

**ROAD COMMISSION MEETING MINUTES ~ APPROVED**

**FEBRUARY 20, 2012 AT 6:30 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

**1. CALL TO ORDER**

The Road Commission meeting was called to order by Road Chairman Troy Sathe at 6:33 pm.

**2. ROLL CALL**

Roll Call was taken by City Recorder Fred Hilden.

**Present:** Road Chairman Troy Sathe, Vice-Chairman Jerry Curran, Commissioner Henry Leach, Commissioner Richard Palmer, Commissioner Bill Harris and Commissioner Ron Tucker.

**Others Present:** City Recorder Fred Hilden, Planning Chairman Lee Riechel, Planning Vice-Chair George Burke, Road Secretary Brandie Bell and Bill Sathe.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

**Vice-Chairman Jerry Curran made a motion to approve the Agenda as written. Commissioner Leach seconded the motion. The motion passed by unanimous vote.**

**5. APPROVAL OF THE 1/16/2012 MEETING MINUTES**

**Commissioner Tucker made a motion to accept the minutes of January 16, 2012 as amended. Vice-Chairman Curran seconded the motion. The motion passed by unanimous vote.**

**6. ANNOUNCEMENTS / CORRESPONDENCE**

A. Announcement of the New Road Secretary Brandie Bell.

Chairman Sathe stated we are happy to have our new Road Secretary Brandie Bell. This goes to show you when we make a recommendation the City listens. Welcome to the group. Road Secretary Brandie Bell stated, "Thank you Troy."

B. City Council requested surveys of the Dune City parks road right-of-ways. Road Secretary Brandie Bell stated that the City had Wobbe survey Overlook Park and lot 1300 down by the boat ramp. City Recorder Fred Hilden walked both properties and the Road Secretary walked Overlook Park. There is no official report but both properties were pinned and the monuments were located for everyone, if they wish per her email of last week, to go out and look. City Recorder Fred Hilden stated that this shows that Petersdorf, Byrd, and Overlook Park are in the City's right-of-ways. Fred stated he is willing to take anyone down by the boat ramp if they are interested in looking at lot 1300.

C. Announcement of the next meeting date for the review of Ordinance 182. This Agenda item is complete. No meeting announcement necessary.

D. Letter went out to Peter Defazio. Chairman Sathe stated this is just an informational item. This letter went out at the last Road Commission Special Session. Commissioner Palmer missed that meeting so you can review what the Commission sent out.

E. Letter went out to homeowner on Spruce Lane. Road Secretary Brandie Bell stated that before a letter was sent she made a courtesy call requesting the owner to move the trailer out of the road-right-of-way. The homeowner stated he would have it moved by the weekend therefore there was no need to send a letter. Commissioner Bill Harris stated that the trailer had already been moved.

Chairman Sathe stated we need a letter sent out to the homeowner with the fence in the road right-of-way on Spruce Lane requesting removal. The Commission recommended giving a 30 day time frame from the date of the letter to have an opportunity to remove the fence and would also like to include the section of minutes pertaining to this issue. **Vice-Chairman Curran made a motion to send a letter giving a 30 day notice from the date received. Commissioner Tucker seconded the motion. The motion passed by unanimous vote.**

Road Secretary Brandie Bell stated that she has an announcement from the Planning Commission that we have a certificate of appreciation for each member of the Road Commission for the outstanding work they have done in regards to the storm clean-up. Planning Chairman Lee Riechel stated that right after the storm we had a meeting and saw all the work the Road Commission did and the Planning Commission wanted to thank you for going above and beyond the call of duty.

Commissioner Ron Tucker stated there is another person that should be recognized and that would be Bill Sathe. City Recorder Fred Hilden recommended to the Road Commission that they make Bill Sathe an Honorary Road Commissioner. **Commissioner Palmer made a motion to make Bill Sathe an Honorary Road Commissioner. Commissioner Tucker seconded the motion. The motion passed by unanimous vote.**

## 7. CITIZEN INPUT- None

## 8. UNFINISHED / OLD BUSINESS

### A. Master Road Plan Update – Gary Baker Schedule

Road Secretary Brandie Bell stated that you have two handouts that she received from Gary Baker today. The first one is his email and the second one is an update to the Master Road Plan. Brandie stated that she talked to Gary Baker today and his intention was to have all the updates done by the next Road Commission meeting in March.

B. Alders in Right-of-Way on Manzanita – Tom Grove

Councilor Sathe stated we are waiting on Bob Petersdorf to get the truck fixed and then the Commission can use it for free and Commissioner Palmer will be responsible to complete this project.

C. Little Woahink Drive Project by Ron Tucker

Commissioner Tucker stated that there is a tree down at the end of Little Woahink Drive. There are also some trees at the end of Lake Shore Drive and tree debris that needs to be removed. There are two bids for review, one from Treeworks and one from Leisure. **Commissioner Tucker made a motion to approve the bid from Leisure if they agree to have it done within the next 30 days. Vice-Chairman Curran seconded the motion. The motion passed by unanimous vote.**

The Road Commission discussed the pump house on Little Woahink Drive and questioned whether or not it was in the road right-of-way. The Commission reached a consensus to have staff research the property file and check for right-of-way permits and to call the owner to see if the pin markers can be identified.

D. Rotten Alders at 83340 Spruce Lane – Bill Harris

Road Secretary Brandie Bell stated that Mark from Treeworks called today and said the work was already complete. Commissioner Harris stated that he will check to see if the work is completed. Chairman Sathe stated if the work is done then we can forward the payment.

## 9. NEW BUSINESS

A. Budget for 2012-2013

City Recorder stated that you have two handouts, one is 2012-2013 Road Commission Projects and the budget form 2012 for review. Councilor Sathe stated that on the Road Commission Project handout under his section, major repair for Cedar Lane, belongs under section four for Jerry Curran for that is his street. Commissioner Tucker stated that on the Road Commission Projects handout for his section we need to add Little Woahink to be slurry sealed. On page two of his section for the Road Commission work party we need to add Little Woahink Circle for there are six alders that need to be removed. City Recorder Fred Hilden stated that he would like the Road Commission to proof the Road Commission Projects handout to make sure that we have all the projects on the list and that they are correct.

The Road Commission reviewed the budget with the Budget Officer / City Recorder Fred Hilden. On the first page of the handout there is an \* next to cash on hand, item line 1. The \* was taken out for that was a typing error. On item line 9 on the first page the Commission reached a consensus to change the Other Line to read Other Grant and fill the number out to be \$50,000. On page two, line item 27, the number was changed from \$6000 to \$12,000 by consensus. On page three, item line 4, the number was changed from \$5000 to \$10,000 also by consensus. City Recorder Hilden Stated that he will make those changes and forward that to everyone but would

like the Commission to be prepared to approve the budget at the March meeting so please come forward via either the Road Secretary or myself if there are any further recommendations.

B. Review of Ordinance 149 Establishing the Road Commission Changes.

Chairman Sathe stated, "Under New Business Review of Ordinance 149 that was just on there, that's done. Or wait a second, no B is this right here. This is what the Ordinance Review Committee gave us."

Vice-Chairman Curran interrupted saying, "But how come this has a different number on it than 149, it says 32.140. There is no number on this."

Chairman Sathe stated, "This is it though."

Ordinance Review Committee Member George Burke stated, "If you look at the second sentence (Ordinance 149, passed 8-8-1996.)

Vice-Chairman Curran stated, "Ok."

Chairman Sathe stated, "And what is crossed out here and in red is, everything that is in black was originally in the Ordinance. What is crossed out with a line through it is what they've removed and anything that is in red is what they have added, correct George."

Road Secretary Brandie Bell stated, "No red is the deletion and blue is the addition on my computer here."

Councilor Sathe interrupted stating, "No Brandie, what we have is black, which is original words."

Road Secretary Bell stated, "Right."

Councilor Sathe continued, "And red which is what they've added. We have red crossed out with a line through it and what they deleted. We don't have blue on this. So we might not have the same document you have."

City Recorder Fred Hilden stated, "Yep, you have the same document it just depends on what computer it's brought up on. The underlines are new and what is crossed out is original. Yep we have the same document it's just that the adds on Brandie's are blue."

Road Commissioner Harris asked, "Is that something we got tonight?"

Road Secretary Bell stated, "It was emailed and also handed out in your work session."

Chairman Sathe stated, "So, it's just like what I was telling you guys but the blue, what a second I am going to screw you guys up. I probably have the one you that you traded because."

Road Secretary Bell stated, "If you printed it from your email it might not have the same colors as mine."

Chairman Sathe stated, "So, anything you guys have on yours that is blue is solid red on ours and anything that is crossed out is what is part of the Ordinance before but it's...but you guys have it the same way. So, basically we want to go through this, each section, if you guys have comments so."

Commissioner Ron Tucker interrupted stating, "Can I make a point. What's the use of doing that because if we do this then we have no power so it's useless to go through it because it is not going to be approved."

Vice-Chairman Curran stated, "What is our recommendation going to do?"

Ordinance Review Committee Member Burke stated, "It is going to go back to our Committee."

Chairman Sathe interrupted stating, "They need this for their next meeting. Our recommendations from this and so we are, Brandie is going to write down the recommendations that we give from this document and send it back to the Ordinance Review Committee."

Commissioner Tucker stated, "Well, the Ordinance Review Committee, in my opinion has made this Road Commission, this document in particular, has taken away most of it's powers so it seems to me like giving a recommendation would help. They won't accept it."

Vice-Chairman Curran stated, "We follow this it is making us functionally obsolete."

Chairman Sathe stated, "Go ahead Brandie."

Road Secretary Bell stated, "Commissioners, we are also doing this for our other Commissions and Committees and I am working on the one with the Planning Commission and also, George is on our Ordinance Review Committee. These are suggestions to your Ordinance. You don't have to agree with them you can as a Commission make a decision on whether or not you accept those decisions and then you will give me the recommendations. I will write them down and go back to George and they will work on it and you know this also has to be approved by the Council also, so these are just suggestions at this point."

Chairman Sathe stated, "And if it comes to the Council with something that you guys make a suggestion that shouldn't be in there, I will be giving that in my report."

Road Secretary Bell interrupted stating, "Great. So, if you are giving a suggestion if you don't like it, on my computer there will be another red-lined item so they will know what your additions and deletions are for this Ordinance."

Chairman Sathe stated, "So, this is basically going to be very similar to what we did with the Planning Commission. We are going through this..."

Vice-Chairman Curran interrupted stating, "I know. Do you have enough time to do that tonight because I don't want to spend the next two hours here."

Chairman Sathe stated, "Well..."

Vice-Chairman Curran interrupted stating, "We have already done two and a half hours, two and a quarter hours and I don't plan on being here after 9:00, I can tell you that right now."

Chairman Sathe stated, "Well if we don't we don't start on this then we are not going to get anything."

Vice-Chairman Curran stated, "We could schedule another meeting for it."

Chairman Sathe stated, "Do you have, well, let's do this in a different way then because one thing that is very important is when they're looking at trying to make all the Ordinances the same for all the Committees, the one thing that they're not looking at is the Road Commission is basically a working Committee of the City. You know it is the only working actual like, it's actually a facility and so, when they are looking at this it's, some of the stuff can't be generalized as the other Commissions or Committees are because it's actually like a working, it would be like a department of the City staff almost but we are doing it for free and so..."

Vice-Chairman Curran interrupted stating, "There are some major revisions that need to be made. This is very poor and is really almost not applicable to what we do."

Chairman Sathe stated, "So Jerry...I thought what we should, I told everybody to read this and come up with their input so, what we be a good thing is if we start down on Hanks end and he gives Brandie his changes that or the things he sees that are not good and then go to you and then go to me then go to Richard and then go Bill and then go to Ron."

Vice-Chairman Curran stated, "Can I make a suggestion? How about if anybody has anything to say they can raise their hand to get recognized and then say it rather than a b c d e f g. That's a very long way to get on where you want to go."

Chairman Sathe stated, "Hank do you have anything?"

Commissioner Leach stated, "Well, I have some notes that I have made on it, I mean, once again it depends on whether these are suggestions or actual established rules because if they are then we are going to, what are we going to do it's, I agree with Ron, it does away with a lot of duties of the Road Commission."

Commissioner Tucker stated, "Can I make a suggestion? Can we recommend that we go back to the original Ordinance?"

Vice-Chairman Curran stated, "Start from there."

Commissioner Tucker stated, "I don't, to be honest with you, I don't see any changes in this, in wording that got removed that I would probably, personally, I do have a lot of problems with the words that got added and so, my recommendation is that we do stick with the original Ordinance, we don't need to change it."

Commissioner Leach stated, "That would look better to me. A lot of these things that have been added are counter productive items such as removing members in which, my understanding is most all of all of us are volunteers, you are firing a volunteer, but maybe the original verbage wasn't quite so severe."

Chairman Sathe stated, "Go ahead George."

Ordinance Review Committee Member Burke stated, "I will take any, I will take on all of it because I was there when we wrote it. I can explain everything. I can give you a reason why any of it's in there. The removal of members, the first part is your document, that's in black, that's what was done before and that is in all the Committees and all the Commissions have that same language. Number C is the law..."

Vice-Chairman Curran interrupted stating, "It's a letter."

Ordinance Review Committee Member Burke continued stating, "It's the State Law. Number B...."

Vice-Chairman Curran interrupted stating, "It's a letter."

Ordinance Review Committee Member Burke stated, "Excuse me."

Vice-Chairman Curran stated, "B is a letter not a number."

Ordinance Review Committee Member Burke continued stating, "B is the Council rules, adopted by the Council. So, you got Oregon Law and Council rules and you got what was here before and this is listed in these...removal of members are the same for all the Committees and all the Commissions. Our intent and our task by the City Council, what the City Council asked us to do was to make all the Committees and all the Commissions work under the same rules and that is what this is."

Vice-Chairman Curran asked, "Make I speak."

Chairman Sathe stated, "Go ahead Jerry."

Vice-Chairman Curran stated, "On the purpose of this, I'd like to go down to B. There are some things I think are redundant, don't need to be in there. Like it should read, in my opinion, provide the City Council and Planning Commission with long range planning street improvement including but not limited to laying out ...widely extending streets. The construction of sidewalks and boulevards could be eliminated since we don't have either one of those in Dunes City. Ok, if your looking at cleaning it up a little bit."

Ordinance Review Committee Member Burke stated, "...in black was the original language from...this document was from what you guys just got approved. You changed this document about a year and a half ago and all the stuff in black was what you just approved a year and a half ago and took it to legal and got it all approved."

Vice-Chairman Curran stated, "Some of it doesn't need to be there."

Ordinance Review Committee Member Burke stated, "I agree but that is how we left it."

Commissioner Tucker stated, "Basically what you've said what that your task was to make all of the charters or the Committees the same, right, and so these changes that are in here are mandated changes, either by State Law or by the City Council."

Ordinance Review Committee Member Burke stated, "No, these are recommendations by us to the City Council to do that."

Commissioner Tucker stated, "That...what you said your charter was based on what the City Council told you to do."

Ordinance Review Committee Member Burke stated, "The City Council told us to review all these.....so that we are all under the same rules."

Commissioner Tucker stated, "Alright, so basically that's what you doing, ok. So, our recommendations aren't going to make any difference because your Ordinance Review Committee is already decided that these are all going to be the same."

Ordinance Review Committee Member Burke stated, "This is the recommendations, the reason you got it is because we are asking for your opinion. If there is something in here that makes your job harder to do, we want to know. If not, I can give you a reason why we put in here what we put in here. If there some additions that you want or we've done something wrong I am here to explain why we did it. I don't have be here. If you don't want me I will leave. The only reason why I came tonight was to help work through this."

Chairman Sathe stated, "Now, one thing is that I see in here is the Council member position would be for a term of one year where it was always before the length of whoever they put in here because it would be crazy to have a different Road Commission Chair every year. I mean you could not keep continuity."

Ordinance Review Committee Member Burke stated, "Say again where you are at."

Chairman Sathe stated, "Terms of Office. The Council member position will be a term of one year and so..."

Ordinance Review Committee Member Burke interrupted stating, "That's your position."

Chairman Sathe stated, "That's correct."

Ordinance Review Committee Member Burke stated, "It gets re-adopted every year, it will get re-adopted again this year."

Chairman Sathe stated, "I understand that but you almost need to have the continuity of one person doing this and working with the crew. Like let's say they decided they wanted to have Richard Koehler be the Road Commission next year, then we would not have a Road Commission because I can guarantee you we would have nobody here."

Ordinance Review Committee Member Burke stated, "You can't argue with this, this is the rules, this is the rules of the Council that you guys are appointed every year to do the job."

Commissioner Tucker stated, "So.."

Chairman Sathe interrupted stating, "I don't think..."

Vice-Chairman Curran interrupted stating, "So, you are saying we can make recommendations but on the other hand we can't make recommendations, we are saying it should be two years but you are saying it is got to be one year."

Ordinance Review Committee Member Burke interrupted saying, "...the Council decision and that decision..."

Vice-Chairman Curran interrupted stating, "Then why are you consulting us?"

Ordinance Review Committee Member Burke stated, "Excuse me?"

Vice-Chairman Curran interrupted stating, "Then why are you consulting us?"

Ordinance Review Committee Member Burke stated, "About what?"

Vice-Chairman Curran stated, "We said we think it should be two years."

Ordinance Review Committee Member Burke stated, "Then you will have the change the rules of the Council. This isn't something we can change..."

Chairman Sathe interrupted stating, "Yeah but..."

Ordinance Review Committee Member Burke interrupted stating, "This one year appointment is something they do every year. for every Commissioner that gets the job."

Commissioner Richard Palmer stated, "If you want to stay you can stay if you don't you don't."

Chairman Sathe interrupted stating, "Actually, actually we didn't do, all we did was the Parks and Rec this year..."

City Recorder Fred Hilden interrupted stating, "The only, the only Commission that require City Council appointment annually are the Ordinance Review and Parks. The Planning Commission is written that way because..."

Ordinance Review Committee Member Burke interrupted stating, "It's not a Commission...Council."

City Recorder Hilden stated, "...Council...Parks and Ordinance Review."

Vice-Chairman Curran stated, "How difficult is it going to be if we want two years in here?"

Ordinance Review Committee Member Burke stated, "You have to get the Council to change the rules."

Vice-Chairman Curran stated, "So, Basically we can't do anything. So, why are we wasting our time. Why don't we just go home. I thought this was a democracy. Am I wrong on this. I

am locked in because it says one year and I am going to have to get the Council to change it if we want to but your saying you can make recommendations, these are the recommendations. How about we if want a recommendation for two years. Isn't that our input. Isn't that why we are here."

Ordinance Review Committee Member Burke stated, "...that is something you would have to get the Council to change, their Rules of Procedure, how they run the City Council, how they run the City. It's their....Ordinance....."

Commissioner Tucker stated, "I am just going to skip to one. Powers and Limitations. B got added, Commission may request permission from the City Council to conduct with experts on an as-needed basis....Ad Hoc Committees may be added by the City Council...."

Ordinance Review Committee Member Burke stated, "Sorry, I can't hear you."

Road Secretary Bell stated, "B, under Powers and Limitations, George."

Commissioner Harris stated, "B, under what?"

Road Secretary Bell stated, "Scroll down to page four..."

Commissioner Tucker interrupted stating, "...We can't do anything without getting the Council's approval...."

Vice-Chairman Curran stated, "If we want to go out and do a job on a road, we just had a storm, we want to take the trees out we have to go the Council and say, is it ok if we do this? Well that's not going to happen for me."

Ordinance Review Committee Member Burke stated, "You are reading into something it. It is not saying that."

Commissioner Tucker stated, "Let me give you an example alright...someone that says they got a tree that needs cut down. In the past we've gone out...we've got an arborist to come out and look at the tree to see if it needed to be felled, right. That's an expert. We can't do that anymore because we have to go to the City Council and get the City Council to approve that. Then we have to get the City Council to approve any letter that we send out. I'm sorry but if this goes through there's one resignation that will be right behind it."

Vice-Chairman Curran stated, "Mine will be another one."

Ordinance Review Committee Member Burke stated, "Let me, let me give you another example. Those statements, have no, don't have any effect on... We didn't have in mind any effect on your working as a Road Commission, notifying people doing your road work. So, if we have done something here that you think restricts that, then under the restrictions we can have exclusions like we've done for the Water Committee where they have to report to people. So, you can write exclusions so that you can do all your road work and what you are talking about, complaining about, or saying you won't be able to do your work those limitations on talking to the Public or making Public statements or going to the Press or sending emails...that is two bolder...boiler plate language that's a go for every Committee

and every Committee person and every Commission and every Commission person but they don't have any effect on you doing your daily work that you have to do as the Road Commission. So, if you have to send out mail and stuff to do part of your road work, you make an exception the Road Commission is going to do this mailings and do this as part of their work. That's what we did for the Water Committee.

Commissioner Tucker interrupted stating, "That would mean that we would have to know ahead of time what we are going to have to do. We don't know ahead of time what we are going to have to do. We just talked about today, sending a letter to the person on Spruce Lane, we can't do that with this document."

Ordinance Review Committee Member Burke stated, "No, you can do that, that's part of your decision making as a Road Commission."

Commissioner Tucker stated, "No, it says that it has to go through the City Council."

Vice-Chairman stated, "That's grounds for dismissal, according to this stuff, and I can read."

Commissioner Harris stated, "Where are you reading that?"

Road Secretary Bell stated, "Page four, big letter B, C, and also D."

Chairman Sathe stated, "What this will basically do, if, if we have to do it how this is stated, it will take three or four months by the time, extra, to get any of this stuff done...like they are going to send out that letter to the people, the guy to remove his fence but let him know if he wants to, if he has an issue to come to the Council but we would have to take this to the next Council meeting then wait until the next Road Commission meeting..."

Ordinance Review Committee Member Burke interrupted stating, "No, that's ...that's not what's its talking about."

Commissioner Tucker stated, "It is what it's talking about. Correspondence is correspondence. They're letters that go out George."

Ordinance Review Committee Member Burke stated, "It is not intended that... that's not intended to be that . It's the Road Commission or Commissioners going out and making Public statements, trying to represent Dunes City. That's what it is about."

Vice-Chairman Curran stated, "But it doesn't say that."

Ordinance Review Committee Member Burke continued, "And all of the work that the Road Commission would normally do can be explained as this is work that the Road Commission normally does and there going to be an exemption to B and C..."

Chairman Sathe stated, "And then we go down to Duties, based upon the annual goals established by the City Council that develop, develop and annual list of activities....so, this is saying that the City Council's goals are going to9 set up what are Road projects are. That says exactly that...upon approval by the City Council and submit a budget requesting to the Budget Officer on or before March 1<sup>st</sup>...so, what this is saying is the City Council is going to

do our, what their goals set up what our projects are going to be. That's exactly what that says."

Ordinance Review Committee Member Burke stated, "If that's the way you want to read into it but if you are talking about the goals of the City does not mean the Road work every year what we are going to do."

Chairman Sathe interrupted stating, "The City doesn't do it."

Commissioner Tucker interrupted stating, "...it says we will submit a list of activities, the activities are the things we do."

Chairman Sathe stated, "If it is based on the goals established by the City Council."

Ordinance Review Committee Member Burke stated, "Everything in the City is based on what the goals are of the City Council, the City Council runs everything in the City..."

Chairman Sathe stated, "We only did goals for the first time this year. The first year we didn't do any goals."

Commissioner Harris stated, "I think that, you know all of the Commissions are to help the Council do their work and to do it more expediently but like back on 4 on D that's on Duties there's like, if I saw, when I saw the fellow building the fence, I stopped and talked to him, I wouldn't have been able to do that under here actually, unless I came and got permission from this Board first and then."

Ordinance Review Committee Member Burke interrupted stating, "You already have the permission already. You have the permission of this Board already."

Commissioner Harris stated, "Here it says I had to come under any contact I would have to come and get it."

.....Ordinance Review Committee Member Burke stated, "...you as a Board have decided that he has the permission to go monitor his streets...."

Chairman Sathe stated, "Now, and March 1<sup>st</sup>, going to back to the Duties on A we have to have everything ready by January to make this road, to, for Fred's Budget, March doesn't work."

Ordinance Review Committee Member Burke stated, "...when he starts finalizing his Budget, on or before March 1<sup>st</sup>."

Chairman Sathe stated, "But, how it is set up in the Master Road Plan right now is we have all our projects set by the January meeting and so."

Planning Chairman Burke interrupted stating, "...on or before March 1<sup>st</sup> you have a Budget, that's all it says."

Chairman Sathe stated "I don't like the March 1<sup>st</sup>, I think it should stay with what we have, January, I mean that's something that's up for debate."

Ordinance Review Committee Member Burke interrupted stating, "...the Budget Officer, on or before March 1<sup>st</sup> that's all it says."

Chairman Sathe stated, "Yeah, but, they way we have it set up we do it, we have, all our projects complete with the Budget Officer by January, that way he has the February..."

Ordinance Review Committee Member Burke interrupted stating, "...on or before March 1<sup>st</sup>."

Chairman Sathe stated, "But I don't like March 1<sup>st</sup> in there, I would like it to be January, George."

Ordinance Review Committee Member Burke stated, "March 1<sup>st</sup> is the deadline for the Budget Officer of the City."

Chairman Sathe interrupted stating, "Yeah, so, but, this, I am recommending something to you and your not listening. Yeah, I think the January date is very important and that way, you have to everything recommended to him by January that's the way we have always done it and it gives Fred the time to have this ready in February and then we finish our Budget by March 1<sup>st</sup>."

Ordinance Review Committee Member Burke stated, "That's all this is saying, on or before March 1<sup>st</sup>, you can do anything any time you want. This is boiler plate for every Committee, it has to be done on or before March 1<sup>st</sup> that's what we are talking about."

Commissioner Tucker stated, "We are not making any progress."

Vice-Chairman Curran stated, "I think we are going to have to meet again. This is very detailed and complicated. I would like to put it in the shredder, I think it's garbage. I think we should write our own."

Chairman Sathe stated, "Go ahead Hank."

**Commissioner Leach stated, "I make a motion that we, as Commissioner Tucker said, we recommend to the Council, for that's what I think we are supposed to do, that we, we as the Road Commission would like to keep everything that is listed in black except for everything that is discretionary verbage that needs to be adjusted and any State mandated sentences that need to go in here and submit that to the Council. Commissioner Leach seconded the motion."**

Commissioner Leach stated, "Can I clarify that, you don't mean as it stands with it's modifications..."

Commissioner Leach stated, "As originally stated.....the original document before it was, the suggestions were added."

Vice-Chairman Curran stated, "One of the reasons I agree with what they are saying should be a motion is that page 4, for example, B, this is the Road Commission, it says the Commission may request permission from the City Council to consult with experts on an as-needed basis, Ad Hoc Committees may be appointed by the City Council to assist the Commission in the completion of duties. We do that ourselves. Why do we have to get the Council to approve what we are already going to do. It's another cog in the wheel progress. I mean it's like, I got to ask for everything we can do, you know. I mean it's like being in kindergarten...all written correspondence, media, statements, mailing...you know we all have to get the permission from the elected officials. This can make us so functionally obsolete ....."

Chairman Sathe stated, "Go ahead Fred."

City Recorder Fred Hilden stated, "I didn't mean to interrupt but Commissioner Curran was speaking and the sidebar conversations make the tape very difficult to listen to when we have to go back and check for the minutes. I'm sorry, I do apologize."

Chairman Sathe stated, "So..."

Vice-Chairman Curran interrupted stating, "...It's so obtuse that it's unworkable. I don't want to have this kind of leash around my neck. I think it needs to be re-worded. All it does is constrict our actions. It takes longer to do anything, if you want to put up with that fine but I am not going to waste my time with it. I mean if you want to have a bureaucracy this is a great way to, get it get people to pay them and they will put up with this. I am not ready to put up with it. We are functional, we do a really good job and get certificates for it, get the hell out of the way if your not going to lead."

Chairman Sathe stated, "There's something, there's something, there's also a few things on the back end of it where Richard is bringing up, would you like to bring up your thing?"

Commissioner Richard Palmer stated, "Well, by this paperwork you guys are talking about how ...by this piece of paper I am done with the City Council, I mean this road thing, I can't do it so, because it appears in the paperwork just because my son work for a contractor who does all your work is a conflict of interest so, I don't know what I need to do, but I guess I need to step down from this..."

Chairman Sathe interrupted stating, "Well, that's not active right now."

Commissioner Palmer stated, "Well, that's what it is..."

Vice-Chairman Curran interrupted stating, "We don't like it and we are going to try to reject it."

Ordinance Review Committee Member Burke interrupted by stating, "Now, what a second, that has absolutely nothing to do with anything thing other than a hearing. This is explaining..."

Commissioner Palmer interrupted stating, "This is financial and when you are dealing with the City, that's financial, he's employed, it's a money deal which could...financial that seems

so I am here, that there could be something going on with that contractor and the City contract.”

Chairman Sathe stated, “Go ahead Fred.”

City Recorder Hilden stated, “Your talking about...the right place...and then I will explain it and I am not trying to justify anything that the Road Commission, what the Ordinance Review Committee did. Are we talking about 32.151 Conflicts of interest?”

Commissioners stated, “Yes.”

City Recorder Hilden continued stating, “Yeah, the only time you would need a, there would be a substantial financial interest, conflict of interest is during a Public Hearing. In other words, you can be related to somebody that’s working for the City but you can’t make decisions as it relates to those business activities. You would just recuse yourself from that particular event.”

Commissioner Leach stated, “Then why doesn’t it say that.”

Commissioner Palmer stated, “Yeah, I don’t understand, yeah because that I mean that, now you are talking about bids and the wok they do, I mean, I just excuse myself from any of that.”

City Recorder Hilden stated, “What it means is if his bid was...if we had three bids from three different companies and he worked for one of the three companies and it came before the Commission to vote on those three bids, you would recuse yourself from that vote because you have a relative that works for one of those companies and that’s all it means.”

Ordinance Review Committee Member Burke stated, “This is State Law. All it is, is a copy of ex parte and conflicts of interest from the State Law....that every one of you is under right now and always has been any time you make a decision.”

City Recorder Hilden stated, “That’s one of the things is that, as I interpreted the motion of Commissioner Leach made that, you know, that boiler plate needs to stay in this document because it is State Law.”

Chairman Sathe stated, “One thing on this motion I would like the next document to come back to the Road Commission, I would like to have that in your....”

City Recorder Hilden interrupted stating, “Excuse me again Chairman, we’ve got to stop the sidebar conversation...”

Commissioner Palmer interrupted stating, “We can do that...see ya. I can go home and fight with two three year olds.” (Commissioner Palmer left the meeting.)

**Vice-Chairman Curran stated, “I would like to call the question.”**

**Chairman Sathe stated, “Yeah, all those in favor of the motion say I.”**

**Commissioners, "I." (unanimous)**

Chairman Sathe stated, "Ok. So, our motion to the Ordinance Review Committee is everything that is added to this, not State Law, or discretionary be removed from this document."

Ordinance Review Committee Member Burke stated, "That isn't the motion, you said the motion was to the City Council."

Commissioner Leach, stated, "Or who we are answering to, who are we answering to? The Council or Ordinance Review?"

Chairman Sathe stated, "I can, I can give your guys comment in my Road Commission report and have the Council send it back to Ordinance Review."

Ordinance Review Committee Member Burke stated....

Vice-Chairman Curran stated.... "Is Ordinance Review the Planning Commission or is that another..."

Ordinance Review Committee Member Burke stated.... "That is separate. Ordinance Review is Jamie Mills, me and the attorney, Steve Burton....Ordinance Review. I have done Ordinance Review for three years...."

Vice-Chairman Curran stated, "Why is it that we have not seen this stuff?"

Ordinance Review Committee Member Burke stated, "This just came out."

Vice-Chairman Curran stated, "And no time to study it. We are supposed to be able to fly with it. Well that's going to work for me. My plan is it's got to be checked and it's got to be good...if it is."

Chairman Sathe interrupted stating, "I asked for this document when I, they finally gave it to me. This is a document they had since December 19<sup>th</sup> ..."

Vice-Chairman Curran interrupted stating, "Why has it taken so long?"

Chairman Sathe continued, "And I asked for it several times so, then I made a request from Fred and he got us this document. Go ahead Brandie."

Road Secretary Bell stated, "We go this document at your working session on Monday of last week so it has been in your possession for a week."

Chairman Sathe stated, "Right."

Road Secretary Bell stated, "I handed it out at the work session and I also emailed it."

Vice-Chairman Curran stated, "Yeah, well I studied it and I need spend more time studying it and I think we really need to talk about it and re-write it."

Chairman Sathe stated, "Well, we can see that this really has people upset what's in this and we need to have some more time before this comes to Council, Richard was very upset about that and he is no longer in our meeting because of this document. Go ahead Brandie."

Road Secretary Bell stated, "Can I make a suggestion since it is very heated. What I did with Planning, this was actually Lee's idea this is a document in word, you go home, you write what you would like to see in a section, what you would like to see deleted and then bring it to your next meeting. We can forward it to the Ordinance Review Committee and they can make their recommendations from there. That's kind of what we are doing for Planning."

City Recorder Hilden stated, "Point of order, we just passed a motion to make a recommendation, well the motion was made to the City Council and there was some debate after the motion was approved or whether or not it went to City Council or Ordinance Review and I would suggest the timing stand point that it goes to Ordinance Review first, they meet again next Monday. I think, you know we can have that prepared well in advance of Monday and then obviously it would be on the, if we wanted we could put that on your March City Council report, Mr. Chairman."

Chairman Sathe stated, "I just don't want to loose my whole Road Commission here because I can't find any guys that will do what these guys do."

City Recorder Hilden stated, "I understand."

Chairman Sathe stated, "So, I mean..."

City Recorder Hilden interrupted stating, "And I apologize for the loss of Commissioner Palmer tonight but the meeting needs to be conducted in a manner of only one person speaking at a time..."

Chairman Sathe interrupted saying, "Yeah but..."

Vice-Chairman Curran interrupted saying, "That's true and it's actually the Chairman's job to do that and not your Fred."

City Recorder Hilden interrupted stating, "I know."

Commissioner Leach stated, "I listened to what Brandie just said. I don't think we have enough information. I don't know what are the State mandated verbage is in this document. It doesn't say as mandated by the State so, I don't know which things are mandated or suggested let's say by Ordinance Review Committee and Council and which ones are mandated by State Law. So, in order for me to talk intelligently about this document I would have to know what State items are in this particular item. Otherwise, I can't get it..."

Chairman Sathe stated, "How can we get that Geroge?"

Ordinance Review Committee Member Burke stated, "How could you find it out."

Chairman Sathe stated, "Yeah."

Ordinance Review Committee Member Burke stated, "I guess we can detail it for you."

Commissioner Leach stated, "This is why I suggested that we present it that way. You know if it has to be in there through State Ordinance, then it has to be in there that way, there's nothing we can say about it, it's mandated but we can definitely recommend from our original document what was correct."

Chairman Sathe stated, "Yeah, because our original document we took to the lawyer and he said that that was a good document so, I can't imagine him letting us pass that if there was all this State mandated stuff that, that's added now, has to be in there."

Ordinance Review Committee Member Burke interrupted stating, "...we put in there because...that's why we put in here..."

Vice-Chairman Curran interrupted stating, "Let's look on page 3b at the top, the City Council upon majority vote may remove any member from the Commissioner without debate. What ever happened to due process."

Ordinance Review Committee Member Burke interrupted stating, "That's in the Rules of Procedures of the City Council..."

Chairman Sathe interrupted stating, "But that was for Committees and Commissions were never under this rule."

Ordinance Review Committee Member Burke stated, "...or Committees and it and it's in here..."

Vice-Chairman Curran interrupted by stating, "Why is it in here? This is a Commission not a Committee."

Chairman Sathe stated, "And that's..."

Ordinance Review Committee Member stated, "It shouldn't be in here."

Vice-Chairman Curran stated, "Oh jolly by golly, well, why is it in here then if it shouldn't be in here. Can you tell me?"

Ordinance Review Committee Member Burke stated, "At the point that it was put in there, we didn't realize it was for Committees only."

Vice-Chairman Curran interrupted stating, "Ah, and half this stuff is for Committees only and it's not for Commissions, it's not applicable and we half to go though and find all this stuff and get back to you and say here's the mistake, it's nonsense."

Commissioner Leach interrupted stating, "This makes are motion applicable doesn't it."

Chairman Sathe stated, "Yes."

Vice-Chairman Curran stated, "Sure does."

Chairman Sathe stated, "What might be a better course, once it gets sent back to the Ordinance Review Committee, it might be a good idea to have a work session with them on this, kinda like what we did with the Planning Commission and we can, instead of just having a few recommendations that Brandie's sending to them or whatever, it might work a lot better if we actually did a meeting with them and sat down with them and said why does this have to be here and so on."

Vice-Chairman Curran stated, "Yeah, there is a lot of aggravating that needs to go on with this document."

Chairman Sathe stated,...(Commissioners talking) "and so, well I understand..."

Vice-Chairman Curran interrupted stating, "We don't have time to deal with this tonight. I recommend that we close the meeting soon, it is now 20 minutes after nine, we've spent 45 minutes on this, we have gotten almost nowhere.."

Chairman Sathe stated, "So, but do you think it would be a good idea to have a meeting with the Ordinance Review Committee?"

Vice-Chairman Curran stated, "I think someone should meet with them."

Chairman Sathe stated, "Well, I just, I don't want to do it, I mean everybody needs to have their input, I mean it's, and sounds like this will be a two hour meeting to get through this minimum and have them explain what's going on. The main thing is we need to decide if we want to do that or not. Do we want to just say we don't like this or do we want to help?"

Vice-Chairman Curran stated, "I think it needs to be re-written. Do we re-write it ourselves and then they say you can't do it. Are we going to waste more time doing that or what, I mean..."

Chairman Sathe interrupted stating, "I think..."

Vice-Chairman Curran interrupted stating, "What are the rules of engagement here..."

Chairman Sathe interrupted stating, "I think it would be more productive if we actually get all...set up a meeting with the Ordinance Review Committee and go over this, all the sections we are worried about and let them know exactly, don't you think that would be the most productive George?"

Ordinance Review Committee Member Burke stated, "That's a way to do it..."

Chairman Sathe interrupted stating, "I mean that way instead of saying we don't like this let's work with you guys and get something done."

Ordinance Review Committee Member Burke stated, "We are asking for your recommendations, that's why it is here..."

Chairman Sathe interrupted stating, "Right..."

Ordinance Review Committee Member Burke interrupted stating, "...we are asking for your recommendations..."

Chairman Sathe interrupted stating, "So, this is the best way to get something done. What do you guys think?"

Commissioner Leach stated, "Well, didn't we already have a motion, seconded and approved?"

Chairman Sathe stated, "Yeah, but what is going to happen, this is going to go to the City Council and we are going to send this back to the Ordinance Review...."

Commissioner Leach interrupted by stating, "No, no I amended, didn't I say that I wasn't sure which party is getting this, so, I said either the Council or the Ordinance Review Committee...so the motion should be listed as this is going to the Ordinance Review Committee first the way are suggesting that it should be. Then if the Ordinance Review Committee wants to meet with us on it then we need to get some facts, we need to get some information because we can't talk intelligently on this document not knowing what the State mandates or what the City Council mandates are within this."

Chairman Sathe stated, "So, but what we need to do is, we need to say yes we want to set up a, if you guys want to meet with the Ordinance Review Committee because I don't think...what I don't want to see is us sending this back to Ordinance Review 10 times, you know, and say we don't like it every time. If we are going to, if we want to have a document that ends up well we need to work with them and get it done. You've seen how well ...that working with the Planning Commission on codifying that Ordinance. We need to, actual, there's going to be some quick points we are going to hate and they are going to say this is State Law, you got to have it in here and we need to actually be sitting with them and say, and have them explain to us why it has to be in there then, but I mean it is not going to us any good, what's going to happen is our recommendations are gonna go back to them and they are going to send you back another document that you guys are going to hate and then it's going to come back and you guys are going to say we don't like this and then you are going send it back to them and they are going to send you another Ordinance that you hate and then you are going to send it back to them again, so it's going to keep going like this. But if we work with them..."

Commissioner Tucker interrupted stating, "In the mean time...."

Vice-Chairman Curran interrupted stating, "What's wrong with the one we already have?"

Commissioner Tucker continued, "...the current one would be enforced so, we won't..."

Chairman Sathe interrupted stating, "Exactly, until this is changed the current one is what, is the Ordinance...."

Commissioner Tucker continued, "...If it goes back and forth 10 times and takes two years...."

Vice-Chairman Curran interrupted stating, "So, we filibuster it."

Chairman Sathe stated, "So, do you want it to go..."

Commissioner Tucker interrupted stating, "I have no inclination to sit with the Ordinance Review Committee on this document because I ...."

Vice-Chairman Curran interrupted stating, "I don't want to waste any time on it either."

Chairman Sathe stated, "Well, that's, that's what I am asking you guys what you want to do. So, you guys..."

Commissioner Leach interrupted stating, "Let's leave what we just put in here to, so it goes back to the Ordinance Review Committee and see what they come back with. What kind of document comes back, read that and then we will comment on that."

Chairman Sathe stated, "Ok. Bill."

Commissioner Harris stated, "We have to try at something like that...let the motion run out that we put forward because we're not, we don't, we are not our own entity here, we are in the middle of the City, we have to work at, you know, follow all the guidelines and the City Council is, their the leaders, they have the last word but obviously this is not up to our expectations, I don't think we should be asked to go necessarily change everything those, the people of the Ordinance Review Committee have been working on but let them work ....like we have all asked, work with it the way it was and see if we can't, you know, at least leave things in there that have to be in there by law and take one more step at it but we can't just do whatever we want on our own."

Chairman Sathe stated, "Right. And I have no doubt that at the Council level they would have never passed this document. So..."

Vice-Chairman Curran interrupted stating, "Well, if it ain't broke don't fix it. This would break it."

Chairman Sathe Stated, "So, are we done with this part. Let's go to Unscheduled Items."

#### **10. UNSCHEDULED ITEMS NOT LISTED ON AGENDA**

Chairman Sathe stated that Commissioner Palmer was going to give his report on the trees on Woodland Lane but he has left the meeting. Chairman Sathe stated he went down to look and they weren't danger trees and we will table this discussion for the next meeting. Road Secretary Brandie Bell stated this is not the first complaint about these trees. There was a previous complaint to the previous Road Secretary. The trees are not on the person's property who made the complaint they are on the little skinny lot across the street from him. The lot is an easement for Dunes City for water lines. Chairman Sathe would like staff to invite the complainant to the next Road Commission meeting.

#### **11. FINAL COMMENTS**

Commissioner Leach wanted to apologize for not being able to help on Little Woahink because his wife had surgery and he was the dedicated nurse.

Vice-Chairman Curran had nothing to add.

Chairman Sathe stated that he is kind of sad that Commissioner Palmer left and from now on in the meeting he should be the only one to discipline anybody that needs it that way we don't have an issue like that.

Commissioner Harris stated that he apologizes, he was probably talking to much with Richard so that is his fault and sometimes we just get carried away a bit and get talking to much and upset the order so hopefully we can do better next time.

Commissioner Tucker stated, "I would like to make a comment, based on that document which I think is limiting the Road Commission's authority....another document that we saw establishing the Road Commission....establishing a City Manager, I think there is some....bureaucracy in the City is getting to the point where it is going to change the structure of the City very much and I am quite concerned about it personally. I think that it will make volunteering almost non-existent. People are going to see that their volunteering is not appreciated and that there is too many people getting paid for things so we all want to see jobs like this getting paid for instead of volunteering...I am really concerned about this. Dunes City has had a nice open structure."

City Recorder Fred Hilden apologized for intervening twice in the meeting and causing that. I hope that is not the only reason why Richard left tonight but I will call him and apologize.

Road Secretary Brandie Bell stated that she handed out a new Dunes City Street Inventory List and added a new Column for each Commissioners section. Pages three and four are sorted by Commissioner, if the Commission could review those and make sure they are up to date and correct that would be great. Let's end this on a happy note and thanks the Commission for working with us and see you next time.

Commissioner Harris stated things are working real well with the new Road Secretary Brandie Bell, things are current and getting the emails right up to snuff and I am sure that takes the weight off of Fred too, so it has been real pleasant having everything timely.

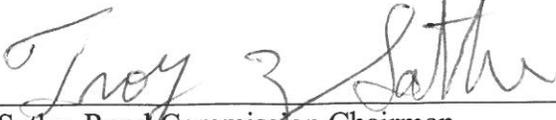
## 12. ADJOURNMENT

**There being no further business to come before the Road Commission, Commissioner Harris made a motion to adjourn the meeting. Commissioner Tucker seconded the motion. The motion passed by unanimous vote.**

The meeting of the Dunes City Road Commission adjourned at 9:41 pm.

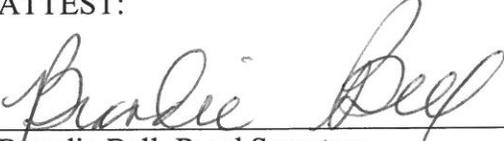
The proceedings of the Dunes City Road Commission meeting were recorded on tape, and are on file at City Hall. Upon approval by the Road Commission, these minutes will be available online at [www.dunescity.com](http://www.dunescity.com).

**APPROVED BY THE ROAD COMMISSION ON THE 19<sup>TH</sup> DAY OF MARCH 2012.**

  
\_\_\_\_\_  
Troy Sathe, Road Commission Chairman

4-16-12

ATTEST:

  
\_\_\_\_\_  
Brandie Bell, Road Secretary

4-16-12