



**CITY COUNCIL MEETING MINUTES ~ APPROVED
FEBRUARY 12, 2015 AT 7:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

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

1. CALL TO ORDER

Mayor Rebecca Ruede called the February 12th meeting of the Dunes City Council to order at 7:00 pm.

2. ROLL CALL

Roll Call was taken by City Administrator/Recorder Fred Hilden.

Present: Mayor Rebecca Ruede, Council President Jamie Mills, Councilor Ed Scarberry, Councilor Ken Platt, Councilor Maurice Sanders, Councilor Duke Wells, and Councilor Sheldon Meyer.

Also Present: City Administrator/Recorder Fred Hilden, Administrative Assistant Renee Green, Administrative Assistant Rapunzel Oberholtzer, several residents, and Florence Mayor Joe Henry, Planning Commission Chairman Paul Gargis, and Planning Commission consultant George Burke.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Council President Mills made a motion to approve the Agenda. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

5. CONSENT AGENDA

Councilor Scarberry made a motion to approve the Consent Agenda. Councilor Sanders seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Ruede read aloud the list of announcements from the meeting Agenda.

- A. City Councilor Ken Platt took his Oath of Office at the February 10th Special Session.
- B. City Council held its annual Goal Setting Session on February 10th from 2:00–4:00 pm.

- C. City Council held its quarterly Budget Review meeting on February 10th from 4:00–5:00 pm.
- D. City Day at the Capitol will be Thursday, February 26th. If you have any legislative concerns please bring them to a City Councilor or the City Administrator so they can be taken forward.
- E. The 3rd Annual Oregon Dunes Triathlon and Duathlon is May 9th, 2015.

Mayor Ruede noted that City Staff is being creative in seeking volunteers to staff the event and pointed out that anyone interested in volunteering can contact a City Councilor or call Dunes City Hall.

- F. Volunteers are needed to fill four Budget Committee openings, one Communication and Education Committee opening, one Ordinance Review Committee opening, two Road Commission openings, one Planning Commission opening, and one Water Quality Committee opening, as well as one Water Tester for Siltcoos Lake.

Mayor Ruede introduced Mr. Joe Henry, the newly elected Mayor of Florence who was present in the audience and invited him to comment. Mayor Henry thanked Mayor Ruede for her invitation to attend the meeting. He went on to explain that one of the goals of the Florence City Council this year is to develop better relationships with partners, taxing authorities and other stakeholders in the area, such as Dunes City, with the aim of exploring ways to work together to help everyone in our area.

Mayor Ruede recognized Councilor Meyer for having published a cartoon in the comic strip, *The Pluggers*. This is Councilor Meyer's second published cartoon.

7. CITIZEN INPUT – None

8. UNFINISHED/OLD BUSINESS

A. Generator and Propane Tank – Grants, Permits, Placement

Mayor Ruede asked City Administrator/Recorder Hilden for a status report. He reported that City Staff identified a grant opportunity through the Ford Family Foundation and was working on the grant application. The estimated cost for a 20KW generator, the installation and the propane needed to power it is about \$20,000, with the grant amount available at \$15,000. City Administrator/Recorder Hilden noted that the grant application process has a short turnaround period so the City should know within sixty days if the application is approved.

Mayor Ruede asked City Administrator/Recorder Hilden to extend thanks to Administrative Assistant Linda Stevens for her work on the grant application.

B. 3rd Annual Oregon Dunes Triathlon and Duathlon – Task Assignments

Mayor Ruede informed Councilors that Administrative Assistant Renee Green has taken charge of soliciting volunteers for the event and has been in contact with several local organizations about providing volunteers and has, in addition, been mailing sponsorship packets.

Councilor Sanders noted that he and Councilor Wells would participate in the event as a team again this year. He went on to challenge Mayor Henry to enlist two people from Florence to compete against the Dunes City team, pointing out that the event is fun for everyone. Mayor Henry agreed to ask Florence Councilors and City Staff if anyone wanted to participate.

There was some discussion about ordering more hoodies, T-shirts and hats for this year's event. Councilor Sanders suggested that Council President Mills and Administrative Assistant Green select a color and place an order based on the quantity ordered last year and the number sold.

In other discussion, Councilor Platt reported that he had met with the Master of the Masonic Lodge in Florence, who agreed to provide volunteers for the event. Councilor Sanders suggested paying Ms. Green for any additional work hours related to the Tri/Du out of RTMP funds. Posters and banners are in the works. It was agreed that City Administrator/Recorder Hilden and Administrative Assistant Green would act as the liaison between Best of the West Events and Dunes City. Frank Nulty, from the local CERT, has scheduled a volunteer training session for race course traffic flaggers on May 7th; hopefully, volunteers can attend that so they have some in depth training before the event. Mr. Nulty has challenged the gated communities in Florence to provide volunteers—the community that provides the most volunteers will receive a free, deluxe CERT backpack and training to use it.

Councilor Sanders made a motion to appoint Renee Green as volunteer coordinator. Council President Mills seconded the motion. The motion passed by unanimous vote.

9. NEW BUSINESS

A. Planning Commission Input on Septic Ordinance Revisions – Recommendations

Mayor Ruede introduced former Planning Commission Chairman George Burke to speak about the draft septic maintenance ordinance that was included in the Councilors' meeting packets.

Mr. Burke explained that the draft ordinance the Councilors had in hand was the culmination of the Planning Commission's task set by the City Council, which was to review Ordinance No. 203 and recommend changes if any were deemed to be necessary. Mr. Burke went on to explain that the Commission met at least seven times after appointing itself to act as the CAC to review possible changes to the Ordinance. At each of those meetings the

Commission solicited citizen input and received about 17 responses, both written and oral. During the course of the meetings, the Commission reviewed both Ordinance No. 203 and proposed Ordinance No. 210A, which was developed by the Ordinance Review Committee and others over several months, was subject to extensive input and review, and was presented to the Council a few years ago as an possible alternative to Ordinance No. 203. Mr. Burke reminded Councilors that at the time Ordinance No. 210A was originally presented to the Council, it had been reviewed by the City Attorney and had also been subject to public hearing, but the Council chose to adopt a second alternative to Ordinance No. 203, Ordinance No. 211A.

Mr. Burke further explained that the Planning Commission's latest work on the draft ordinance addressed the issue of mandatory inspection frequencies that are in Ordinance No. 203, cleaned up some of the original language in the original Ordinance No. 210A and added the University of Oregon Extension Service table for estimated septic tank pumping frequencies. Mr. Burke pointed out that the Planning Commission looked at several other tables and all of them contained almost identical pumping frequencies; as a result, the Planning Commission believes that this is the most scientific guideline available now and is the same information that a septic inspector would reference when determining frequency of inspections.

Mr. Burke noted that the Planning Commission feels the draft ordinance is the best option for the City and pointed out, again, that it was thoroughly reviewed and developed over the course of several years.

Mr. Burke referred to the draft timeline document that was also included in the Councilors' meeting packets. He explained to Councilors that at this point the Planning Commission does not see the need to go through another CAC review process with this document. He went on to note that there was a CAC appointed, subsequently dissolved, and followed by the Commission acting as the CAC to receive and review citizen input and comments. He recommended, on behalf of the Planning Commission, that the next step is the public hearing process, before the Planning Commission and then the City Council, during which there is also ample opportunity for citizen input. Mr. Burke offered to answer Councilors' questions.

Mayor Ruede thanked Mr. Burke and noted that the draft document, in her opinion, was concise, easy-to-read and to-the-point. She thanked Mr. Burke, Planning Commission Chairman Paul Gargis (who was present in the audience) and the Planning Commission for their work on the document, also noting that it seemed many hours of work went into crafting it.

Councilor Wells agreed with Mayor Ruede's comments and added his opinion that it was one of the most comprehensive, well thought out and fair Ordinances that he has seen during his tenure as Councilor. Referencing the Oregon State University Extension Service Table listing estimated septic tank pumping frequencies, he noted that the mandatory five-year pumping requirement in Ordinance No. 203 was one of the biggest issues of concern

to City residents. Councilor Wells went on to thank Mr. Burke for continuing to attend the Planning Commission meetings as a consultant.

Councilor Meyer remarked that the draft document did a good job of eliminating the objections to septic maintenance regulations that have been ongoing in the City for years. In his opinion, it made sense that the inspection and pumping frequency be based on the size of a septic tank, the number of people using the septic system and science rather than an arbitrary, mandatory schedule. Councilor Meyer thanked Mr. Burke and the Commissioners, noting that they went through the process well and carefully.

Councilor Sanders remarked that his own house has been pumped four times since 2003, but according to the OSU Extension Service table, it should have only been pumped once. He asked if a resident failed to follow the pumping guidelines and his system failed, would he then be liable for civil action by neighbors or by the City and what enforcement teeth are in the proposed ordinance? Before answering, Mr. Burke explained that the OSU Extension Service table is a guideline for the City; the need for pumping is determined by the inspector after an inspection of the septic system, as is the inspection frequency. He went on to add that the chart is not a pumping schedule, pumping will be done only when recommended by an inspector.

Councilor Sanders clarified that his question was meant to be what happens if an inspector recommends pumping of the septic tank but the homeowner does not do it? Mr. Burke explained that the inspector's report, and recommendation, would go to the City which could then take remedial action through Chapter 36, Code Enforcement. Councilor Sanders asked if, when a homeowner fails to pump as recommended and a failure of the system occurs, the City could have the system pumped and charge the homeowner. Mr. Burke explained that the City's Code Enforcement Officer would enforce City Code and, if this ordinance is adopted, it would become City Code, but any civil action would not involve the City.

Councilor Scarberry asked whether the County would be involved in the event of a septic system failure. Mr. Burke replied that the County would definitely be involved if a system failed and would be the first point of contact, not the City, as the County has authority over septic systems. Mr. Burke went on to explain that the purpose of the proposed ordinance was to give the City septic system maintenance regulations.

Council President Mills pointed out that there was no language about requiring a homeowner to be in compliance with City mandated inspections at the time he transfers ownership of the property. Mr. Burke noted that the Planning Commission's task was to develop a maintenance ordinance for safety reasons, not to develop a compliance ordinance. He went on to note, however, that if a homeowner is not in compliance with maintenance regulations, City Staff would add that fact as a note in the property records so that it would show up during the lien search that real estate companies perform prior to the sale of any property. Councilor Sanders remarked that any unresolved abatement the City might have levied would also appear on a lien search.

Mayor Ruede remarked that the draft addressed many of the concerns expressed by citizens and asked for opinions about sending the draft through to the public hearing process. During discussion there were comments about the CAC process, noting that, in this case, it was not as successful as hoped. In response to those comments, Mr. Burke pointed out that although there was not the CAC process that everyone expected, the Planning Commission may act as a CAC, and it did. The Planning Commission took on the role of the CAC and, as such, made every effort to solicit citizen input over the course of several weeks, and presented the input to the Planning Commission. He further noted that the gathering of citizen input is a primary function of a CAC and the Planning Commission, as the CAC, accomplished that task successfully.

In other discussion, Councilor Sanders remarked that although he would like to have seen the CAC process work as fully expected, he agreed that the Planning Commission accomplished the CAC tasks. He went on to note that he would like to have an opportunity to review all of the related input and the CAC meeting minutes to see how the process worked. Council President Mills suggested that before taking any further action, the City should contact the City Attorney to make sure that the City has followed all of the processes correctly, met all of the required criteria and continues to do so going forward, including meeting the requirements of the City's Comprehensive Plan. City Administrator/Recorder Hilden pointed out that before the first evidentiary public hearing takes place, there are several steps that are required—notification to DLCD and notification to residents per Ballot Measure 56 among them.

There was some discussion about the citizen comments. Councilor Sanders noted that there may have been comments opposing changes to Ordinance No. 203 and went on to ask Mr. Burke to provide an overview of the comments received. Council President Mills pointed out that the information he requested would be included in the package presented to the Council after the Planning Commission's evidentiary hearing. Mr. Burke explained that the majority of the input from citizens concerned protecting the lakes and drinking water, which was always the agenda for the Planning Commission and the City Council. He went on to add, the draft ordinance would alleviate the financial burden on residents for mandatory pumping currently required under Ordinance No. 203.

There was further discussion about the need for required notifications and the evidentiary hearings during which City Administrator/Recorder Hilden clarified that DLCD requires the process when there is a land use decision involved, and Chapter 157 involves land use. In other discussion about the next steps to move the draft ordinance forward, it was explained that City Staff could, as suggested by Council President Mills, consult with the City Attorney to make sure that all of the appropriate documentation is presented at the appropriate time for both the Planning Commission public hearing and the City Council public hearing. City Administrator/Recorder Hilden explained that all of the aforementioned actions would take place provided the City Council agreed to move forward without further CAC review, as recommended by the Planning Commission.

Councilor Sanders made a motion for the City Council to adopt the recommendation put forward by the consultant to the Planning Commission to move the process forward as discussed without forming a CAC. Councilor Meyer seconded the motion.

Councilor Wells requested a roll call vote on the motion.

City Administrator/Recorder polled each Councilor. The motion passed by unanimous vote with Council President Mills, Councilor Meyer, Councilor Wells, Councilor Sanders, Councilor Scarberry, and Councilor Platt all voting in favor.

B. Emergency Food Storage Buckets – Staff Supply on Hand

City Administrator/Recorder Hilden explained that if Dunes City Hall is designated as an emergency assembly point in the event of a local disaster and City Staff is required to stay in place at City Hall for any period of time, it is important to have a modest supply of emergency food and water on hand for Staff. Essentially, City Staff is looking for an authorization to purchase food storage buckets with supplies to last 72–120 hours, not cots, blankets, etc. but food and water. Cost would be approximately \$500 and come out of the General Fund Miscellaneous budget.

Mayor Ruede announced that Dan Webb, Operations Manager from County Transfer and Recycling, recently presented her with a \$1,500 grant to be used by the City to purchase emergency supplies.

City Administrator/Recorder Hilden pointed out that \$500 is within his authority to spend, but he broached the subject so that Councilors would know about the purchase in advance.

Council President Mills made a motion to support the City Administrator/Recorder's decision to purchase supplies for City Staff to ensure that Staff has supplies to last 120 hours. Councilor Sanders seconded the motion. The motion passed by unanimous vote.

Mayor Ruede called for a break at 8:05 pm and reconvened the meeting at 8:15 pm.

C. Active Shooter Task Force

Council President Mills explained that she attended the WLEOG Active Shooters Planning Task Force meeting in January during which the Task Force discussed ways for cities to create a response plan to an active shooter event. The goal is, within two years, conduct a community-wide exercise that allows all agencies involved to test the effectiveness of their plans. She went on to explain that WLEOG is requesting a City Staff commitment of two to three hours per month. WLEOG has requested that stakeholders appoint a committee or an individual to begin work on the plans and report progress.

Council President Mills volunteered to represent the City and to begin drafting a plan, but noted that City Staff would need to be involved. During discussion, Councilor Sanders

pointed out that Councilors need to know what to do and where to go if there is a threat during a Council meeting and City Staff need to know the plan if there is a threat during office hours. He also noted that the plan should be exempt from public disclosure; Council President Mills replied that the public disclosure issue element will be discussed by WLEOG at future meetings.

Councilors agreed that Council President Mills would attend the meetings on behalf of Dunes City, would begin drafting a plan and would involve City Staff in creating the plan.

D. Parks and Recreation Committee Appointment

Councilor Sanders made a motion to appoint Carol Sweet to the Parks and Recreation Committee. Council President Mills seconded the motion.

Councilor Scarberry noted that Ms. Sweet attended the last Parks and Recreation Committee meeting as a guest and seemed like a good addition to the Committee.

The motion passed by unanimous vote.

10. REPORTS

Mayor's Report: Mayor Ruede reported that she attended a 402 training session held at the Florence Events Center with several other Councilors during which there was discussion about the County Transfer and Recycling grant to Dunes City. Mayor Ruede suggested a news release or a public thank you to County Transfer and Recycling, or both, to highlight their generosity and "good neighbor" attitude.

Communication and Education Committee Report: Council President Mills reported that there was no meeting and there is a vacancy on the Committee. She also reported that she is working on articles for the newsletter and is looking for ideas, perhaps articles from the Road Commission, Water Quality Committee or other Committees. There was some discussion about an article to inform residents about the importance of testing wells and how to do so. Councilor Scarberry suggested including the University of Oregon Extension Service Septic Pumping Table. The discussion led to talk about whether there is a vendor in the area that does water testing, how often and whether there was a possibility that Dunes City could partner with a local tester to provide testing for Dunes City residents. City Administrator/Recorder Hilden offered to look into the matter, noting that he is aware of only one certified tester in Eugene, but that vendor comes to the coast monthly.

Ordinance Review Committee Report: Council President Mills reported that the Committee did not meet.

Community Center Report: Councilor Wells reported that he is halfway finished with the pump cover and should have it installed before the next meeting. He went on to add that if the Ford Family Foundation grant came through he would begin preparations for installing the generator and propane tank.

Conservation Committee Report: There was no report as newly elected Councilor Platt has not yet called a meeting.

Parks and Recreation Committee: Councilor Scarberry reported that there was a meeting with two members present along with Committee applicant, Carol Sweet. Among the topics discussed at the meeting were the Overlook area that is in need of cleaning and the area under it that needs clearing and some sort of enclosure to keep people out. Also discussed were the vacant lot next to Mr. Lapping and the gravel street by the Post Office that needs repair. Members agreed to meet quarterly beginning in April this year. Councilor Scarberry offered to look at the area under the Overlook and determine how to enclose it. City Administrator/Recorder Hilden noted that there was money in the RTMP Fund to pay for repairs.

Road Commission Report and December Draft Minutes: Councilor Sanders reported that the Road Commission did not meet last month. He directed Councilors' attention to their meeting packets, which included a letter he received from the City's Director of Public Works outlining street maintenance projects for 2015. Councilor Sanders pointed out that the letter includes an estimated cost for street maintenance at \$50-\$60,000, which will further deplete the reserved Street Fund. He went on to report that he attended the Lane ACT meeting during which it was decided to put the proposed vehicle license fee increase on the May ballot. During the meeting's discussion of the proposed ballot measure, Councilor Sanders pointed out that Westfir would receive road money, even though that city does not have a street system. Councilor Sanders asked the County Commissioners whether there was a possibility of increasing the cities' allotment to 1% rather than a flat rate and was told that it was not possible. Dunes City would receive \$22,400 which does not add much to the City's Street Fund. Commissioner Sid Leiken agreed to come to Dunes City to talk about ways the County could help Dunes City, such as grant writing or partnering with the County and Florence for reduced rates on street maintenance projects. Councilor Sanders went on to report that there is a tree on View Terrace that is a potential hazard and should be removed as soon as possible; City Administrator/Recorder Hilden noted that he has solicited quotes for removal. Councilor Sanders also reported that the top priorities for maintenance this year are Russell Drive, Rio Drive and the deferred maintenance projects.

Water Quality Committee Report: Councilor Meyer noted that a copy of the Water Quality Committee's January 21st meeting was included in the Councilors' meeting packets. Of note, water clarity on Siltcoos was not as clear as Woahink, but PH was good and no issues were reported by water testers. He went on to report that he would meet with Committee member Bonnie Allen and Dan Schewlakow to discuss signage and monitoring boat flushing on Woahink. Councilor Meyer also reported that the meeting time was changed from 3:00 pm to 6:30 pm and that he would be meeting with the owners of Ada Resort to discuss providing them with water testing equipment to test Siltcoos water at the resort.

There was some discussion about the need for water testers (especially on Siltcoos), the process of taking the water samples and the training involved. Council President Mills offered to write a newsletter article on the subject.

Emergency Services Report: Council President Mills noted that her report was included in the meeting packets. She went on to say that she met with Stacy Burr, the consultant hired to write the Emergency Operation Plans for Florence and Dunes City, and discussed some of the unique qualities and concerns that Dunes City would face in the event of a local disaster. She went on to note that Ms. Burr requested an additional Council meeting every month from March until September to discuss Dunes City's emergency needs and resources so that she can draft the Dunes City EOP.

City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Hilden read highlights of his report: January permit activity decreased slightly compared to December; one of the permits issued in December was for a new home in Woahink Ridge Estates, which has seven homes on the nineteen lots that are available; the Planning Commission finished drafting a new septic maintenance ordinance and made further progress on reworking Chapter 155; sponsorship packets for the 3rd Annual Triathlon and Duathlon continue to be mailed and potential sponsors are being contacted with follow up calls by City Staff; Best of the West Events owner, Blair Bronson is already working on the permits for the Triathlon and Duathlon; a grant application was submitted to the West Lane Community Foundation for media upgrades; OSHA visited Dunes City Hall for an unscheduled compliance examination, which it passed; and, Council President Mills provided City Hall with well-marked emergency evacuation route maps, which will help reduce risk insurance rates.

11. FOR THE GOOD OF THE ORDER

Councilor Wells thanked the Planning Commission and Mr. Burke for their work to provide a good draft ordinance to replace Ordinance No. 203.

Councilor Sanders congratulated the City Administrator and City Staff for a great budget report and for working to control costs. He went on to offer to help with preparing a cost evaluation for converting City Staff from Cardinal Services' payroll to City payroll and asked about the status of the boathouse on Lake Road. City Administrator/Recorder Hilden reported that the owner of the boathouse is reapplying for a Conditional Use Permit.

Council President Mills reminded Councilors that the City Administrator's annual performance review is due. There was some discussion about doing the review in Executive Session and the date, which will be announced.

City Administrator/Recorder Hilden reminded Councilors that they asked to discuss alternative revenue options. Councilor Scarberry suggested placing the discussion on the Agenda for future meetings; Mayor Ruede and the Councilors generally agreed to do so.

12. ADJOURNMENT

Mayor Ruede requested a motion for adjournment. Councilor Sanders made the motion to adjourn. Councilor Scarberry seconded the motion. There was no vote taken.

Mayor Ruede adjourned the meeting at 9:18 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 12th DAY OF MARCH 2015.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder