent of the seedlings.
- Because aminopyralid, aminocyclopyrachlor, and clopyralid all effectively controlled Scotch broom germination, land managers can consider the herbicide that is most cost-effective and appropriate for their given area and where the herbicides are registered for use.

ecological, as well as economic, impacts.” In the state of Oregon, the control expenditures and loss of timber revenue from Scotch broom alone total over \$40 million annually.

Land managers have a variety of tools available to control invasive plant species—mechanical (mowing or girdling), manual (hand-pulling or mulching), chemical (herbicides), and biological control (goats, insects, or diseases). The cost and type of landscape being invaded and the target invasive plant determine which removal method is most appropriate. To remove the Canada thistle growing in the Cave Creek meadow, manual and mechanical methods would prove ineffective against the volume of biomass residing belowground, even if the area were accessible by equipment and volunteers. And the resulting disturbance to the ground by applying these methods would disrupt the ecosystem, potentially increasing soil erosion and other environmental effects, explains Vanelle Peterson, senior research scientist with Dow AgroSciences. Plus, the effects of these methods are short-lived, which means that reentry into sensitive native habitat would increase, continually harming the growing site. Controlling Scotch broom via mechanical means is nearly impossible because of the hardness of the shrub, and its long-lived seed bank: a single plant can produce up to 10,000 viable seeds each year, and the seeds can germinate decades after being buried.

For this reason, herbicides are an effective tool when combating invasive plant species. “Because we manage such a huge landscape, we must be able to treat many acres on a minimal budget, and in many cases, herbicides are the most economical way to do it,” Bautista says. Though the use of herbicides is permitted on national forests, each herbicide must

be field-tested, and an environmental analysis must be completed and approved before the herbicide can be included in the Integrated Weed/Pest Management Plan established for each national forest. This is in addition to the review process already required by the Environmental Protection Agency (EPA) before an herbicide is registered. Green Diamond may not have the same lengthy internal review process for approving the use of EPA-registered herbicides on its timberlands, but Brooker has the same concern about the impacts an herbicide will have on the young trees. He and Bautista welcome new research that allows them to apply herbicides more effectively.



The mountain blue-eyed grass, a native iris found in the Gifford Pinchot National Forest’s Cave Creek meadow, is a threatened plant species and is negatively affected by faster growing invasive (nonnative) plant species.

David Stephens

## THISTLE TAKEDOWN

“We have a problem meadow” is how Tim Harrington, a research forester with the Olympia-based Pacific Northwest Research Station, recalls Bautista broaching her research question: Was there an herbicide that could control the Canada thistle growing in a riparian meadow without affecting the threatened mountain blue-eyed grass?

Harrington knew of such an herbicide, aminopyralid, which is a soil-active compound registered for use primarily in natural areas, forests, rangelands and pastures. It is also registered for use in riparian areas because it doesn't affect water quality. Aminopyralid breaks down in the soil and has a 35-day half-life, so it is nearly undetectable in the soil after a year. With Canada thistle “there is virtually no other way to control this plant except with a soil-active herbicide because of the massive biomass belowground,” Harrington explains.

Though many nationwide field studies have shown the herbicide's effectiveness, aminopyralid isn't yet approved for use in the Gifford Pinchot National Forest, nor were data available to show its effects on the blue-eyed grass. Even with the 8- to 10-year development time and the minimum of 120 laboratory studies that companies, such as Dow AgroSciences, invest in developing an herbicide, the studies don't cover all the possible uses out in the field, Peterson explains. To fill that data gap, Harrington and Bautista conducted a study. According to Harrington, this was the first study to test aminopyralid's use in the Pacific Northwest in a forest meadow setting on a native herb, though other studies have been done to look at the effects of aminopyralid on native herbs in the West and Midwest.

While it might seem counterintuitive to apply an herbicide in the presence of a threatened plant species, aminopyralid primarily targets dicots, such as Canada thistle. (Typical characteristics of these broad-leaved plants include a taproot system, branched leaf veins and flower petals in multiples of four or five.) “We strongly suspected the blue-eyed grass wouldn't be harmed because it is a monocot (i.e., a grasslike plant),” Peter says. “So there was really good reason going into this study to think that it wouldn't be harmed.”

In 2009, Harrington and Peter established 36 plots (6 by 6 m), each containing a similar composition of Canada thistle and native species. Peter says that across all the plots, 67 species were represented. There were 56 dicots (34 native and 22 nonnative) and 11 monocots (6 native and 5 nonnative). The blue-eyed grass plants were flagged so they



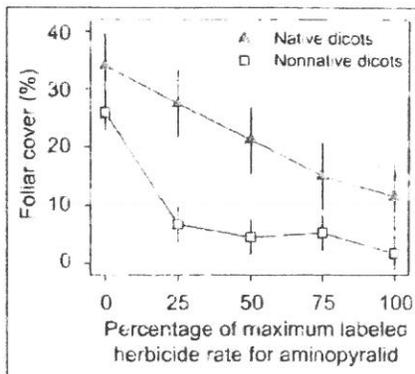
David Stephens

At 1- and 2-year intervals after treatment, researchers visited the plots to assess the cover of the Canada thistle and the associated native and nonnative species in both the nontreated and herbicide-treated plots. The mountain blue-eyed grass was unaffected by the herbicide application.

could be monitored throughout the study. Of these 36 plots, 24 were randomly assigned for treatment in 2009 and 12 for treatment in 2010. The reason for the replication was to conduct a followup study on a smaller scale to see if the same results were observed the following year, Peter explains. Each plot was divided in half: one part sprayed with aminopyralid and the other left nontreated for comparison.

Harrington applied aminopyralid as a foliar spray at sunrise during calm winds to minimize the chance for herbicide drift into the

nontreated plots. Instead of applying aminopyralid at the maximum application rate, which Dow AgroSciences recommends to ensure results on hard-to-control species like Canada thistle, Harrington decided to test whether low rates would be just as effective. His reasoning: low rates would pose less risk to nontarget native plants while still achieving the desired results of controlling the Canada thistle. The plots designated for treatment were randomly assigned an application of 25, 50, 75 or 100 percent of the herbicide's maximum labeled rate. At 1- and 2-year intervals after treatment, Harrington and Peter evaluated the plots to assess the cover of the Canada thistle and the associated native and nonnative species.



Though the applied herbicide targeted all dicot plant species, the invasive meadow dicot plant species saw a greater decrease in foliar cover across the plots than the native meadow dicot species.

Analysis of the percentage of foliar cover for each species revealed that aminopyralid controlled the meadow's nonnative dicots, including Canada thistle, oxeye daisy (*Leucanthemum vulgare*), and red sorrel (*Rumex acetosella*). The lowest application rate of aminopyralid reduced the collective cover of all the invasive dicots by 69 percent while reducing the cover of the native dicots by only 29 percent. Common yarrow (*Achillea millefolium*), a native dicot, had reductions in cover following application of the aminopyralid, but this reduction wasn't observed in every species.

“A few of the native dicot species [selfheal (*Prunella vulgaris*) and thymeleaf speedwell (*Veronica serpyllifolia*)] increased in cover

after the treatment. I was expecting all of the dicots either to be controlled or at least not see a cover increase following the herbicide application," Peter says. Predictably, as the

## STAGING AN ASSAULT

**B**ecause Scotch broom consumes twice as much water as a Douglas-fir seedling and persists on the landscape, it is a shrub that Brooker and other foresters want controlled. "A few Scotch broom plants will quickly take over an area because it has an effective ballistic seed dispersal method," Harrington explains. "It has been estimated that one plant can disperse seeds up to 16 feet."

On Green Diamond plantations composed of Douglas-fir, Scotch broom is typically controlled by an aerial application of clopyralid, as Douglas-fir is unaffected by over-the-top applications of this herbicide.

Harrington's research into controlling Scotch broom came about from a request from Peterson to compare the effectiveness of Dow Agroscience's herbicides, aminopyralid and clopyralid. When these herbicides are absorbed into seeds, "they promote cell division and growth similar to auxin, a naturally occurring plant growth-regulating hormone, but in this case, they cause rapid unbalanced cell division and growth," Harrington explains. If seedlings manage to germinate, they are misshapen and quickly die.

Harrington decided to test whether spraying the seed bank before germination could decrease seedling emergence and survival. Instead of conducting the study in the field, he selected a growth chamber method to observe the germination more closely. An herbicide called aminocyclopyrachlor, another plant growth-regulator herbicide, was also tested.

Scotch broom seeds, collected around Olympia, Washington, were sown in forest soil collected from a site near Matlock, Washington. For the next 90 days, the researchers counted the number of seedlings that emerged and subsequently died. Applications of aminopyralid and clopyralid resulted in an average seedling mortality of 67 percent versus 4 percent in

application rate of aminopyralid increased, the overall species richness decreased.

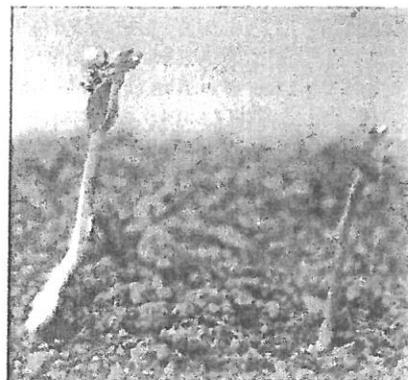
In 2009, Canada thistle cover was reduced by 88 percent, but because of the cooler spring

temperatures in 2010, only a 56 percent reduction was seen. This was due to the plants being immature in development, as the herbicide is found more effective when the plants are in a prebud to early-bud stage of development.



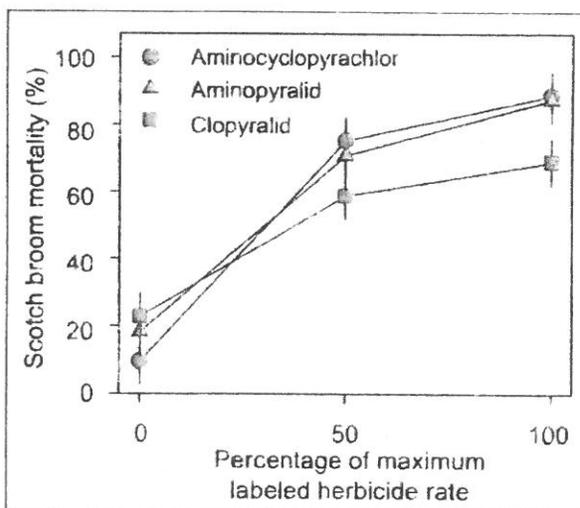
James Dollins

Scotch broom seedlings emerging from soil treated with clopyralid herbicide. Note the swollen toproot, deformed stem, and missing root hairs indicative of injury from a growth-regulator herbicide.



James Dollins

Nontreated seedling of Scotch broom soon after emergence.



Applying herbicides to the simulated Scotch broom seed bank before germination effectively controlled up to 90 percent of seedling germination.

nontreated containers. Applications of aminocyclopyrachlor controlled, on average, 86 percent of the seedling germination compared to 15 percent mortality for nontreated seedlings. When Harrington compared the cost of apply-

ing each herbicide to the resulting seedling mortality, aminopyralid proved the most cost-effective at \$0.54 per percentage of emerged seedlings controlled followed by clopyralid (\$0.95) and aminocyclopyrachlor (\$1.29).

## SHARPENING A TOOL

**H**erbicides are a blunt instrument, Peter says, and Harrington sees his research as honing the effectiveness of this tool. "Herbicides can be applied in an innocuous way where there's almost no impact upon the environment, particularly if you use low rates, a spot treatment method, and have firm objectives about what you are trying to accomplish."

For Peterson, this is welcome news because it demonstrates herbicides can play a role in protecting natural areas. "At Dow AgroSciences, we don't want to harm the native ecosystem, but we want to get rid of the invasive weeds which are a threat to the survival of native species."

Land managers consider the entire native ecosystem before applying herbicides, as their use can have unintended consequences. With the abundance of Canada thistle reduced in the Cave Creek meadow, the nonnative Kentucky bluegrass proceeded to capture its growing space instead of the native meadow species. This is useful information for land managers.

Bautista explains, because “we need to know what the community response will be when applying aminopyralid. In another meadow where we have a mixture of native and non-native species, we know how the grasses will respond with a reduction in the invasive plant species. We will also know which broad-leaved plants are susceptible and tolerant to this particular herbicide. This will help us evaluate whether this herbicide is the right tool for the right place.”

Brooker is taking a similar approach to Harrington’s findings, reviewing them this summer to determine whether they can be incorporated into site-preparation treatments this fall.

*“The only way forward, if we are going to improve the quality of the environment, is to get everybody involved.”*

— Richard Rogers, architect



## LAND MANAGEMENT IMPLICATIONS



- Removal of the Canada thistle resulted in already present Kentucky bluegrass (*Poa pratensis*), a nonnative species, reclaiming the growing space.
- Because a lower herbicide application rate proved effective in controlling the nonnative invasive plant species, land managers have the flexibility to select the most appropriate rate for their objectives.
- Aminopyralid is an effective herbicide against invasive dicot (broadleaf) species and is already approved for consideration to use on national forest lands in the Pacific Northwest Region. Spraying a Scotch broom seed bank with aminopyralid and clopyralid is a cost-effective measure for controlling Scotch broom.
- Aminocyclopyrachlor could be considered for use in controlling Scotch broom in non-forested areas.

### FOR FURTHER READING

DiTomaso, J.M.; Kyser, G.B. 2015. Effects of aminopyralid on California annual grassland plant communities. *Invasive Plant Science and Management*. 8: 98-109.

Harrington, T.B. 2009. Seed germination and seedling emergence of Scotch broom (*Cytisus scoparius*). *Weed Science*. 57: 620-626. <http://www.treeseearch.fs.fed.us/pubs/36198>.

Harrington, T.B. 2014. Synthetic auxin herbicides control germinating Scotch broom (*Cytisus scoparius*). *Weed Technology*. 28: 435-442. <http://www.treeseearch.fs.fed.us/pubs/47574>.

Harrington, T.B.; Peter, D.H.; Devine, W.D. 2014. Two-year effects of aminopyralid on an invaded meadow in the Washington Cascades. *Invasive Plant Science and Management*. 7: 14-24. <http://www.treeseearch.fs.fed.us/pubs/48460>.

Mikkelsen, J.R.; Lynn, R.G. 2013. Effect of aminopyralid on desirable forb species. *Invasive Plant Science and Management*. 6: 30-35.

### PESTICIDE PRECAUTIONARY STATEMENT

This publication reports research involving pesticides. It does not contain recommendations for their use, nor does it imply that the uses discussed here have been registered. All uses of pesticides must be registered by appropriate state or federal agencies, or both, before they can be recommended.

**CAUTION:** Pesticides can be injurious to humans, domestic animals, desirable plants, and fish or other wildlife—if they are not handled or applied properly. Use all pesticides selectively and carefully. Follow recommended practices for the disposal of surplus pesticides and pesticide containers.

### WRITER'S PROFILE

*Andrea Watts is a Seattle-based freelance science writer. She covers a variety of topics including silvicultural research, small company profiles, sustainable agriculture, and senior living. She can be reached at [andwatts@live.com](mailto:andwatts@live.com).*

# Science FINDINGS

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## SCIENTIST PROFILES



**TIM HARRINGTON** is a research forester with the Pacific Northwest Research Station. His research interests include regeneration biology of Scotch broom, herbicide treatments for controlling

invasive, nonnative plant species, and effects of forestry practices on long-term soil productivity. Harrington received his Ph.D. from Oregon State University.



**DAVE PETER** is an ecologist with the Pacific Northwest Research Station. His research interests include invasive species ecology, disturbance effects upon forest succession, and northwestern

Washington fire history and fire ecology. Peter received his Ph.D. from the University of Washington.

*Harrington and Peter can be reached at:*

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Phone: (360) 753-7654  
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## COLLABORATORS

Warren Devine, Washington State Department of Natural Resources

Shawna Bautista and Andrea Ruchty, U.S. Forest Service, Pacific Northwest Region

Vanelle Peterson, Dow AgroSciences LLC

Kent Pittard, DuPont Corporation

Bruce Alber, Wilbur-Ellis Company

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## CONSIDERATIONS REGARDING ROAD VACATION ISSUE

I spoke with Jeff Turk, Property Management Officer for Lane County, regarding the proposal made for Lane County to dedicate all of the roads identified on the map they provided as Local Access Roads, which would then make the roads under the jurisdiction of Dunes City, since they are within the City's limits. The County is asking that Dunes City concur with this action. Mr. Turk indicated that the County would be paying for all recording instruments, surveys, etc. necessary to effect the dedication.

I spoke with the City Attorney about any liability the City may acquire if the roads were dedicated to the City. Lauren Sommers indicated that the liability would be the same liability the City is currently subject to for roadways in the City limits. If a tree falls and causes damage, the City would be held liable. If someone gets hurt, the City may be held liable. The City may have to do brushing and other maintenance if a complaint is made. The City may be under some obligation to ensure the roadways get included on any City road maintenance schedule and the road plan as well.

The up side is that the City would be in a position to make the decisions regarding the use of those road ways, rather than the County making those decisions.

Ms. Sommers indicated that the road vacation process is set out by State law, so it would not be necessary for the City to adopt its own Code. The City would be allowed to recoup all its costs and expenses in the event a property owner makes a request for vacation of the roadway. The City, if it felt it was necessary, could place a condition on any vacation that would place a utility easement on the property at the time of transfer to the requesting property owner.

Ms. Sommers further suggested that the Council may wish to refer the matter to the Road Commission to do an investigation and report back to the Council for a full understanding of the effect of accepting the roads from the County. For example, the Commission might be asked to identify, on a road by road basis, such things as: is the roadway paved or improved in any way; have any structures been placed on the roadways; do the roadways pass through wetland or setback areas; and any other obstacles or advantages to the City's use of the roadways.

## Dunes City Recorder

---

**From:** TURK Jeff R <Jeff.TURK@co.lane.or.us>  
**Sent:** Friday, June 19, 2015 1:59 PM  
**To:** Dunes City Recorder  
**Subject:** Lane County Owned Properies  
**Attachments:** TL 700.pdf; Attachment 2 Foothill.pdf; Dunes City deed.docx; Tsiltcoos Lake Club.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Fred,

I am the Property Manager for Lane County and manage properties owned by the County. There are a couple of properties the County owns in which the County would like the City's assistance in resolving some issues.

The first property can be identified as Assessor's map No. 19-12-27-30-00700. The property was designated as a "playground" and dedicated for public use in the North Addition Plat "A" Westlake subdivision (attached). The property is outside the City's limits and UGB. The County's tax records list City of Dunes as the owner of the property. This is based on a deed from the City of Florence to Dunes City in 1985 (attachment 2).

As the property is not within the city limits of either Florence or Dunes City neither entity would have jurisdiction over property dedicated to the public – the jurisdiction would reside with the County. The City of Florence had no legal interest in the property so it is unclear as to why it was deeded to Dunes City, which also would not have jurisdiction over the property.

The County is considering vacating the playground designation pursuant to a request from Cedar Dunes, LLC who own the remaining lots in the subdivision. Before doing so the County would like to have Dunes City remove its interest in the property as it presents a cloud to title. This can be accomplished by Dunes City conveying its interest via a Quitclaim Deed. Attached is a draft Quitclaim deed that you can reference.

The second property are the "private roads" in the Tsilcoos Lake Club Plat (hashed areas on attached aerial). You may be familiar with them as they have been an issue for many, many years. The County foreclosed on the roads in 2007 due to non-payment of property taxes. Over the years I have fielded calls from adjoining owners asking about their status, can they use the property, can they buy the strip next to their property.

Given the large number of properties affected the County would like to work with the City on a solution that would benefit all parties involved. In discussing the matter with County Counsel, one possible solution would be for the County to dedicate them as Local Access Roads (LAR). Per statute, the county is not required to maintain LARs. Once the roads are designated as LARs, it is my understanding they would come under the jurisdiction of the City as they are within the City's limits. The City could then determine which of the roads could remain public to enhance the city's development. The City could also vacate portions of the road to adjoining owners. Before the County can dedicate the roads it would need concurrence from the City.

This is a complicated situation and I would like to discuss it with you. Thanks.

Jeff Turk  
Property Management Officer



## SHARED DOMESTIC WATER SUPPLY ORDINANCE

### BACKGROUND INFORMATION AND SUPPORTING DOCUMENTATION

**ORD. 165:** On November 13, 2003, the Dunes City Council adopted Ordinance No. 165, which authorized the sharing of the waters permitted for use by the City under Permit #533923, and to charge a fee to cover the costs and expenses of sharing the right and to recover annual administration costs. The Ordinance established that Dunes City would not guarantee the quality of the water right.

Ordinance No. 165 failed to identify where in the Dunes City Code the provisions should be placed (failed to codify).

**RES. 01-08-04:** The City Council set the administration fee at \$100 per year and established application fees for various “classes” of individuals.

Unfortunately, the Resolution also adopted definitions and established the various classes. This cannot be done by Resolution. It must be done by Ordinance. Otherwise it is likely unenforceable.

**RES. 11-10-04:** Repealed Res. 01-08-04. It also established definitions and classes and set fees for those various classes. Again, it is likely this is unenforceable as it was not done by Ordinance.

**ORD. 185:** Adopted September 14, 2006, established penalties and fees for failure to pay amounts owed to the City under repealed Resolution 01-08-04 (should have been 11-10-04 as 01-08-04 had already been repealed). Also requires monthly meter reading reporting and sets out actions to be taken by the City if property owner fails to comply.

Ordinance No. 185 failed to identify where in the Dunes City Code the provisions should be placed (wasn't codified).

**ORD. 192.** Repealed Ordinance No. 185, adopted April 12, 2007, established a time period within which the administration fee established by Res 01-08-04 must be paid and provided for penalties and lien of the property for failure to pay.

It also established mandatory monthly meter readings to be done by the property owner and provided the various mechanisms meter readings can be reported the City. Allows for City to read meters if meter readings are not reported within a specific time period and property owner will be billed for the service. It authorizes the levy of a penalty against the property owner as well.

The Ordinance also established the dollar value of any penalty and established the process by which penalties are assessed, noticed, appealed, etc. The Ordinance provides for liens to be placed against the property under certain circumstances.

Ordinance 192 failed to identify where in the Dunes City Code the provisions should be placed (it wasn't codified).

**RES. 06-14-07(A)**, adopted June 14, 2007, raised the annual administrative charges to \$150 per year for all classes of water users.

**RES. Series 2011, No. 5 (06-09-2011)**, reduced the annual administrative charges to \$100 per year for all classes of water users.

Consequently, since it repealed Ord. 185, which repealed Ord. 165, Ordinance 192 is the only remaining language still in effect regarding the Shared Domestic Water Supply (except for the administrative fee amounts set by Resolution by the Council).

CURRENT LANGUAGE OF ORDINANCE 192 IS IN BLACK INK.  
LANGUAGE PREVIOUSLY CONTAINED IN ORD. 165 IS IN BLUE.  
LANGUAGE CONTAINED IN PRIOR RESOLUTIONS IS IN GREEN.  
CHANGES PROPOSED ARE IN RED.  
MANY OF THE PROPOSED CHANGES CONFIRM PERMIT REQUIREMENTS AND THE  
CONTRACTS SIGNED BY THE INDIVIDUAL PROPERTY OWNERS.

## Chapter 51 Shared Domestic Water Right Program

### §51.10 *Established.*

The Dunes City Shared Domestic Water Right Program is hereby established whereby Dunes City agrees to share its domestic water right assigned Oregon Water Resources Department Permit No. S33923 (Application No. 45456) for the diversion of water from Woahink Lake.

### §51.20 *Definitions.*

For the purposes of this section, the following definitions will apply unless the context clearly indicates or requires a different meaning:

**APPLICANT.** An individual owning property in Dunes City who applies to Dunes City for a permit to share Dunes City's domestic water right permit for diversion of water from Woahink Lake. Each applicant shall provide legal access, by easement appurtenant to the land or by fee simple absolute, for the water line between the point of diversion and the point of use.

**DOMESTIC USE.** Water used for all domestic purposes including, but not limited to, human and pet consumption, bathing, food preparation, and personal and household hygiene, and for the irrigation of not more than one-half (1/2) acre of landscaping. Domestic use does not include motor vehicle washing.

**POINT OF DIVERSION.** The surveyed location of where water is diverted from Woahink Lake.

**POINT OF USE.** The surveyed location of where water diverted from Woahink Lake is actually used.

**STANDARD WATER METER.** The standard water meter shall be "5/8 x 3/4" diameter with a minimum 12" rectangular water box or as otherwise designated by Dunes City.

**SURVEY.** Creating a longitudinal and latitudinal position for a point of diversion and a point of use to a survey-grade accuracy.

**WATER DISTRIBUTION COMPANIES.** A for profit corporation or other entity, including home owner associations, that provides domestic water service to more than Twenty (20) homes.

**WATER METER.** An instrument for measuring the volume of water flowing through a point during a fixed period of time.

**§51.30 Prohibitions.**

Drawing and using Woahink Lake water without a properly issued State permit or without an approved permit to participate in Dunes City's Shared Domestic Water Right Program is prohibited.

**§51.40 Application.**

A. New Applicant. A property owner desiring or required by the State of Oregon to apply for a permit to utilize Dunes City's domestic water right permit for diversion of water from Woahink Lake to serve property within Dunes City who has not already been diverting water from Woahink Lake without a permit, must make application to Dunes City on forms provided by Dunes City. The application must be accompanied by an application fee as set by the City Council and include a survey prepared by an Oregon licensed surveyor designating each point of diversion and each proposed place of use. No more than two (2) points of diversion per tax lot will be permitted.

B. Existing Non-Permitted Applicant. A Property owner desiring or required by the State of Oregon to apply for a permit to utilize Dunes City's domestic water right permit for diversion of water from Woahink Lake to serve property within Dunes City who has been diverting water from Woahink Lake without a permit, must make application to Dunes City on forms provided by Dunes City. The application must be accompanied by an application fee and penalty as set by the City Council and include a survey prepared by an Oregon licensed surveyor designating each point of diversion and each proposed place of use. No more than two (2) points of diversion per tax lot will be permitted.

C. Reservation Applicant. A property owner desiring to reserve the right to utilize Dunes City's domestic water right permit for diversion of water from Woahink Lake to serve property within Dunes City upon which future development will take place must make application to Dunes City on forms provided by Dunes City. The application must be accompanied by an application fee as set by the City Council. Prior to construction of any residential or commercial building upon the property, a survey must be prepared by an Oregon licensed surveyor and submitted to Dunes City designating each point of diversion and each proposed place of use. No more than two (2) points of diversion per tax lot will be permitted.

\*NOTE: Resolution 01-08-04 essentially establishes the “reservation applicant” but the language is different and focuses on the amount of the fees to be paid.

D. Water Distribution Companies. A for profit corporation, or other entity, including a homeowners’s association, that provides domestic water service to greater than TWENTY (20) properties who desires to apply for a permit to utilize Dunes City’s domestic water right permit for diversion of water from Woahink Lake to serve property within Dunes City who has not already been diverting water under an existing Dunes City domestic water right permit must make application to Dunes City on forms provided by Dunes City. The application must be accompanied by an application fee as set by the City Council and include a survey prepared by an Oregon licensed surveyor designating each point of diversion and each proposed place of use. No more than two (2) points of diversion per tax lot will be permitted.

\*NOTE: Resolution 01-08-04 essentially established the community water system and focuses on the amount of fees to be paid, but the language is different.

E. Transfer of Ownership. Any time a property that has been granted a permit to participate in the Dunes City Shared Domestic Water Supply is sold or otherwise transfers ownership, the new owner or owners of said property must make application to Dunes City on forms provided by Dunes City. The application must be accompanied by an application fee as set by the City Council, as well as a copy of the document that conveyed title to the property to the new owner(s).

**§51.50 Fees and Costs.**

The City Council shall, by resolution, establish an application fee to cover the full expense of sharing its domestic water right with property owners and water distribution companies; said expense shall include, but may not be limited to, the application fee with the Oregon Department of Water Resources for the amendment to the City’s water right, surveying expenses, legal expenditures, extension fees, recording fees and administrative costs. The City Council will also impose, by resolution, an annual fee to cover water meter reading, the maintenance of records, reporting costs and other necessary administrative costs. The City Council may also impose, by resolution, a charge for water use by water distribution companies based on volume of water used.

**§51.60 New Meters.**

From and after the date of adoption of this Code, property owners and water distribution companies issued a permit or permits to participate in Dunes City’s Shared Domestic Water Right Program must install, or allow Dunes City, or its designee, to install, metering devices to measure the volume of water being diverted to the property for domestic

purposes. A meter must be installed for every point of diversion. Meters must be located in an easily accessible and visible location between the pump and the water treatment system on the outside of any structures, but in any event, the system must measure the volume of all, to the greatest extent possible, of the water used on the property for all purposes.

**§51.70            *Relocation of Existing Meters.***

During its budget process, Dunes City will identify the number of inaccessible meters to be moved during the coming fiscal year. Property owners must allow Dunes City, or its designees, to enter on to the property for purposes of relocating the meters to an easily accessible and visible location on the outside of any structures. Failure to allow Dunes City access to the property may result in revocation of the permit to participate in the Dunes City Shared Domestic Water Right Program.

**§51.80            *Domestic Water Quality and Quantity.***

The City does not warrant or otherwise guarantee the quality or quantity of the water diverted through the use of its domestic water right.

**§51.90            *Payment of Administrative Fees.***

Payment of fees as described in §51.30 must be received by the City Recorder within thirty (30) calendar days of the mailing of invoice. The annual fee shall be increased by a sum of \$1.00 per calendar day that payment is not received after its due date. Failure to pay the annual fee within ninety (90) calendar days after its due date may result in the imposition of additional penalties and a lien against the property or properties benefiting from the water permit in accordance with the process delineated in Chapter 36 of the Dunes City Code of Ordinances.

**§51.100          *Water Usage Reporting.***

A. Property owners and water distribution companies sharing Dunes City's domestic water right are responsible for reporting water usage on a monthly basis, or at intervals otherwise designated by the City. Reporting may be by telephone, personal contact, electronic message or by mail. If a property owner has not reported a meter reading within sixty (60) days of the month that it is due, the City may contract to have the meter read and the property owner billed for that service and may levy a penalty against the property owner.

B. Dunes City will contract to have the meters read once a year on residential properties not served by a water distribution company. Property owners holding valid permits must allow meter readers onto their property for purposes of reading the meters. If the meter is located in an inaccessible location, the meter readers will contact the property owners to

make arrangements to have the meters read. Failure to allow Dunes City meter readers onto the property for purposes of reading the meters may result in revocation of the permit to participate in Dunes City's Shared Domestic Water Right Program.

**§51.110      *Use without a Permit***

A.      A penalty of \$100 per year, from and after June 1, 2007, is assessed against any property owner who has been drawing water from Woahink Lake without a permit to use Dunes City's Shared Domestic Water Right. Such penalty will be collected in accordance with the terms of Chapter 36 of the Dunes City Code. Said penalty must be fully paid at the time of application for permit to participate in Dunes City's Shared Domestic Water Right Program. Failure to pay said penalty will result in denial of the permit.

B.      Property owners identified or suspected of drawing water from Woahink Lake without a Dunes City Shared Domestic Water Right Permit will be reported to the State enforcement authority for further investigation and possible disciplinary action.

**ORDINANCE NO. 165**

**AN ORDINANCE AUTHORIZING THE SHARING OF THE CITY'S DOMESTIC WATER RIGHT AND THE ESTABLISHMENT OF AN APPLICATION FEE**

**WHEREAS**, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department and this water right may be amended to include additional diversion locations; and

**WHEREAS**, certain property owners currently utilizing surface water from Woahink Lake do not have a water right authorizing the use of this water source and have requested that Dunes City share its domestic water right; and

**WHEREAS**, the Oregon Water Resources Department encourages Dunes City to share its domestic water right with Dunes City private property owners that do not have a water right for diversion of surface water from Woahink Lake; and

**WHEREAS**, further delays in sharing the City's domestic water right will create a hardship for the citizens of Dunes City that utilize Woahink Lake as a source of domestic water; and

**WHEREAS**, the expense of amending a permit for a domestic water right includes the cost of a amendment fee, survey costs to show the point of diversion, and legal and administrative costs; and

**WHEREAS**, Dunes City must charge a fee to recoup its costs of amending its domestic water right permit and administering the permit process for sharing its domestic water right.

**NOW THEREFORE, Dunes City ordains as follows:**

**Section 1.** The City Council agrees to share its domestic water right to extract surface water from Woahink Lake with Dunes City property owners.

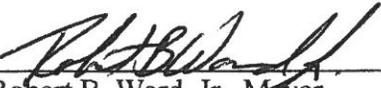
**Section 2.** The City Council shall, by resolution, establish an application fee to cover the full expense of sharing its domestic water right with private property owners; said expense shall include but may not be limited to, the application fee with the Oregon Department of Water Resources for the amendment to the City's water right, surveying expenses, legal expenditures and administrative costs. The City Council shall also impose an annual fee to cover water meter reading, the maintenance of records and other necessary administrative costs.

**Section 3.** The City does not warrant or otherwise guarantee the quality of the water diverted through the use of its domestic water right.

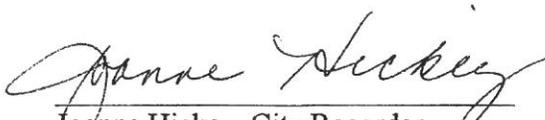
**Section 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 13th DAY OF NOVEMBER,  
2003.**

Ayes: 5      Nays: 1      Abstain: \_\_\_\_\_      Absent: \_\_\_\_\_

  
\_\_\_\_\_  
Robert B. Ward, Jr., Mayor

ATTEST:

  
\_\_\_\_\_  
Joanne Hickey, City Recorder

**RESOLUTION NO. 01-08-04**

**RESOLUTION ADOPTING A WATER USE PERMIT APPLICATION FEE**

**WHEREAS**, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

**WHEREAS**, Dunes City is able to provide water from Woahink Lake to Dunes City property owners if the City amends its domestic water right permit to show new diversion extensions; and

**WHEREAS**, the expense of amending a permit for a domestic water right permit includes the cost of a permit amendment fee, survey costs to show the point of diversion, and legal and administrative costs; and

**WHEREAS**, City expenses of sharing its water right with private property owners also includes the purchase and installation of water meters; and

**WHEREAS**, Dunes City must charge a fee to recover the cost of amending its domestic water right permit and administering the permit process for sharing its domestic water right.

**NOW THEREFORE BE IT RESOLVED** that Dunes City enact the following:

**Section 1. Definitions.**

Applicant. An individual owning property in Dunes City who applies to Dunes City for a permit to share Dunes City's domestic water right permit for diversion of water from Woahink Lake. Each applicant shall provide legal access, by easement appurtenant to the land or by fee simple absolute, for the water line between the point of diversion and the point of use.

Point of Diversion. The surveyed location of where water is diverted from Woahink Lake.

Point of Use. The surveyed location of where water diverted from Woahink Lake is actually used.

Standard Water Meter. The standard water meter shall be 5/8"x 3/4" diameter with 12" rectangular water box.

Survey. Creating a longitudinal and latitudinal position for a point of diversion and a point of use to a survey- grade accuracy.

Water Meter. An instrument for measuring the volume of water flowing through a point during a fixed period of time.

**Section 2. Application.** An application fee shall be charged to individual property owners for a permit to utilize Dunes City's domestic water right permit for diversion of water from Woahink Lake to serve property within Dunes City. This fee is intended to cover anticipated administrative and legal expenditures, as well as the costs incurred for materials and services, surveys and standard water meters. The application fee is based upon the use of a standard-size water meter for each point of diversion and shall be computed as follows:

February 29

February 29

a. For individual property owners who apply for a permit from the City by ~~January 31,~~ 2004, the fee shall be \$600. The application fee for individual property owners applying for a permit after ~~January 31,~~ 2004, shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion.

February 29

b. For existing community water systems that apply for a permit from the City by ~~January 31,~~ 2004, the fee shall be \$600 plus a \$100 hook-up fee per structure connected to the community water system and the cost of providing a larger than standard-sized water meter. The application fee for community water systems that apply for a permit from the City after ~~January 31,~~ 2004, shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion; a \$100 hook-up fee per structure connected to the community water system; and the cost of providing a larger than standard-sized water meter.

February 29

February 29

c. For vacant property owned by individual owners who apply for a permit from the City by ~~January 31,~~ 2004, the fee shall be \$150 plus \$450 at the time of the installation of a water meter. The application fee for vacant property owned by individual owners applying for a permit after ~~January 31,~~ 2004, shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion.

February 29

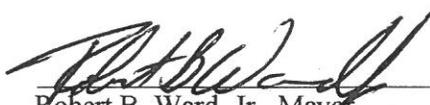
**Section 3. Administrative Fee.** With the exception of permit holders that qualify under Section 2.c. above and have not yet installed a water meter, an annual \$100 administrative fee shall be charged to each permit holder for the maintenance of records, meter reading and all other administrative costs associated with the use of Dunes City's domestic water right on Woahink Lake. Permit holders qualifying under Section 2.c. shall be charged an annual administrative fee, or prorated portion thereof, within one year of installing a water meter.

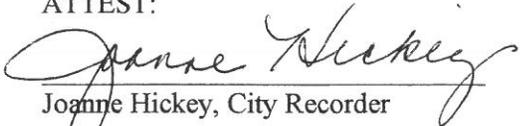
**Section 4. Additional Fees.** Should actual costs exceed the application fee, the applicant will be required to pay such fees within 30 days of their imposition.

**Section 5. Effective Date.** This resolution shall go into effect on the 9th day of January, 2004.

**ADOPTED BY THE DUNES CITY COUNCIL this 8th day of January, 2004.**

Ayes: 5 Nays: 1 Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

  
Robert B. Ward, Jr., Mayor

ATTEST:  
  
Joanne Hickey, City Recorder

**RESOLUTION NO. 11-10-04**

**A RESOLUTION ADOPTING A WATER USE PERMIT APPLICATION FEE AND  
REPEALING RESOLUTION 01-08-04(A)**

**WHEREAS**, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

**WHEREAS**, Dunes City adopted Resolution No. 01-08-04(A) on January 8, 2004 to establish application and administrative fees for property owners and community water systems that utilize the City's Woahink Lake domestic water right; and

**WHEREAS**, Resolution No. 01-08-04(A) did not address application fees for water lines used solely for the purposes of irrigation.

**NOW THEREFORE BE IT RESOLVED** that Dunes City enact the following:

**Section 1. Definitions.**

Applicant. An individual owning property in Dunes City who applies to Dunes City for a permit to share Dunes City's domestic water right permit for diversion of water from Woahink Lake. Each applicant shall provide legal access, by easement appurtenant to the land or by fee simple absolute, for the water line between the point of diversion and the point of use.

Point of Diversion. The surveyed location of where water is diverted from Woahink Lake.

Point of Use. The surveyed location of where water diverted from Woahink Lake is actually used.

Standard Water Meter. The standard water meter shall be "5/8x3/4" diameter with 12" rectangular water box.

Survey. Creating a longitudinal and latitudinal position for a point of diversion and a point of use to a survey grade accuracy.

Water Meter: An instrument for measuring the volume of water flowing through a point during a fixed period of time.

**Section 2. Application.** An application fee shall be charged to individual property owners for a permit to utilize Dunes City's domestic water right permit for diversion of water from Woahink Lake to serve property within Dunes City. This fee is intended to cover anticipated administrative and legal expenditures, as well as the costs incurred for materials and services, surveys and standard water meters. The application fee is based upon the use of a standard-size water meter for each point of diversion shall be computed as follows:

a. For individual property owners who apply for a permit from the City by January 31, 2004 the fee shall be \$600. The application fee for individual property owners applying for a permit after January 31, 2004 shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion.

b. For existing community water systems that apply for a permit from the City by January 31, 2004 the fee shall be \$600 plus a \$100 hook-up fee per structure connected to the community water system and the cost of providing a larger than standard-sized water meter. The application fee for community water systems that apply for a permit from the City after January 31, 2004 shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed survey for each point of diversion; a \$100 hook-up fee per structure connected to the community water system; and the cost of providing a larger than standard-sized water meter.

c. For vacant property owned by individual owners who apply for a permit from the City by January 31, 2004, the fee shall be \$150 plus \$450 at the time of the installation of a water meter. The application fee for vacant property owned by individual owners applying for a permit after January 31, 2004 shall be \$700. This latter application fee shall be accompanied by survey prepared by an Oregon licensed surveyor for each point of diversion.

d. For water lines used exclusively for irrigation purposes the application fee shall be \$265 to defray the cost of a water meter, its installation, and administrative costs.

**Section 3. Administrative Fee.** With the exception of permit holders that qualify under Section 2.c., above, and that have not yet installed a water meter, an annual administrative fee shall be charged to each permit holder for the maintenance of records, meter reading and all other administrative costs associated with the use of Dunes City's domestic water right on Woahink Lake.

a. Except as provided in Section 3.c., permit holders qualifying under Sections 2.a. and 2.b shall be charged an annual administrative fee of \$100.

b. Permit holders qualifying under Section 2.c. shall be charged an annual administrative fee, or prorated portion thereof, within one year of installing a water meter.

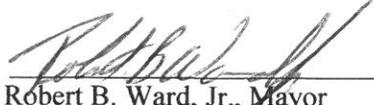
c. Permit holders shall be charged an annual administrative fee of \$50 for each irrigation-only line.

**Section 4. Additional Fees.** Should actual costs exceed the application fee, the applicant will be required to pay such fees within 30 days of their imposition.

**Section 5. Repeal.** This resolution repeals Resolution 01-08-04.

**ADOPTED BY THE DUNES CITY COUNCIL this 10th day of November, 2004.**

Ayes: 6 Nays: 0 Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

  
Robert B. Ward, Jr., Mayor

ATTEST:

  
Joanne Hickey, City Recorder

**ORDINANCE NO. 185**

**AN ORDINANCE PROVIDING FOR PENALTIES FOR FAILURE TO PAY ANNUAL ADMINISTRATIVE WATER PERMIT FEES OR REPORT WATER METER READINGS IN A TIMELY MANNER**

**WHEREAS**, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

**WHEREAS**, the City Council of Dunes City adopted Ordinance 165 on November 13, 2003, authorizing the sharing of its domestic water right and establishing the right to adopt administrative fees; and

**WHEREAS**, Dunes City adopted Resolution No. 01-08-04 on January 8, 2004 to establish application and administrative fees for property owners and community water systems that utilize the City's Woahink Lake domestic water right. Resolution No. 01-08-04 did not contain penalties for permit holders who do not pay their annual administrative fee or who do not report their water meter readings in a timely manner; and

**WHEREAS**, the Oregon Water Resources Department requires that property owners sharing Dunes City domestic water right monitor their water usage through the use of a water meter and that water usage be reported on a monthly basis; and

**WHEREAS**, the cost of enforcing City regulations regarding water meter reporting and the timely payment of annual administrative fees has become a burden on staff and a significant expense to the City.

**NOW THEREFORE, Dunes City ordains as follows :**

**Section 1.** Payment of the annual Dunes City domestic administrative water permit fee established by Resolution 01-08-04, shall be received by the City within 30 days of the mailing of invoice or a \$25 late fee shall be imposed. Failure to pay the annual fee within 90 days after its due date may result in termination of the property owner's water right.

**Section 2.** Property owners sharing Dunes City's domestic water right are responsible for reporting water usage on a monthly basis, or at intervals otherwise designated by the City. Reporting is to be completed on the postcards provided by the City and received no later than the tenth of the month. If a property owner has not reported a meter reading within 60 days of the month that it is due, the City may contract to have the meter read and the property owner billed for that service.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 14<sup>th</sup> DAY OF SEPTEMBER, 2006.**

Ayes: 6

Nays: 0

Abstain: 0

Absent: 0

[Signed copy available at City Hall]  
Sheldon Meyer, Mayor

ATTEST:

[Signed copy available at City Hall]  
Joanne Hickey, City Recorder

## ORDINANCE NO. 192

### AN ORDINANCE REPEALING ORDINANCE 185 AND PROVIDING FOR PENALTIES FOR FAILURE TO PAY ANNUAL ADMINISTRATIVE WATER PERMIT FEES OR REPORT WATER METER READINGS IN A TIMELY MANNER

**WHEREAS**, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

**WHEREAS**, the City Council of Dunes City adopted Ordinance 165 on November 13, 2003, authorizing the sharing of its domestic water right and establishing the right to adopt administrative fees; and

**WHEREAS**, Dunes City adopted Resolution No. 01-08-04 on January 8, 2004 to establish application and administrative fees for property owners and community water systems that utilize the City's Woahink Lake domestic water right. Resolution No. 01-08-04 did not contain penalties for permit holders who do not pay their annual administrative fee or who do not report their water meter readings in a timely manner; and

**WHEREAS**, the Oregon Water Resources Department requires that property owners sharing Dunes City domestic water right monitor their water usage through the use of a water meter and that water usage be reported on a monthly basis; and

**WHEREAS**, the cost of enforcing city regulations regarding water meter reporting and the timely payment of annual administrative fees has become a burden on staff and a significant expense to the City.

**NOW THEREFORE, Dunes City ordains as follows :**

**Section 1. Repeal.** Ordinance 185 is hereby repealed upon the effective date of this Ordinance.

**Section 2. Administrative Fee.** Payment of the annual Dunes City domestic water permit fee established by Resolution 01-08-04 shall be received by the City within 30 days of the mailing of invoice. The annual fee shall be increased \$1 for each calendar day that the payment is not received after its due date. Failure to pay the annual administrative fee within 90 days after its due date may result in ~~termination of the property owner's water right~~ the imposition of additional penalties and a lien against the property or properties benefiting from the water permit.

**Section 3. Water Usage Reporting.** Property owners sharing Dunes City's domestic water right are responsible for reporting water usage on a monthly basis, or at intervals otherwise designated by the City. Reporting may be by telephone, personal contact, electronic message or by mail. If a property owner has not reported a meter reading within 60 days of the month that it is due, the City may contract to have the meter read and the property owner billed for that service and may levy a penalty against the property owner.

**Section 4. Penalties.** The city council may authorize a penalty of up to \$150 per occurrence for failure to pay the annual administrative fee within 90 days after its due date or for

failure to report a meter reading within 60 days of the month that it is due. Prior to assessing a penalty against a property owner, the City Recorder shall send to the owner, by registered or certified mail, a notice stating (1) the amount of the penalty and the administrative fee owed; (2) that the cost will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice; and (3) that if the property owner objects to the penalty and or administrative fee, he or she may file a written notice of objection with the Recorder not more than ten days from the date of the notice and request a hearing before the City Council. The City Council shall consider and determine the written objection at its next regularly scheduled council meeting.

**Section 5. Lien.** If the penalty and administrative fee are not paid within 30 days from the date of the notice or from the assessment of the cost stated or determined by the Council, the cost of the penalty and fee shall be made by resolution and entered in the docket of city liens and with the Lane County Department of Deeds and Records and shall constitute a lien on the property.

The lien may be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the legal rate of interest. The interest shall commence to run from the date of the entry of the lien in the lien docket.

An error in the name of the property owner or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 12<sup>th</sup> DAY OF APRIL, 2007.**

Ayes:   6  

Nays:   0  

Abstain:   0  

Absent:   0  

[Signed copy available at City Hall]  
Sheldon Meyer Mayor

ATTEST:

[Signed copy available at City Hall]  
Joanne Hickey, City Recorder

**RESOLUTION NO. 06-14-07 (A)**

**RESOLUTION AMENDING THE ANNUAL ADMINISTRATIVE FEE FOR WATER  
RIGHT PERMIT HOLDERS**

**WHEREAS**, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

**WHEREAS**, Dunes City adopted Resolution No. 01-08-04 on January 8, 2004 to establish an annual administrative fee to cover the expense of the maintenance of records, meter reading and all other administrative costs associated with the use of Dunes City's domestic water right on Woahink Lake; and

**WHEREAS**, Dunes City adopted Resolution No. 11-10-04 on November 10, 2004 to establish an annual administrative fee for each permit holder with an irrigation-only line.

**WHEREAS**, the City Council has determined that non-compliance with water meter reporting and the issuance of fewer than expected permits have created a situation where the administrative fees set by Resolutions No. 01-08-04 and 11-10-04 are insufficient to recover the full costs of administering the city's domestic water right permit system and provide for a reserve for future meter replacements.

**NOW THEREFORE BE IT RESOLVED** that Dunes City enact the following:

**Section 1.** The annual administrative fees associated with the use of Dunes City's domestic water right on Woahink Lake are modified as follows:

- a. The annual administrative fee for a property owner shall be \$150.
- b. The annual administrative fee for a community system shall be \$150.
- c. The annual administrative fee for a permit holder with an irrigation-only line shall be \$150.

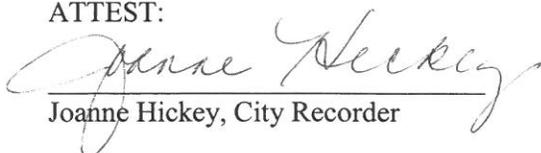
**ADOPTED BY THE DUNES CITY COUNCIL this 14th day of June, 2007.**

Ayes: 6      Nays: 0      Abstain: \_\_\_\_\_      Absent: \_\_\_\_\_



Sheldon Meyer, Mayor

ATTEST:

  
Joanne Hickey, City Recorder

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2011, NO. 5 (06-09-2011)**

**RESOLUTION AMENDING THE ANNUAL ADMINISTRATIVE FEE FOR WATER  
RIGHT PERMIT HOLDERS**

**WHEREAS**, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

**WHEREAS**, Dunes City adopted Resolution No. 01-08-04 on January 8, 2004 to establish an annual administrative fee to cover the expense of the maintenance of records, meter reading and all other administrative costs associated with the use of Dunes City's domestic water right on Woahink Lake; and

**WHEREAS**, Dunes City adopted Resolution No. 11-10-04 on November 10, 2004 to establish an annual administrative fee for each permit holder with an irrigation only line.

**WHEREAS**, the City Council has determined that the administrative fees set by Resolutions No. 01-08-04 and 11-10-04 are more than needed by the City to administer the Water Rights Compliance Fund, including an amount sufficient to provide for a reserve for future operating costs.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of Dunes City, Oregon, to enact the following fee schedule for Administration of the Water Rights Compliance Fund.**

**Section 1.** The annual administrative fees associated with the use of Dunes City's domestic water right on Woahink Lake are modified as follows:

- a. The annual administrative fee for a property owner shall be \$100.
- b. The annual administrative fee for a community system shall be \$100.
- c. The annual administrative fee for a permit holder with an irrigation only line shall be \$100.

**ADOPTED BY THE DUNES CITY COUNCIL OREGON, THIS 9<sup>th</sup> DAY OF JUNE, 2011.**

Ayes:   5   Nays:   0   Abstain:   0   Absent:   1   Vacant:   0  

  
Rebecca Ruede, Mayor

ATTEST:

  
Fred Hilden, City Recorder

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2011, NO. 5 (06-09-2011)**

**RESOLUTION AMENDING THE ANNUAL ADMINISTRATIVE FEE FOR WATER  
RIGHT PERMIT HOLDERS**

**WHEREAS**, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

**WHEREAS**, Dunes City adopted Resolution No. 01-08-04 on January 8, 2004 to establish an annual administrative fee to cover the expense of the maintenance of records, meter reading and all other administrative costs associated with the use of Dunes City's domestic water right on Woahink Lake; and

**WHEREAS**, Dunes City adopted Resolution No. 11-10-04 on November 10, 2004 to establish an annual administrative fee for each permit holder with an irrigation only line.

**WHEREAS**, the City Council has determined that the administrative fees set by Resolutions No. 01-08-04 and 11-10-04 are more than needed by the City to administer the Water Rights Compliance Fund, including an amount sufficient to provide for a reserve for future operating costs.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of Dunes City, Oregon, to enact the following fee schedule for Administration of the Water Rights Compliance Fund.**

**Section 1.** The annual administrative fees associated with the use of Dunes City's domestic water right on Woahink Lake are modified as follows:

- a. The annual administrative fee for a property owner shall be \$100.
- b. The annual administrative fee for a community system shall be \$100.
- c. The annual administrative fee for a permit holder with an irrigation only line shall be \$100.

**ADOPTED BY THE DUNES CITY COUNCIL OREGON, THIS 9<sup>th</sup> DAY OF JUNE, 2011.**

Ayes:   5   Nays:   0   Abstain:   0   Absent:   1   Vacant:   0  

  
Rebecca Ruede, Mayor

ATTEST:

  
Fred Hilden, City Recorder



## Official Business Only

Dunes City Logo = 12"x18" = \$20 each

Official Business Only 2"x18" = \$15 each

Car Strips 12"x18" = \$20 each side

Employees and Committee Members can the drive city car by providing a copy of a valid driver's license that will be kept at City Hall.

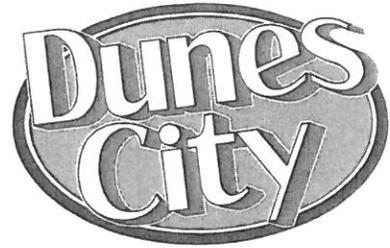
Date: 9/29/15 Weather: Overcast 12.7 Personnel: J. Curran, D. Demas, S. Hayes  
 M. Chavellov

Site	Time	Secchi	Depth	Temp	Cond	DO	Sample	Chla?	Nutr?	pH	Turb
Outlet	10:55	16.6	sfc	18.9	67.9	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Atlas	10:20	14.7	sfc	19.0	67.9	XXXXX	✓	No. Phy		7.06 <sup>18°</sup>	0.89
43°55.06' (55°3.6"N)			z=18.1	15.8		0.0 <sup>19</sup>	?	XXXXX	?	XXXXX	XXXXX
124°05.78' (5°46.8"W)			15m	18.6		7.7 <sup>2</sup>	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
			10m	18.6		7.8 <sup>302</sup>	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
			2m	18.8		7.3 <sup>3</sup>	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Br. 1	11:20	16.5	sfc	18.6	68.0	?	✓			7.30 <sup>18°</sup>	0.78
Br. 2	11:25	16.0	sfc	18.5	68	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Br. 3	11:40	16.7	sfc	18.9	67.7	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
W'lake	12:00	>6.8	sfc	16.9	80.2	?	✓			7.57 <sup>18</sup>	1.11

B

## Emergency Services Report to City Council

October 8, 2015 ~ Prepared by Jamie Mills



I attended the West Lane Emergency Operations Group regular meeting on Monday, September 15, 2015, representing Dunes City and both meetings.

Lane County Emergency Operations Manager, Linda Cook, gave a presentation on the upcoming Cascadia Rising exercise to be held in June of 2016. This multi-state, multi-jurisdictional exercise will simulate a full rupture event, and subsequent tsunamis and after-shocks, in the mid-morning of June 6<sup>th</sup>, and will fully test all participating jurisdictions' responses, resources and reactions over the next three days. The purpose of the event is to identify deficiencies in resources, training, critical services, and responses to more fully prepare for what is now being called "the inevitable" event.

WLEOG Chairman Megan Messmer reported on the efforts to retain Blue Cell for continuing Active Shooter planning, preparation and training. Stacy Burr reported that the Emergency Operations Plan rewrite is on track and moving forward as planned. Chief Langborg presented his Emergency Management Coordinator's report, which is attached.

Megan also reminded all members that reviews and comments to the Draft Emergency Operations Plan are due to Stacy this month.

Lane County's contractor, Greg Wobbe, will be meeting with both Dunes City and the City of Florence regarding the Hazard Mitigation Plan on Tuesday, September 22<sup>nd</sup>. Dunes City's meeting will be at 11:00 a.m.

The next meeting of the West Lane Emergency Operations Group will be Monday, October 19<sup>th</sup>. A location has not yet been announced.

Respectfully submitted,

Jamie Mills  
Former Dunes City Council President  
Current Acting City Administrator

**WEST LANE EMERGENCY OPERATIONS GROUP**  
**MINUTES AUGUST 17, 2015**

**MEMBERS PRESENT:**

Siuslaw Valley Fire & Rescue: Jim Langborg  
WLA: Charlie York  
CTCLUSI: Absent  
Dunes City: Fred Hilden  
City of Florence: Megan Messmer  
PeaceHealth: Patrick Kirby  
Mapleton Fire Department: Dave Haberman  
Port of Siuslaw: Bob Forsythe

**ASSOCIATE MEMBERS:**

West Lane ARES/RACES:  
Greentrees:  
Lane Community College  
Oregon Episcopal Diocese  
Florence Emergency Cold Weather Shelter  
United States Coast Guard  
Oregon Department of Transportation  
Florence Area Chamber  
Siuslaw School District

**PARTICIPANTS:**

EOP Consultant: Stacy Burr the EOP Draft is out for review. Next EOP is Sept. 16<sup>th</sup> @ SVFR

**ALL TO ORDER**

The meeting was called to order by Megan Messmer @ 10:04 a.m.

**APPROVAL OF MINUTES:** Bob Forsythe made a motion and Jim Langborg seconded the motion to approve the minutes from the July 20th Meeting, Motion was then approved.

**COMMUNICATIONS:**

**STAFF REPORTS & RESOLUTIONS:**

**Spill Contaminant Equipment for the Port** Chief recommends a Sub Committee be put into place and that a plan be put in our EOP. A planning committee consisting of Volunteers from ODOT, SVFR, and The Port will get together and plan for more supplies to help contain spills over 150 gallons which is all the Port has on hand to handle now. They will consider a place to store to make these such supplies available. A suggestion that the committee look to FEMA who has a lot of experience in dealing with containment of greater than 150 gallons, also suggested to the group was to look to McKenzie water shed as to what they have in place with dealing with containment of spills.

**AGENDA ITEMS:**

**Emergency Management Coordinators Report given by Chief Langborg to include:**

- **Ford Family Foundation Coastal Resilience Project-** Nothing to Report this Month
- **Active Shooter Taskforce-** The active shooter taskforce is working is working towards a community wide active shooter drill in April 2016. Linda Cook can submit a State Homeland Security grant in Feb. and other funding is being sought to go towards an Exercise Design Consultant to coordinate this large scale Community Drill.
- **Lane Count EOP Update-** Nothing to report this month.
- **Hazard Mitigation Plan Update-** Nothing to report this month.
- **Local Emergency Planning Committee (LEPC)-** See attached Coordinator's report in packet.
- **NOAA Weather Alert Coordination Workshop-** Chief attended this workshop in July the workshops intent was to gather local coastal input on the alerting systems used by NOAA for coastal storms.

**Chairs Report:**

**2015-2016 Dues:** WLEOG Executive Members have paid their Dues for FY2015-16.

**South Coast Resilience Network:** No new news.

**Advertising Subcommittee:** Will move forward.

**Hazard Mitigation Plan Update for Florence & Dunes City:** Hazard Mitigation Plan Update full team meeting will be on Aug. 25<sup>th</sup> at which time we will be discussing other grant opportunities.

**Hospital MCI Training:** Reminded the Group of the Aug. 19<sup>th</sup> Mass Casualty Incident Training Drill.

**Rhododenren Drive Street Closures:** Discussed with group on dates and times.

**Tsunami Expert Dr. Dhiti from Thailand Visited Florence:** Dr. Dhiti visited many of our local officials and emergency response agencies he was interested in seeing a local location that has had to plan and prepare for a Cascadia Subduction Zone.

**Upcoming Trainings:** Reminded the group of the upcoming scheduled ICS 300 and 400 Trainings this winter.

**FINANCIAL REPORT**

Current balance is \$31,767.65 Bills paid since 7/20/2015 were \$5,988.25; to Exede/Wildblue\$49.99; Frank Nulty \$416.67; Coast Broadcasting \$288.00; GoDaddy.com \$107.88; West Coast Media \$100.00; Central Lincoln \$25.71; SVFR \$5,000.00; Deposits totaling \$24,005.63 including interest income were applied to WLEOG acct.; 26.7% has been expended YTD excluding Contingency.

**NEW BUSINESS/ANNOUNCEMENTS:**

Fred Hilden spoke to the group about the up and coming Dune City Expo on Sat. Aug. 22<sup>nd</sup>.

Chief Langborg reminds the Group of our Fire Danger.

**ADJOURNMENT**

**The meeting was adjourned @ 10:32 a.m. by Megan Mesmer**

**The next scheduled WLEOG Meeting is for September 21st at 10:00 a.m. at Siuslaw Valley Fire and Rescue**

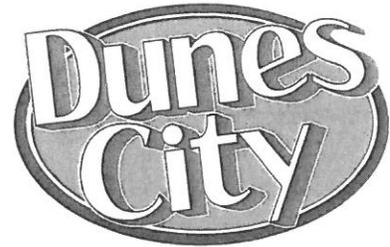
**Mary Dimon**

Administrative Assistant

Recording Secretary

## Hazard Mitigation Plan Report to City Council

October 8, 2015 ~ Prepared by Jamie Mills



Renee Green and I attended the Lane County Hazard Mitigation Plan meeting with the County's contractor, Greg Wobbe, at City Hall on Tuesday, September 22, 2015, representing Dunes City.

Mr. Wobbe gave a brief presentation on the purpose of the Hazard Mitigation Plan efforts and the desired results. He complimented Dunes City for being one of only two cities in Lane County that have an existing Hazard Mitigation Plan. He explained that once mitigation items are identified during this effort, federal funding will become available to cities to complete those mitigation projects. The primary object of this meeting was to complete the risk assessment and hazard quantification for Dunes City. The only change to the information presented was to increase the probability of earthquake (based upon new information Mr. Wobbe presented). Brief discussion was had about increasing the risk of wildfire as well, but no changes were made. The remainder of the meeting was spent identifying ideas for eligible projects for mitigation funding. Items identified were: property acquisition related to dam safety, property acquisition for community shelter, mitigation reconstruction such as making Fire Station 8 earthquake resilient and making repairs/changes to the fireplace in City Hall, flood-proofing essential buildings, such as City Hall, possible funding for the resolution of the encroachment issue in order to allow installation of the generators at City Hall, and providing assessments and improvements to individual residential properties to improve wind damage resilience.

Future meetings, if any, will be called by Mr. Wobbe. The current schedule is to have a public meeting for input in February of 2016; present the public draft for presentation in March; and in April, send it to Oregon Emergency Management for initial review. June is the scheduled finalization date.

Respectfully submitted,

Jamie Mills  
Former City Council President  
Acting City Administrator

## City Administrator / Planning Report to City Council

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October 8, 2015 ~ Prepared by Jamie Mills



September permit activity stayed the same this month compared to August. We issued 7 permits that included, two structural, three mechanical, one plumbing and one electrical, which was two more permits than were issued in September 2014. We have one new home being built in Dunes City. Expiring permit holders were contacted to update their permits. Copies of permits to Lane County and Lane Council of Governments continue on schedule.

In the September Planning Commission meeting, Chapter 155 definitions were discussed.

The building encroachment issue is still being addressed. A certified letter was sent to the property owners. I have been in contact with their representative and explained that the potential settlement previously discussed was no longer an option. I await a response.

The Fire Marshall has inspected and approved the proposed plan and site for the installation of the propane tanks and emergency generator.

As most are aware, while the work crew was at City Hall on August 19<sup>th</sup>, they discovered two air bomb shells, which were removed from the site. To ensure no further ordinance was located on the site, the Air National Guard and the Eugene Bomb Squad came to Dunes City and did a thorough search, sifting through the soil. No further explosives were discovered. The Mayor intends to obtain the bombs and donate them to the Florence Military Museum. A suggestion was made that perhaps the dedication could be a part of any D-Day events the Museum may plan.

The Quitclaim Deed to convey any interest of Dunes City in Lot 700, located outside the Dunes City limits, has been signed and returned to Lane County, finally bringing a close to that issue.

In response to a request by ODOT to provide information for their municipal sign inventory, I spoke with ODOT regarding the Dunes City sign. They indicated that it would be okay to maintain the sign or make it smaller, if the City chooses to do so, but the City would have to get a new permit to make it bigger. She was going to check to see if the City would be required to get a permit if the City decides to make the sign two-sided.

I spoke with Blair Bronson regarding the Oregon Dunes Triathlon. He indicated he would be submitting the accounting for the 2015 event soon and expects to have the new packets ready to go by the end of October.

Regarding the Woahink Lake Outlet Control Structure, as I reported last month, I met with the Andersons and made arrangements for Gene Wobbe to do the surveying necessary. Mr. Wobbe is expected to begin the actual survey work on October 1<sup>st</sup>, with his results following soon thereafter.

Respectfully submitted,

Jamie Mills  
Acting Recorder/City Administrator

Dunes City, Oregon - Mail Tracking Log -  
September 2015

2015 <b>M a i l L o g</b>				
Date	Via	From	Type of Document	Forwarded To
9/1/2015	Fax	Dunes City Home Services	Invoice #248	Recorder
9/2/2015	Email	The Building Dept	Invoice Dated 9/2/2015	Recorder
9/3/2015	Mail	Vend West Service, Inc.	Statement Dated 9/1/2015	Recorder
9/3/2015	Email	Oregon Administrative Services	OLCC Tax Distribution	Recorder
9/8/2015	Fax	First American Title	City Lien Search 19-12-14-10-5701	Permits
9/8/2015	Mail	LOC	Local Focus x 10	Recorder/Council
9/8/2015	Mail	Oregon Pacific Bank	Statement x 2	Recorder
9/8/2015	Mail	Quill.com	Statement	Recorder
9/8/2015	Mail	Stuntzner Engineering & Forestry, LLC	Water Right Letter	Recorder
9/8/2015	Mail	LaneAct	Agenda x 2	Recorder/Council
9/8/2015	Hand	Kyle Lind	Art and Art Agreement	Recorder
9/9/2015	Fax	Cascade Escrow	City Lien Search 19-12-14-40-0109	Permits
9/9/2015	Fax	First American Title	City Lien Search 19-12-26-22-1400	Permits
9/9/2015	Mail	The Power of Florence	Thank You	Mayor
9/10/2015	Email	Mary Jo Leach	Stronegger Comment Letter	Recorder
9/10/2015	Hand	Rapunzel Oberholtzer	Stronegger Comment Letter	Recorder
9/14/2015	Hand	Campbell Productions	DVD	Recorder
9/14/2015	Hand	Wells Tree Service and Landscaping	Invoice #985325	Recorder
9/14/2015	Mail	County Transfer & Recycling	Invoice Dated 9/1/2015	Recorder
9/14/2015	Mail	City of Florence	Invoice #3578	Recorder
9/14/2015	Mail	Florence Event Center	Invoice Dated 9/10/2015	Recorder
9/14/2015	Mail	Dyer Partnership	Invoice #22926	Recorder
9/14/2015	Mail	Verizon Wireless	Invoice Dated 9/27/2015	Recorder
9/14/2015	Mail	Preferred Long Distance	Invoice Dated 9/10/2015	Recorder
9/14/2015	Mail	Wally's Septic Tank Pumping, Inc.	Statement x 2	Recorder
9/14/2015	Mail	Siuslaw News	Statement x 2	Recorder
9/15/2015	Fax	First American Title	City Lien Search 19-12-23-10-0217	Permits
9/15/2015	Mail	Pesttech	Invoice #57126	Recorder
9/15/2015	Mail	Vend West Service, Inc.	Invoice #1281368	Recorder
9/17/2015	Mail	The Dyer Partnership	Approval for Payment	Recorder
9/17/2015	Fax	First American Title	City Lien Search 19-12-14-10-6600	Permits
9/21/2015	Mail	Campbell Productions	Invoice #709	Recorder
9/21/2015	Mail	True Cut Engraving	Invoice #5260	Recorder
9/21/2015	Mail	The Dyer Partnership	Insurance	Recorder
9/21/2015	Mail	MCI	Invoice Dated 9/16/2015	Recorder
9/21/2015	Mail	Wally's Septic Tank Pumping, Inc.	Statement x 2	Recorder

Dunes City, Oregon - Mail Tracking Log -  
September 2015

9/21/2015	Mail	Oregon Mayors Assoc.	Newsletter	Mayor
9/21/2015	Hand	Mary Jo Leach	Public Information/Records Request x 2	Recorder
9/22/2015	Mail	Wells Fargo	Invoice Dated 9/16/2015	Recorder
9/22/2015	Hand	Chucks Plumbing, Inc.	Invoice #541997	Recorder
9/23/2015	Fax	Cascade Escrow	City Lien Search 19-12-27-14-4600	Permits
9/23/2015	Mail	Quill.com	Statement x 4	Recorder
9/23/2015	Mail	Charter	Franchise Fee Letter	Recorder
9/23/2015	Mail	Dimon Properties	Return Receipt	Recorder
9/24/2015	Mail	Charter Communications	Invoice Dated 9/17/15	Recorder
9/24/2015	Mail	Travel Lane County	2016 Visitor Map	Admin
9/28/2015	Email	Speer Hoyt, LLC	Statement Dated 8/31/2015	Recorder
9/28/2015	Fax	Oregon Pacific Bank	Check Copy	Recorder
9/28/2015	Mail	Dyer Partnership	Warranty Letter from Johnson Rock	Recorder
9/28/2015	Mail	CenturyLink	Statement Dated 9/20/2015	Recorder
9/28/2015	Mail	Oregon Ethics Commission	Invoice #AIE02301	Recorder
9/28/2015	Mail	Oregon Water Services	Invoice #19073	Recorder
9/28/2015	Mail	Oregon Pacific Bank	Debit Card	Recorder
9/28/2015	Mail	Central Lincoln	Invoice Dated 9/23/2015	Recorder
9/28/2015	Mail	Siuslaw Water Shed Council	Newsletter	Recorder
9/28/2015	Email	Cardinal Services	Invoice #1106772	Recorder
9/29/2015	Hand	Archetype	Invoice #9222015	Recorder
9/29/2015	Fax	First American Title	City Lien Search 19-12-23-10-0805	Permits

# Dunes City Hall

## October 2015

October 2015							November 2015						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	1	2	3	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			<b>October 1</b>	<b>2</b>	<b>3</b>
			Prepare Council Packets	Closed	Cleaning City Hall
					4
<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
Linda Out 9:00am Jamie Dr. Appt 1:00pm Radio Check	Jamie Out Dr. Linda Out 9:00am Cancel-Staff Meeting		7:00pm City Council Meeting	Closed	
					11
<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>
	9:00am Staff Meeting	3:00pm LaneACT (Springfield)	Vend West 10:00am Great Oregon Shake Out 3:00pm Parks and Recreation Commission Meeting	Closed National Bosses Day 8:00am WLEOG Tabletop Exercise (Siuslaw Valley Fire Dept.)	Cleaning City Hall
					18
<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
10:00am WLEOG mtg (Siuslaw Valley Fire & Rescue) 6:30pm Road Commission Mtg		3:30pm Budget Committee Meeting	5:00pm Cancel-Planning Commission Meeting	Closed	
					25
<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>
	3:30pm Fred Dr. Appt. (Florence)		3:00pm Water Quality Committee Meeting 6:00pm Planning Commission Special Session Public Hearing	Closed	Cleaning City Hall

# Dunes City Hall

## November 2015

November 2015							December 2015						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	6	7	8	9	10	11	12
8	9	10	11	12	13	14	13	14	15	16	17	18	19
15	16	17	18	19	20	21	20	21	22	23	24	25	26
22	23	24	25	26	27	28	27	28	29	30	31		
29	30												

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					<b>November 1</b>
<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>1:00pm Radio Check</b>	<b>Gary's BDay 9:00am Staff Meeting</b>		<b>Prepare Council Packets</b>	<b>Closed 8:00am Small Cities Meeting (Depoe Bay)</b>	<b>8</b>
<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
		<b>Veterans Day - CLOSED 3:00pm LaneACT (Springfield)</b>	<b>7:00pm City Council Meeting</b>	<b>Closed</b>	<b>Cleaning City Hall</b>
					<b>15</b>
					<b>Vend West</b>
<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>
<b>10:00am WLEOG mtg (Siuslaw Valley Fire &amp; Rescue) 6:30pm Road Commission Mtg</b>			<b>3:00pm Parks and Recreation Commission Meeting</b>	<b>Closed</b>	<b>22</b>
<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>
<b>J. Mills Birthday</b>		<b>Maurice Sanders B-Day</b>	<b>Thanksgiving Holiday - CLOSED 5:00pm Planning Commission Meeting</b>	<b>Closed</b>	<b>Cleaning City Hall</b>
					<b>29</b>
<b>30</b>					

# Dunes City Hall

## December 2015

December 2015							January 2016						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
							31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	<b>December 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	<b>9:00am Staff Meeting</b>		<b>Prepare Council Packets</b>	<b>Closed</b>	
					<b>6</b>
<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>1:00pm Radio Check</b>		<b>3:00pm LaneACT (Springfield)</b>	<b>7:00pm City Council Meeting</b>	<b>Closed</b>	<b>Cleaning City Hall</b>
					<b>13</b>
<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
	<b>Vend West</b>			<b>Closed</b>	
					<b>20</b>
<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
<b>10:00am WLEOG mtg (Siuslaw Valley Fire &amp; Rescue)</b>			<b>Christmas Holiday - CLOSED</b>		<b>Cleaning City Hall</b>
<b>6:30pm Road Commission Mtg</b>			<b>5:00pm Planning Commission Meeting</b>	<b>Closed</b>	
					<b>27</b>
<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>		
		<b>Duke's Birthday</b>			