



**CITY COUNCIL MEETING MINUTES ~ APPROVED  
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**

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. 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.

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.

## 8. PUBLIC HEARING

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

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 Stronegger.

“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, prejudice, conflict of interest, or other facts from which the party has concluded that the Councilor will not make a decision in an impartial manner.”

Mayor Ruede asked if any Councilor wished to declare a conflict of interest 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. 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.

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.

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. Stronegger 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. Stronegger 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.

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. 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.

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. 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.

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.

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. 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.

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.

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.

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.

Ms. Allen pointed out that the Planning Commission voted unanimously against approving the permit application based on the fact that Mr. Stronegger'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.

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.

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.

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." 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.

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.

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. 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. 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.

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 impervious 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.

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. 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.

**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).**

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. 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.

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. 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.

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.

**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.**

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.

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

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. 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 determine 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.

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.

#### 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.

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.

#### 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.

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.

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.

**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. 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. 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.

#### 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 outlined 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.

## 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 meeting 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.**

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator Pro Tempore