



CITY COUNCIL REGULAR MEETING February 13, 2018

Council Present:

Brad Smith
Sue Holliday
Lilly Foster

Public in Attendance

Mr. & Mrs. Bill Long

**City Manager/Recorder Raamin Burrell
Minutes taken and recorded by Raamin Burrell**

Meeting called to order by Mayor Smith at 6 p.m.

Open Floor: Mayor Smith called for open floor items from the public. There were none.

Approval of January 23rd, 2018 Minutes: Mayor Smith read the agenda item aloud and confirmed that all Councilors had read the minutes. He asked if there were any corrections or changes needed. None noted. Mayor Smith called for a motion to accept and sign the minutes for the January 23rd, 2017 Council meeting.

-Councilor Foster made the motion, Councilor Holiday seconded it. All in favor, motion passed to approve and sign the minutes.

Code Violation Response: Mayor Smith read the agenda item aloud. City Manager Burrell stated foreknowledge of Mr. & Mrs. Long's attendance to this meeting and so the reason for putting them on the agenda. This way the issue can be discussed between the Council and the property owners and solved with no time restrictions. Mayor Smith reiterated that the current issue was in regards to the new shop building on the Long's property, the eaves of which hang over the property line with the City on E Ave.

Mrs. Long began by stating that the original point of contention was "somebody eye-balled the property line, the east-west boundary between us and our neighbor and said it looked like we were on their property." Mayor Smith reminded the Long's that it was the former owner who filed the initial complaint. (Attachment A) Mrs. Long went on state that Mr. Long had spoken with him long before all of this started. Mr. Long, "I spoke with the owners a long time ago and there was never a point of contention with my neighbors. It was brought up by, I don't know who brought it up" . . . Mrs. Long, "but were not on their property. They're not on our property. They're a little close, we weren't. But that's not the problem. The problem is that somebody decided that it looked close enough to force our hand into having to hire a surveyor, at great cost to us,



to figure out where the property line was, which we already knew where it was, but because of that we had to get the surveyor.” Mayor Smith restated that it was the former owner and Councilor Holliday agreed. Mr. Long, “There’s no formal complaint here. I mean, it’s been signed by him but . . . The point being is that was what brought this whole thing up in the first place. So, we had to spend an ungodly amount of money to hire a surveyor to tell us where that line was. And I was actually off my mark by almost 6 inches to their favor, instead of mine. Then once everything lined up, and then somebody from here (the City) asked the surveyor for the information is when they got the information that I was actually over the City property line by .35 inches, (Attachment B & C) on the north-south line, not on the east-west boundary that we were talking about in the first place.” Mrs. Long, “And it’s in the air, it’s not on the ground. The footprint of the building is on the property. The eave is the only part over and it’s by .35 inches.” Mr. Long, “That’s all it’s over. And if it’s necessary, and if you want to push me to do it, then I will take 6 inches off of there and put it back on the inside of the property.”

Mr. Long then presented photographs to the Council of the surrounding properties. “This is what everyone else’s place looks like. And this picture came from Josh (former City Manager Walker, taken in 2015). That being said, according to this picture (taken this year), I’m not even as far out some of these other buildings, but I’m not worried about that.” Mayor Smith stated that we weren’t talking about that, that the issue was concerning the original site plan map, submitted by the Long’s in 2015. Mrs. Long, “No, he’s talking about the north-south, not the east-west anymore. That’s what it started as.” Mr. Long, “It says between me and my neighbor, it says it right here, and the only one who can contest it is them.” Mayor Smith stated that Josh would know more about this than he would, but they got a variance to put it in the right spot. Mrs. Long, “The variance is for the setback on the E Ave side for 5 feet.” Mayor Smith, “And it wasn’t 5 feet.” Mrs. Long, “It is 5 feet. It’s right on the 5 foot. Ok. The footprint of the building is 5 feet.” Mr. Long, “Ok, this is what I requested and this is what was approved. (Attachment D) This is the edge of my new shop. This line (the north side of the building), if you run it down, correlates with everything you see. It correlates with the lady on the corner and if you follow it down, it correlates with the building on the other end (of the block). This portion, I’m not going to lie, this portion was my mistake. I swore that’s where everything was” because it lined up with other buildings and fences along the street. “I went by what everyone else had and made mine actually less than what theirs was. And I thought that was where the property line was because of the other buildings. That’s my mistake and I can’t do anything about it.”

Councilor Holliday reiterated that the original problem was all the snow falling off the roof onto the neighbor’s wood pile. Mrs. Long agreed that was the original reason. “This isn’t about that anymore. For whatever reason, I don’t know whether the City contacted Mike (Springer at Benchmark Surveying) and said we need a copy of that. Because I have a copy that said . . ., this is what we received. ‘Here is the sketch showing the Long’s Shop. The distances shown that the eaves encroach onto the E Ave right of way by .35 feet at the north-east shop corner and by .05 feet at the south-east shop corner.’ This is what he (Springer) supposedly sent you guys. Now you tell me, from



looking at this, that you're going to figure out, unless he says, that we're over. You know what I mean? I'm saying that it wasn't a point of contention until someone asked him for that information on that piece. And the thing is that it's not on the ground, it's in the air. Like it's doing anybody any problem." Mr. Long, "I talked to my neighbor and put a couple hundred dollars' worth of snow louvres on that building to keep the snow intact until it melts. So, it's not going to go anywhere. And these are 6 inches deep, not the little ones, so it's not going to go anywhere, it's not going to bother my neighbor. The only thing we're concerned about now is that it says that we need to take 6 inches off to be back inside the right of way. And if I have to do it, I will do it." Mrs. Long, "The thing that bothered us was that we basically paid a surveyor to tell you that we're in the wrong. I mean on something that we weren't talking about in the first place. Not saying that we can't fix it, but that wasn't the original problem." Mayor Smith said that we talked about it at the last few meetings. Mrs. Long interrupted him by saying that she had the last meeting notes there. The Longs' then spoke toward other property issues with their neighbors that have been resolved or left to lie.

Mr. Long, "I want to continue, but I don't want to continue doing things without knowing that I'm not going to have to deal with a whole bunch of litigation later on. I'd like to be able to get power and a floor in there so I can get rid of the other building that's in my way." Mayor Smith said that he didn't think the issue with the neighbor is that big a deal. Councilor Holliday agreed and said that was between them. She didn't realize that the issue was on the E Ave side. Mr. Long, "And that was my mistake. That was caused by me paying attention to other people's stuff." Mrs. Long, "If you look at those pictures, we're inside of where they're at. It's not hurting anything." Councilor Holliday, "So once you get power and a floor in there then you're going to tear down that old shop?" Mr. Long, "Absolutely." Mrs. Long, "Well, we've had some issues. He's built that whole thing by himself and it's taken a long time." Councilor Holliday, "Are you going to have a bathroom in there?" Mr. Long, "No. Maybe in the future." Councilor Holliday, "I thought that was one of the stipulations" as to why the house wasn't there. City Manager Burrell said that was why we did the agreement for them to put the dwelling back on the lot. Mr. Long, "If that was something you wanted me to do, then once it was done I could put a restroom and sink in there." Mayor Smith asked if that was part of the deal? City Manager Burrell stated that the agreement that was signed last year was to replace the dwelling on the lot. Also, as an option for a direction for the Council, an addendum to the variance or an encroachment permit could be written up. The results of the surveying of the entire town done by HECO Engineers for the Wastewater Facility showed that many of the owners were encroaching other lots. Mr. Long, "I'd really like to get it done, but I can't do anything if I think there's someone standing behind me telling me to stop. I'd like to be done, but I had to get a surveyor, but it took him time to get there. In the meantime, I had to hold off the concrete guy, mother nature, and actually, the initial permit was only written in, what, the middle part of 2015? So, it hasn't been that long." Mrs. Long, "So, we're talking 2 1/2 years, yes, but we're talking 3 winters and one guy." Mr. Long, "I don't want my places to be an eyesore. I want people to drive by and say I want to live next to them because their place looks nice. I don't want my place to look crappy and I don't want to have to be fighting



with everyone to get it done.” Mayor Smith stated that he wanted to go with what City Manager Burrell said and asked if they had to vote on it. City Manager said they do. Mayor Smith called for a motion for the appropriate documentation to drawn up to be signed by the Long’s and the City.

-Councilor Holliday made the motion, Councilor Foster seconded it. All in favor, motion passed for City Manager Burrell to draw up the appropriate paperwork.

Mr. Long confirmed that they would be able to leave the eaves. There was a discussion about various encroachment and snow fall issues around town. Mr. Long thanked the Council. He then asked if he could install a short culvert in front of Kip and Shelby’s place to create a walkway. Public Works will be notified and we’ll go from there. The Long’s then left the meeting.

Approval of Grayback Offer: Mayor Smith read the agenda item aloud. City Manager Burrell explained what was in the Council packets. She spoke with Mr. Hannibal of Grayback Forestry, who has tentatively accepted the City’s price for the half of the vacated lot that was 2nd street west of Highway 395. The only caveat is that they would like to retain access use via a dirt road that is located on a City-owned lot adjacent to the vacated property. (Attachment E) They have a shed/outbuilding that they’d like to maintain separate access to via that dirt road. Mr. Hannibal is requesting a 20-year easement for that access. The suggestion of the City Manager is to have them sign an “Other Use” lease agreement for the entire 60’ by 100’ section of the City owned lot. (Attachment F) Since they’d like the 20-year agreement, a more cost friendly agreement can be arranged at the discretion of the Council. The current rate for less than an acre in a commercial zone is \$50/year. Mayor Smith commented that the space hasn’t been used in the last 20 years, anyways. The Council discussed possible timeframes and cost. Councilor Foster had a question about easement agreements.

-Councilor Holliday made the motion, Councilor Foster seconded it. All in favor, motion is approved to draft a lease agreement for 10 years with the option to renew with the first 2 years free.

Approval of Donation to Seneca EMS: Mayor Smith read the agenda item aloud and asked how much we can donate. After discussion with Director Walker, it was decided that \$1000.00 could be donated from the Fire Department fund as there have been no major expenditures out, but some of the sales of the surplus equipment last summer have gone into that fund. Mayor Smith says give them \$1000.00. Councilor Holliday adamantly agreed that a new gurney is desperately needed.

-Councilor Foster made the motion, Councilor Holliday seconded it. All in favor, motion is approved.



Member Appointment to the Broadband Coalition: Mayor Smith read the agenda item aloud. City Manager explained that the City has to officially appoint a member of the City to be on the Coalition as a representative of the City of Seneca. Mayor Smith thought Director Walker was already on it. City Manager Burrell explained that while Director Walker has done all of the initial leg-work to get and keep Seneca involved in the process, at the Council's approval, now the Council has to officially appoint someone to the position of representative on the Coalition.

-Councilor Holliday made the motion, Councilor Foster seconded it. All in favor, motion is approved to appoint Josh Walker as the representative of the City of Seneca on the Broadband Coalition.

Resolution 01-18: A Resolution Amending the Budget in the General Fund: Mayor Smith read the agenda item aloud. City Manager reiterated the reason behind the amendment. Due to unforeseen expenditures for professional services this fiscal year so far, an amendment is needed to cover any future potential costs. This funding will come from the Contingency line item in the General Fund. (Attachment G)F Mayor Smith called for a motion adopt the budget amendment.

-Councilor Holliday made the motion, Councilor Foster seconded it. All in favor, motion passed to amend the budget in the General Fund.

Approval of City Manager Training: Mayor Smith read the agenda item aloud. City Manager Burrell explained that she would like the Council's permission to attend a grant writing class put on by the League of Oregon Cities in Baker City, OR.

-Councilor Holliday made the motion, Councilor Foster seconded it. All in favor, motion passed.

Bills Before Council/Banking Signatures: Mayor Smith read the agenda item aloud and called for a motion to pay the bills.

-Councilor Holliday made the motion, Councilor Foster seconded it. All in favor, motion passed, bills signed.

Meeting Adjourned at 6:43 p.m.

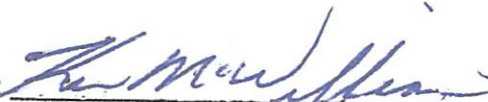
Attest: Brad L. Smith
Mayor

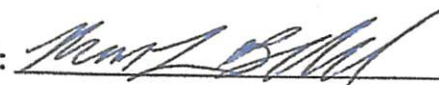
Zoning Complaint

On July 10th, 2017, Ken McWilliams, owner of the property located at 208 D Ave came into the City Office to file a complaint with the City in regards to the new structure being erected on the neighboring property at 206 D Ave, owned by Bill Long. The complaint is in regards to the overhanging roof line of the structure. Mr. McWilliams says that the roof overhangs his lot so that when the snow melts and falls off the roof, it falls over the fence line, into his lot. As this is a rental lot, the renter had an established pile of firewood located in this section that they then had to unbury after run-off from the roof of the structure. Mr. McWilliams is asking that the City ask Mr. Long to review the site plan and the lot line to make sure that they are in compliance with City Code. Mr. McWilliams stated two reasons for bringing this to the City's attention: 1. That he is considering selling the property and doesn't want there to be any issues with any of the neighboring lots that could hang up a potential sale. 2. That he'd had a personal conversation with Bill Long, the owner, and when he brought up the issue, Mr. Long confided that he hadn't taken the overhanging roof line into consideration when actually building the structure.

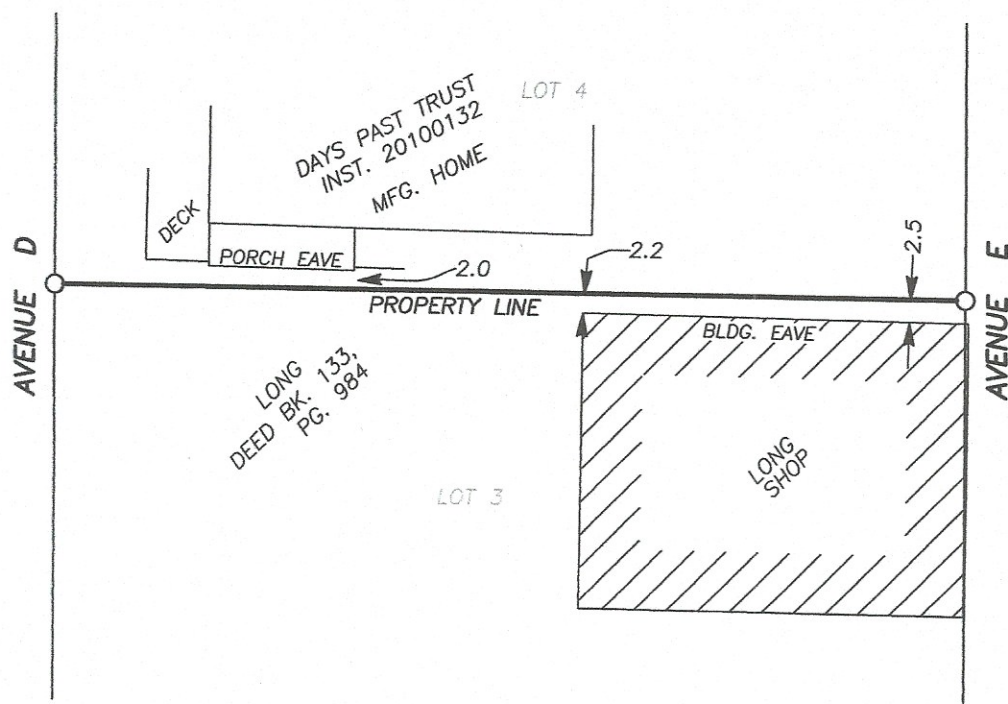
As there is no way of proving the conversation took place, the City Office will take the complaint to the City Council, acting as the Planning Commission, with the recommendation that the City follow Mr. McWilliams wish to have the owner, Mr. Long, prove that the building meets code and is not over the lot line.

According to the Grant County Planning office, the building permit was finalized on May 2nd, 2017.*

Signed:  Date: 7/10/17
Print: KEN MCWILLIAMS

Witness Signed: 
Witness Print: RAAMIN BURRELL

* Information received after the complaint was made.



SCALE: 1" = 20'

SKETCH
 SHOWING THE RELATIONSHIP BETWEEN
 THE ESTABLISHED PROPERTY LINE AND EXISTING BUILDINGS
 SITUATED IN BLOCK 20 OF SENECA,
 GRANT COUNTY, OREGON

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 9, 2002
 MICHAEL C. SPRINGER
 #70918

EXPIRES: 6/30/2018

PREPARED FOR: BILL LONG

PREPARED BY: BENCHMARK LAND SURVEYING, INC.
 217 N. CANYON BLVD.
 JOHN DAY, OR 97845
 (541) 575-1251

NOV. 21, 2017



Seneca City of <senecaoregon@gmail.com>

Long Sketch

1 message

Mike Springer <mike@benchmarkls.com>

Mon, Dec 11, 2017 at 3:24 PM

Reply-To: mike@benchmarkls.com

To: City of Seneca <cityseneca@centurytel.net>

Raaman,

Here is the sketch showing the Long Shop. The distances shown are to the building eaves. The eaves encroach onto the Avenue E right of way by 0.35 ft at the Northeast shop corner and 0.05 ft. at the Southeast Shop corner. Let me know if you need more information.

--

Mike Springer, PLS
Benchmark Land Surveying, Inc
217 N. Canyon Blvd.
P.O. Box 476
John Day, Oregon

[\(541\) 575-1251](tel:5415751251)...Work[\(541\) 620-0676](tel:5416200676)...Mobilemike@benchmarkls.com**BUILDING SKETCH.pdf**

375K

E - AVE

75'

PROPERTY LINE

NEW
SHOP

40' X 30'

Fence
LINE
AT THIS
TimeDOOR
DOOROLD
SHOP
26' X 20'

26'

Small House
33' X 12'

16'

PROPERTY LINE



City of Seneca

Phone/Fax: (541) 542-2161

PO Box 208 / 106 A Ave.

Seneca, OR 97873

OFFICIAL USE ONLY

Public Hearing Date: 8/21/15

Approved ☒

Denied ☐

*pending receipt of requested docs

VARIANCE APPLICATION

PROPERTY DETAIL

Property Street Address: 206 D AVE

Property Legal Description: Tax Lot 10400

Applicant Name: BILL J LONG / KRISTIN L LONG

Mailing Address: PO Box 82

City: Seneca State: OR Zip: 97873

Phone Number: 541 542 2202 Fax: _____ Cell: _____

E-Mail Address: _____

VARIANCE DETAIL

Applicable Ordinance: _____ Chapter: 10 Section: 10-4-B3

State the unnecessary hardship, which you feel, would justify this variance being granted by the City of Seneca City Council.

The placement of the shop in the requested location will allow for ease of access to utility lines (water/sewer) and allow for enough space for between the house and shop for snow removal and maintenance (8')

Given that the present garage will not be removed until construction is completed on the new shop storage and access to the site is necessary

Variance Requested – BE SPECIFIC- (ex. Variance to reduce the front yard set-back of a residential structure from 20 feet to 10 feet).

Request variance to reduce the backyard set-back from 10' to 5'

REQUIRED MATERIALS FOR SUBMITTAL

Site Plan

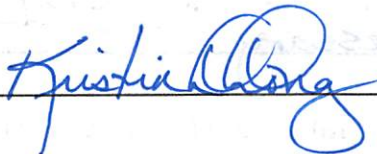
1. If you have a property survey it should be used as the basis for your site plan.
2. Site plans do not have to be professionally prepared. They must be clearly drawn and legible. Line width/darkness must be adequate for photocopying. Dimensions must be accurate and proportional.
3. The following information must be provided on the site plan:
 - a. Property Address
 - b. Property boundaries and lot dimensions.
 - c. Location and size of all structures and fences on the property, even if they are not the subject of the application.
 - d. Dimensions of structures for which variance is being requested.
 - e. Distance from applicable property lines of all structures for which a setback variance is requested.

It is your responsibility to determine where your property lines are and to ensure that the information on your site plan is accurate.

APPLICANT AGREEMENT

*All decisions made by the city council or planning committee can be appealed a total of one time. Appeals must be submitted in writing to the City Hall within fifteen (15) days after the decision or requirement is made.

I understand that filing this application does not constitute approval and incomplete applications will result in delays and possible denial. I further understand that the filing fee is non-refundable regardless of the action of the council or planning committee.

Applicant Signature: 

Date: 8/3/15

		Official Use Only	
		Date	Initial
Completed Variance Request Application		8/17/15	JTW
Site Plan		8/25/15	JTW
Copy of Building Permit Application		8/5/15	JTW
Payment of \$25 Application Fee	Ck# 2620	8/17/15	JTW

August 5, 2015

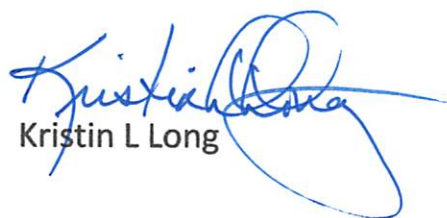
City of Seneca

PO Box 208

Seneca OR 97873

This letter is to formally request copies of any and all public documents pertaining to our building permit application for 206 D Ave Seneca OR. These documents may include but are not limited to; zoning and land use. Also requested are copies of any amendments to said documents.

Thank you


Kristin L Long

CITY OF SENECA
VARIANCE APPLICATIONNAME Bill LongADDRESS 206 D Ave ZONED R1

Please, list in, detail the reason for your application for a variance.

EAST END OF BUILDING IN LINE WITH
THE FENCE LINE TO MATCH OTHER
PROPERTIES ON THE SAME STREET

I certify that I have paid the required \$5.00 fee to apply for a variance.

Signed Bill Long

Date _____

City Recorder/Treasurer

Paid by Check No. _____ Cash Receipt No. _____

Reviewed by the Planning Commission on _____

Public Hearing date _____

Approved /Denied by the City Council on _____

16S31E

100' x 60'
SECTION

4800

4700

4500

202

203

201

600

16S31E35CC

701
GRANT

100

101

700



106 A Ave., PO Box 208
Seneca, OR 97873
(541) 542-2161
www.SenecaOregon.com



RESOLUTION 01-18

A RESOLUTION TO TRANSFER APPROPRIATIONS IN THE GENERAL FUND


GENERAL FUND APPROPRIATION TRANSFERS

	<u>Existing</u>	<u>Changes</u>	<u>Adjusted</u>
General Fund – Professional Services	\$25,000	\$5,000	\$30,000
Contingency	\$82,976	(\$5,000)	\$77,976

During the current fiscal year, there have been some unforeseen expenditures required from those who provide professional services for the City. While some of those expenditures will be reimbursed from the Wastewater Facility Plan Loans, and were anticipated, the asked for amount to transfer should cover any other unforeseen costs in this area.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Seneca does hereby adopt this resolution appropriating the above-outlined funds.

This resolution was duly PASSED and ADOPTED this 13, day of FEB, 2018 and takes effect upon signing by the Mayor.



Brad Smith, Mayor

Attest:



Raamin Burrell, City Manager/Recorder