



**ROAD COMMISSION MEETING MINUTES ~ APPROVED
MARCH 17, 2014 AT 6:30 PM**

City Hall ~ 82877 Spruce St., Westlake, OR 97493

1. CALL TO ORDER

Chairman Maurice Sanders called the meeting of the Dunes City Road Commission to order at 6:30 pm.

2. ROLL CALL

Roll Call was taken by Road Secretary Laurale Lorentzen.

Present: Chairman Maurice Sanders, Vice Chairman Jerry Curran, Commissioner Richard Palmer, Commissioner Chris John and Commissioner Bill Harris entered at 6:33.

Absent and Excused: None

Others Present: Road Secretary Laurale Lorentzen, Tom Hart of The Dyer Partnership and Public Works Director Gary Baker.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Before the Agenda was approved, Chairman Sanders removed both the Budget Committee Meeting Agenda Item 6C and the Budget Report Item 8 from the Agenda since City Administrator Hilden was not present to address the items; the two issues were transferred to next month's Agenda. Vice Chairman Curran requested that Borrowing of City Equipment be added to the Agenda as item 10A Unscheduled Items Not Listed on Agenda for discussion only and Commissioner Palmer requested that a Woodland Lane Drainage Issue be added as 10B for discussion purposes only. **Commissioner Palmer made a motion to approve the Agenda as amended. Commissioner John seconded the motion. The motion passed by unanimous vote.**

5. MOTION TO APPROVE THE MINUTES FROM FEBRUARY 17, 2014

Commissioner Palmer made a motion to approve the February 17, 2014 Road Commission Minutes as presented. Vice Chairman Curran seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

A. Master Road Plan – Chairman Sanders

Chairman Sanders stated that this Agenda item is a reminder to the Commissioners that on Thursday, March 27, 2014, the Planning Commission is addressing the Master Road Plan (MRP) and this is an excellent opportunity for the Road Commission to provide their input. The time of the meeting was not certain, but the Commissioners were encouraged to check the website for this information.

B. Oregon Dunes Triathlon May 10, 2014 – Chairman Sanders

Chairman Sanders announced that more participants are already currently signed up for the Triathlon than we had at the day of the event last year. He also mentioned that volunteers are needed and he encouraged the Commissioners to get involved by offering their time for this cause.

7. CITIZEN INPUT (NONE)

8. UNFINISHED / OLD BUSINESS

A. 2014 Pavement Maintenance Project Update – Public Works Director Baker

Public Works Director Baker introduced to the Commissioners the preliminary documents covering the upcoming 2014 sealcoat program. In attendance was also City Engineer, Tom Hart of The Dyer Partnership who had prepared these documents. Mr. Hart was available to answer any questions that the Commission might have regarding the contents of the documents. Once the Commissioners had an opportunity to review the material, considerable discussion followed. Public Works Director Baker commented that in the interest of keeping costs to a minimum, the Commission might consider the removal of Russell Drive work until a later date due to the considerable amount of patch and repair work that will be required on that street. In addition, there was discussion regarding prevailing wage and how that issue will possibly impact the overall cost of this year's program which then led to yet additional discussions about the possibility of other means of reducing this year's program's cost. Chairman Sanders upon review of the documents commented that it was important to add a clause which would give the City the authority to reject all bids if the City were of the mindset to do so. Mr. Hart stated that he would incorporate that clause into the contract documents. Public Works Director Baker stated that removing Russell Drive out of this year's program and scheduling for a more appropriate strategy such as an asphalt overlay next year would be the suggested revision to this year's program. After considerable discussion, the Commission agreed that this would be acceptable. Public Works Director Baker suggested that given the removal of Russell Drive, the Commission may consider adding to segments of Hilltop Drive to the program at minimal additional costs. Following that discussion, Commissioner Palmer raised the issue of adding Alder Drive to this year's program instead; that led to considerable deliberation as to the feasibility of doing so. Since there are remain-

ing number of questions regarding the Alder Drive project and its undefined boundary issues, the final decision was to never the less, add the cost of asphalt paving of Alder Drive to the program as the only work that would be required on that street, whereas, Commissioner Palmer agreed to prepare the street for paving through his own construction efforts. As a final result, the following motion was made. **Vice Chairman Curran made a motion that the Road Commission request City Administrator Hilden to contact the surveyor Gene Wobbe to complete the property line survey on the City's right-of-way on the upslope side of Alder Drive as soon as possible with Commissioner Palmer present during the survey. Commissioner Harris seconded the motion. The motion passed by unanimous vote.** During subsequent discussions, Chairman Sanders confirmed that the general format of the bid documents from The Dyer Partnership is acceptable except that Russell Drive will be taken off the list and Alder Drive will be added as discussed. He asked the Commissioners if this was a correct assumption and the Commissioners agreed.

Commissioner Palmer made a motion to adopt The Dyer Partnership documents as presented with amendments as discussed and approved by the Road Commission. Commissioner Harris seconded the motion. The motion passed by unanimous vote. Mr. Hart was then directed to prepare the revised documents as agreed by the Commission, which will then be forwarded to the City's Budget Committee for final review.

B. Culvert / Catch Basin Inventory Project Update – Public Works Director Baker

Public Works Director Baker stated that there was nothing to report this month. Chairman Sanders stated that this item will be carried over to next month's meeting in April.

9. NEW BUSINESS

A. Borrowing Equipment from City

Vice Chairman Curran said "it has come to his attention as he looked at the equipment that some of the equipment has been taken from the storage area for the Road Commission and signed out to individuals to do work for the Road Commission. There's a pole saw and a weed stripper that has been signed out to Mr. Petersdorf as of the 20th of January, and it hasn't been returned yet. I talked to Fred about it and he said that he has a little park down there and he has volunteered to do the cutting on it, so I said, well, that's fine. And then the blower was going to be signed out to somebody, I don't know who, but he said it was going to be signed out to Richard and I assumed it was going to be Richard Palmer, but Richard Palmer already bought his own because he could never get use of this one here. So, I walked away not knowing really who these were signed out to... I don't even know the person, anyway, Fred said that these are people that have volunteered to help the City and cut the various things which is great, but I think it would be nice if he had told the members of the Road Commission since we're responsible for it, or maybe it's his equipment anyway, so he was going to explain that tonight, but he's not here. So how does the Commission feel about that? Would you like to be informed about other people using this equipment? Does our insurance cover it?

Are we liable for it? Mr. Chairman, do you know anything about that?” Chairman Sanders said, “To answer those questions, I know that anybody who volunteers for the City is under the Worker’s Comp Plan. I would just like to bring this discussion item back next month when Fred’s here and let him respond to your statements and I would ask that the secretary do a transcript almost verbatim of your comments, and we’ll just bring it back for next month’s session. I’m not going to ask the secretary to go out there and see what’s out there right now, but I think that has to be part of the discussion to see exactly what’s out there and what the history is, and I’m willing to bring this back next month when we have the parties here to discuss it”. Vice Chairman Curran said, “yes, and I would like to see what the policy is, because I was not aware that we had one where we lent it out to other people.” Chairman Sanders said “I think that would be more of a City policy just on the top of it and not the Road Commission policy because the equipment belongs to the City of Dunes City, but I don’t know, and I would like to have Fred know.” Vice Chairman Curran said “yes, I would like to clarify it and like I said, I won’t be at the next Road Commission.” Chairman Sanders said, “That’s fine, I’m going to ask the secretary to basically transcribe your comments nearly as verbatim as we can to capture it.” He then asked the Commissioners if there was any discussion. Commissioner Harris asked if we only have one pole saw and Chairman Sanders said he thought so. Commissioner Harris responded that he thought that if it was taken out in January, that that was a little long, and that it would not have been fun to come down and find out nobody knew for sure where it was or how long it had been gone. More discussion ensued regarding how long it had been since the inventory was taken sometime last summer and that since January 20th of this year, the pole saw has not been returned. Commissioner Palmer said it had been signed out properly and you can use his if you need. Vice Chairman Curran mentioned that “maybe someone should call him and it bothered him that it was dinged and we had to re-sharpen the blade and we didn’t even get to use it and now it’s out again, and Richard had to buy one because he can never get the one that’s supposed to be here.” Chairman Sanders stated that since there was no more discussion regarding this item, it will be discussed again at next month’s meeting.

B. Woodland Lane Drainage Issue

Commissioner Palmer stated that complaints regarding drainage issues on Woodland Lane were brought to him by the City involving a new two-story house. He stated that he investigated the situation and discovered that a new driveway was put in without a culvert; it was also brought to his attention that the owners rocked and sloped everything to flow down the city street. He said that he was unable to ditch the area because the owners installed a mailbox that was now deflecting the water running down, and “I guess it is running across the road and into the neighbor’s property, and the neighbor is not really happy.” Commissioner Palmer stated that he can’t clean the ditch because he needs to find out what to do about moving the mailbox. He said that “the other thing brought to my attention was that as he walked down the street, a neighbor named Chuck something, and now I forget, lives at the end, big fancy place. evidently the culvert that goes across the road and drains out into the lake is private, it’s his, it’s not Dunes City and we can’t run our water down, we got nowhere to go and don’t want it in his culvert. So, that whole thing came to an abrupt stop, but the thing that really got me was - - here’s another thing

that's come back and bit us several times - - is how does somebody put in a driveway and pave it with no culvert, and culverts are supposed to be put in. There was another driveway deal that was done and never brought to the Road Commission - the whole thing got done and not one thing here that the Road Commission knew about. This project was brought up quite a while back about the ditch done by the contractor, and then them filling it back in once they got through with the utilities. Now I've done some research and I think if we make a phone call to this property owner down there with the culvert, that our saving grace is going to be making a deal with him where the City might step up and say we would take over the maintenance of your culvert and work out some kind of a deal with him so that we can establish our ditches and things because there's no way for us to put in a culvert to get rid of this water." Vice Chairman Curran asked "Is the culvert in our right-of-way?" Commissioner Palmer said "no, that as far as I understand, the property stops quite a ways before that." Vice Chairman Curran asked if the owner was on the lake side and Commissioner Palmer said the drainage ditch was not on the lake side, but on the east side of the road and the culvert runs across over to the lake". Vice Chairman Curran asked if the water runs under the road, and Commissioner Palmer said "yes, it was under the road." A discussion ensued between Vice Chairman Curran and Commissioner Palmer whether the road was private, and Commissioner Palmer said, "According to my understanding, part of the road is private - - the City's road stops and then the last two houses have private roads and there is nowhere to put a culvert on the City's side because we have no place to go with it." Commissioner Palmer went on to say "the thing that gets me is how did all this happen and nobody knowing anything about it." Chairman Sanders asked "How long has the driveway been there" and Commissioner Palmer answered, about 2 years. Chairman Sanders stated he did not recall signing off for a driveway apron at that location, but had been dealing with another one on Maple and Laguna and he put a stop to it because it was within 15 feet of an intersection. Chairman Sanders said "I wanted to make sure that I hadn't screwed up", and Commissioner Palmer said, "No, no, no this has been going on for a long time." Chairman Sanders asked Secretary Lorentzen to "transcribe Richard's comments almost verbatim, and when I talk to Fred, I want to communicate to him when he's up and able to communicate with staff and get us the information. I'm not sure if this is a legal issue at this point." Commissioner Harris asked "If the house is still ongoing, perhaps it hasn't had the final sign-off on the inspection. . . . Commissioner Palmer said "No, it's been done and the people have been living in it, and this fellow that owns the house has been a little bit of a problem with the City, umm. . . so it's a very touchy issue dealing with this guy. . . he has had some legal issues and stuff back and forth with the City. He stated that the girls in the office know about this because "This came through as a complaint, and then it was passed on to me, so there is paperwork done. Maury called me on this thing; everybody is notified and turned it over to me." Chairman Sanders said "the mailbox can be removed out of our right-of-way." Commissioner Palmer said, "that would help, but I don't want to go pull it out" and Chairman Sanders said "it's the homeowner's responsibility if it's interfering with causing a backlog with the water that interferes with the preservation of our pavement in our right-of-way, and we can say, homeowner, you can remove it, or we'll remove it for you, because they have to make arrangements with the postal service where their mailbox goes, but that's a separate piece of it. . . that's a phone call type of thing. Commissioner Palmer said, "we have several issues, the mailbox can be moved to the uphill side, which the up-

hill side of it is the crest of the hill and the driveway's here, so there's not a whole lot of ditching here, but the mailbox could be here and it would be out of our way and we could go on with our ditching. But, my whole point was, a driveway got put in No culvert - - should not have happened." Chairman Sanders said "so that needs to be researched to find the initial permit on it to see what conditions were put on it. I can't imagine" Commissioner Palmer said "the other problem we have, and this is what we need to start learning to address is, I don't know how this whole thing, this project got done and they put all this water right on to us and we have no way to control it because we're hitting a street that we have no drainage, we have nothing, and now they have put a bunch of water, I mean it's a pretty big parking lot that you're draining all this water, and right now it's eroding their new asphalt and coming down and flooding out somebody else, and so we're kind of in trouble. We need to get something done quickly I think." Vice Chairman Curran asked, "Do we issue a culvert permit?" Chairman Sanders said, "That's a driveway apron and they're responsible I just don't know, there's some driveway aprons that don't require a culvert, it depends on where it's located and I don't know what was required here and this needs to be researched by staff and that takes going to the City Administrator to give the message either via email or phone call for staff to research it." Commissioner Palmer asked, "Is there any way I mean there's been so many of these things, I mean this has been an on-going deal, but isn't there some way that some of this can be streamlined and done and things don't bite us so much cause I mean anytime there is anything being done within the City's right-of-way, driveways, anything going on, shouldn't this body know about it or shouldn't we have somebody in these steps that we've set up that goes and inspects?" Chairman Sanders stated that "the Planning Commission grants the permitting process on these things and when we get the driveway apron, I believe they come to me because I've seen one, I know that, and we can implement that all these permits be stopped and delayed until this body meets every month to view them, I'm fine with that if that's what it takes, it just delays the process for homeowners. Commissioner Palmer asked, "But shouldn't we be involved in this planning process before a permit is even issued? Shouldn't somebody in the road department be there and do a site inspection and say what you can and cannot do because you know like you say your drainage of all your stuff, you shouldn't be doing that. This thing could have been set up a lot better to retain its water than running it to us." Vice Chairman Curran stated that whatever driveway permits are issued, the Road Commission should be copied with a note that says so-and-so pulled a permit on this particular property. Chairman Sanders asked that this issue be brought back for discussion next month when Fred is here and said, "I think he could tie it all together for us, and I think there are some very valid suggestions being made." Commissioner Palmer went on to say, "But anyway, I just want to make sure, because I'm getting phone calls directly from people wanting action, so I don't know, I either tell them to call somebody else or I start coming down here and get things moving because these people are really upset." More discussions ensued regarding this issue and Commissioner John asked if there was a problem with the flow of water prior to the construction of the new house and Commissioner Palmer said, "We were good, but now there's so much water." He also added, "The private guy is blocking off the culvert at this point and time, so it is really causing a so... we have a roadway that is getting very saturated. Chairman Sanders said, "This may be a legal issue for our City Attorney to deal with because it may require involuntary action on the City to resolve, but I just

simply don't know". Commissioner Palmer said, "The other thing with this whole thing is, and I think some of you will remember, this is the same place that we brought up about the asphalt patching that hadn't got done, hadn't got done, ok. I don't know here again, it got done. I don't know who went and ok'd and looked at it; pretty poor job; we've got sinking, we've got things happening, they never even picked up their asphalt from the side of the road that they dug out, umm ...really poor job, and it didn't help us. And you're talking about the condition of the roads and here's a deal that" Vice Chairman Curran said, "We should be able to get the information from the homeowner as to who was employed to do that and track that down and get them to clean it up". Chairman Sanders discussed this further and concluded that the City could contact the contractor and the remedies should be according to the law. Commissioner Palmer stated that since Tom is here, there is another point he wanted to bring up. He said, "This is a prime example of why we do permits and things and there should be some kind of recourse or something back to the contractor, and we should have a little bit better setup on any street should be requiring some kind of bonding; anything, I know out here it's not that big of a deal but we should, cause this is what goes on, and now the City has no leg to stand on; the contractor is in and out, gone, we got nothing to stand on". Chairman Sanders said, "Maybe this body should review the permitting process for different types of road work and maybe look at putting language in that permit that the person agrees to". Commissioner Palmer said, "And there's a man right there that deals with it, and knows exactly what we're talking about. We don't have to get real big-time city, but there should be something, I mean ... do you think"? Mr. Hart stated there were a lot of different avenues the City can go with and yet we're trying to make it a developer-friendly City, so we don't want to be too hard". Commissioner Palmer said "Right, but you got to have something, and right now we don't". Mr. Hart stated that he would have to look at it and consider what to do with a small situation like this and discussed possible remedies for what a small City has access to. He stated he didn't suggest a performance bond, but there are lines of credit or deposits that are a reserve for the city in case something like this happens. Chairman Sanders asked to bring this back next month for further discussion, and said he would like to have Fred here and look at options that maybe this body could make a recommendation to the City Council. Commissioner Palmer asked "What should I do about the whole thing because I don't need to put it off anymore". Chairman Sanders stated that we cannot make a decision because it's not an agenda item. Mr. Hart stated that it is required by law that the downstream houses receive the drainage. More discussions ensued and Commissioner Palmer stated he thought the homeowners downstream would be open to "work out a deal where the City will use their culvert and step up and say we will maintain it from here on." He also mentioned "it is a very, very nice system with catch basins with grates and stuff all the way out, and if we can do that, then I think we could proceed and do our ditchingWe'd be good; don't ruffle any feathers". He added "my whole deal, and the reason I brought it up was the point of how it happened and to get a handle on how to fix this". Chairman Sanders said, "I will be talking to Fred as soon as he is able, and I want to bring this up to him because you are asking for expertise that I do not have and I don't think any of us has, and he has access to the City Attorney. Commissioner Harris suggested that we get the ear of the Planning Commission. Chairman Sanders stated that he will make sure that Mr. Burke is notified of this issue and we will make sure he gets a copy of the

Minutes and direct his attention to this discussion item that we have been engaged in. Again he emphasized that we will bring this issue back to next month's meeting.

10. UNSCHEDULED ITEMS NOT LISTED ON AGENDA

Mr. Hart stated that he didn't know if everyone was aware of this or not, but that he and Fred have been working together with private developers setting up engineering specifications and guidelines.

Public Works Director Baker mentioned to the Commissioners that the search for money is underway again and the Transportation Growth Management (TGM) pre-application documents went in on Friday.

Chairman Sanders stated he would like to schedule a shed inventory sometime in April which will consist of removing everything from the shed, check the equipment, sharpen saws, fire up the equipment, etc. He added that he will send an email to everyone with the information and would like just one or two people to help him with this matter.

11. ADJOURNMENT

There being no further business to come before the Road Commission, Chairman Sanders adjourned the meeting at 8:25 pm.

The proceedings of the Dunes City Road Commission meeting were recorded, and are on file at City Hall. Upon approval by the Road Commission, these minutes will be available online at www.dunescity.com.

APPROVED BY THE ROAD COMMISSION ON THE 21ST DAY OF APRIL 2014.

[Signed copy available at Dunes City Hall]

Maurice Sanders, Road Commission Chairman

ATTEST:

[Signed copy available at Dunes City Hall]

Laurale Lorentzen, Road Secretary