



**CITY COUNCIL MEETING MINUTES ~ APPROVED
DECEMBER 12, 2018 AT 6:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

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

1. CALL TO ORDER

Council President Sheldon Meyer called the Wednesday, December 12, 2018, meeting of the Dunes City Council to order at 6:00 pm.

2. ROLL CALL

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

Present: Council President Sheldon Meyer, Councilor Duke Wells, Councilor Susan Snow, Councilor Tom Mallen, and Councilor Robert Orr. Councilor Alan Montgomery arrived at 6:04 pm.

Absent and Excused: Mayor Robert Forsythe.

Also Present: Planning Secretary Ms. Rapunzel Oberholtzer, several Dunes City residents, Public Works Maintenance Supervisor Mr. Richard Palmer, and *Siuslaw News* reporter Mr. Jared Anderson.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Mallen made a motion to approve the Agenda. Councilor Wells seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

Councilor Orr made a motion to approve the Consent Agenda with amended Bills of the Session. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

Council President Meyer read from the list of announcements on the Agenda:

- A. Water testing by the Oregon Health Authority determined levels of cyanobacteria in Siltcoos Lake are at acceptable levels, however the OHA requires two clear test results before giving an all clear. We await the results of the second test.

City Administrator/Recorder Mills explained that a second test done by OHA showed that the cyanobacteria has returned so OHA has not lifted its health alert for vulnerable populations. She went on to note that OHA requires two more tests to show that the cyanobacteria is at a safe level.

- B. City Hall will be closed from Monday, December 24, until Tuesday, January 2, 2019.
- C. The annual goal setting session is scheduled for Wednesday, February 13, 2019, at 4:00 pm and is open to the public.

7. CITIZEN INPUT ON ITEMS NOT LISTED ON THE AGENDA

There was none.

8. PUBLIC HEARING

- A. Conditional Use Permit for Property Line Adjustment – Applicant: David Dumas

Council President Meyer began the public hearing by announcing, “This evening we have a public hearing on an application for a Conditional Use Permit to make a property line adjustment, as applied for by Mr. David Dumas. These proceedings will be recorded.”

Council President Meyer went on to say, “This hearing will be held in accordance with the land use procedures required by the City and the State of Oregon. This is a Type III, Quasi-Judicial procedure.”

“Staff will identify the applicable substantive criteria which have also been listed in the Planning Commission’s Findings of Fact and Recommendation. 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 apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City and parties involved an opportunity to respond to the issue would preclude an appeal to the Oregon Land Use Board of Appeals based on that issue.

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

Council President Meyer asked if any member of the public wished to challenge a Councilor’s impartiality. No one did. Council President Meyer asked if any Councilor wished to

declare a conflict of interest, bias or ex-parte contact. None did. However, Councilor Orr revealed that Mr. Dumas' wife, April, was a friend from work but neither of them had ever discussed the situation that prompted the Conditional Use Permit application or the application itself.

Council President Meyer opened the public hearing for the Conditional Use Permit at 6:08 pm and asked for the Staff Report. Planning Secretary Rapunzel explained that the Planning Commission's detailed Staff Report/Findings of Fact and Recommendation were included in the Councilors' meeting packets, along with other documents relating to the Conditional Use Permit application. She went on to explain that the property line adjustment is between two adjoining parcels, one on Cold Springs and one on Woodland, and, in this case, a Conditional Use Permit is required because both parcels are less than one acre in size.

Rapunzel further explained that all of the notifications of public hearings on the CUP were posted on the applicant's property, published in the local newspaper, posted in public spaces, and mailed to neighbors as required by City Code. She noted that during the Planning Commission's November 13 public hearing on the application, Planning Commissioners reviewed all of the applicable standards and criteria outlined in the Staff Report and found that the proposed property line adjustment would have no impact on the two parcels, or the surrounding area, because it would not change the current uses of either parcel, or existing buildings and landscaping, or alter access to the properties in any way. In addition, Rapunzel explained that during the Planning Commission public hearing, the Commissions heard that both property owners agreed upon the proposed new property line shown on the tentative survey map submitted with the CUP application. She also noted that City Staff had not received any written or oral comments in favor of or in opposition to the application.

Rapunzel explained that the Planning Commission voted unanimously to recommend that the City Council approve the CUP with four conditions. She explained that the first two conditions were intended to make it clear to both parties affected by the property line adjustment that any building or cover structures erected in the area must meet setback and vision clearance code requirements or be subject to approval of a variance. She went on to explain that the second two conditions were intended to outline and clarify the next steps for the applicant to take in recording the new property line and then notify the City when the County has finalized the recording.

COPIES OF RAPUNZEL'S PREPARED NARRATIVE, THE CUP APPLICATION, AND THE PLANNING COMMISSION'S STAFF REPORT/FINDINGS/RECOMMENDATION AND SUPPORTING DOCUMENTS ARE ON FILE AT CITY HALL.

Council President Meyer asked if any Councilors had questions for Staff. None did.

Council President Meyer recognized the CUP applicant, Mr. David Dumas. Mr. Dumas explained that he was satisfied with the conditions that were recommended by the Planning Commission. He went on to note that the property that would become part of his par-

cel would be used for RV parking. Councilor Mallen asked if Mr. Dumas would purchase the additional land from his neighbor and whether both parties agreed to the price. Mr. Dumas said that he would purchase the land and the price had been agreed upon.

There were no further questions of the applicant and no testimony from anyone either in favor of or in opposition to the application. Council President Meyer asked Mr. Dumas if he wished to hold the record open. Mr. Dumas did not, and Council President Meyer closed the public hearing at 6:16 pm.

9. NEW BUSINESS

A. Consideration of Conditional Use Permit for Property Line Adjustment (Applicant: David Dumas)

Council President Meyer explained that the Council could:

1. Approve the Conditional Use Permit without any Conditions of Approval,
2. Approve the Conditional Use Permit with the Conditions of Approval provided in the Planning Commission Recommendation,
3. Approve the Conditional Use Permit with other Conditions of Approval determined by the Council, or
4. Deny the Conditional Use Permit based on findings of fact or other information identified by the Council but not included in the Planning Commission's Findings of Fact and Recommendation.

Council President Meyer asked if any Councilors wished to add any Conditions or change those presented by the Planning Commission. No one did.

Councilor Orr made a motion to accept the Planning Commission recommendation as presented with Conditions of Approval. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

Councilor Mallen made a motion to approve the Conditional Use Permit with the Conditions of Approval provided in the Planning Commission recommendation. Councilor Wells seconded the motion. The motion passed by unanimous vote.

B. Appoint Planning Commission Applicant Ken Pesnell (Term: 1/9/2019 -1/12/2022)

Councilor Orr made a motion to approve Mr. Ken Pesnell to the Planning Commission. Councilor Snow seconded the motion. The motion passed by unanimous vote.

C. Appoint Budget Committee Applicant Richard Snow (Term: 6/30/2018 – 6/30/2021)

City Administrator/Recorder Mills referred Councilors to a copy of ORS 244.177 (Employment of relative or member of household) that was included in their meeting packets. She explained that Mr. Snow's appointment to the Budget Committee was permitted by law because it is a volunteer position.

Councilor Mallen made a motion to approve Mr. Richard Snow to the Budget Committee. Councilor Orr seconded the motion. The motion passed with four votes in favor (Mallen, Montgomery, Orr, and Wells). Councilor Snow recused herself from the vote.

D. Schedule Town Hall Meeting to Discuss Failed Ballot Measure Topics

Council President Meyer suggested tabling discussion of this item until January and Councilors agreed.

E. Annual Reviewed Financial Statements Report

City Administrator/Recorder Mills referred Councilors to a copy of the Wall & Wall PC Reviewed Financial Statements for the year ended June 30, 2018. Council President Meyer noted that the Accountants Conclusion stated, "...we are not aware of an material modifications that should be made to the accompanying financial statements in order for them to be in accordance with accounting principles generally accepted in the United States of America."

10. EXECUTIVE SESSION

There was none.

11. OLD BUSINESS

There was none.

12. REPORTS

- A. Mayor's Report: Since Mayor Forsythe was absent, there was no report.
- B. Community Center Report: Councilor Wells reported that Staff had been busy decorating the Council Chambers and the tree.
- C. Water Quality Report: Council President Meyer noted that water quality was discussed earlier in the meeting. City Administrator/Recorder Mills encouraged all Shared Domestic Water Supply Program participants to submit monthly meter readings.
- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills introduced Mr. Palmer who reported that a resident complained for years about water from Leavitt Loop running into his yard very close to his house. Mr. Palmer went on to explain that he investigated, cleaned ditches, and removed a tree to eliminate about 75% of the problem.

Mr. Palmer reported that while he was on Leavitt Loop during the rain, he noticed that a lot of water running into the street came from residence rooftops or private property drainpipes. He explained that there is nowhere to dig a drainage ditch so the drainage from private property is a potentially large problem for the City. He went on to report that the work done on Huckleberry Lane appears to have resolved that flooding issue. Mr. Palmer also noted that he and City Administrator/Recorder Mills attended an ODOT-sponsored Improving Safety on Local Roads seminar in Florence during which they learned that the City has more liability for its roadways than previously thought, which was very informative.

Council President Meyer suggested newsletter articles to inform residents about keeping water on their own property and, perhaps, a town hall meeting to discuss water runoff. He thanked Mr. Palmer for all of his work on maintaining City roads.

- E. Emergency Services Report: City Administrator/Recorder Mills reported she attended the November 19 WLEOG meeting, copies of the meeting material were included in the Councilors' meeting packets. She noted that the Annual Expo will be March 30, 2019, and there will be a Florence/Dunes City communications test the last week of April.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that eight building permits were issued in November, none for new construction.

13. FOR THE GOOD OF THE ORDER

Councilor Orr suggested that the Council authorize City Administrator/Recorder Mills to purchase \$50 gift cards for all Staff.

**Councilor Montgomery made a motion to spend \$200 on gift cards for City Staff.
Councilor Wells seconded the motion.**

Councilor Montgomery amended his motion to authorize \$250 dollars for gift cards for Staff and Mr. Palmer. Councilor Wells seconded the motion. The motion passed by unanimous vote.

14. ADJOURNMENT

Council President Meyer adjourned the meeting at 6:47 pm. There was no motion and no vote taken.

(Signatures on next page)

APPROVED BY THE DUNES CITY COUNCIL ON THE 9th DAY OF JANUARY 2019

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder