



**CITY COUNCIL MEETING MINUTES ~ APPROVED
JULY 9, 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 July 9th 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 Sheldon Meyer, Councilor Duke Wells, and Councilor Maurice Sanders.

Also Present: City Administrator/Recorder Fred Hilden, Administrative Assistant Rapunzel Oberholtzer, Dunes City residents Bill Harris, Kay Harris, Bonnie Allen and Susie Navetta, and other citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Sanders made a motion to move the Volunteer of the Year presentation to item 4(A) of the Agenda. Councilor Wells seconded the motion. The motion passed by unanimous vote.

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

4A. PRESENTATION

A. 4th Annual Volunteer of the Year Award

Mayor Ruede thanked Councilor Wells for bringing forward the suggestion to select a Volunteer of the Year each year. She invited this year's recipient of the award, Mr. Bill Harris, to the dais and proceeded to read aloud his nomination as submitted by a City resident:

Bill has consistently spent hours and hours of his time maintaining his section of Dunes City Roads—repairing and installing road signs, maintaining drainage ditches, and mowing and brushing the edges of streets. Plus, he helps maintain the equipment and tools the City uses for road maintenance. Last year during the slurry seal work he spent hours personally contacting residents about the project to make sure they knew when the work would be done and what to expect during the work.

In addition, Bill is a really, really nice man and has served as a Road Commissioner for several years. I live in Bill's section of roads and I really appreciate all of his hard work and dedication! I hope the Council selects Bill for the award!

Mayor Ruede went on to add that it is residents like Mr. Harris who make Dunes City a nice place to live and it was an honor and a privilege to present the 2015 Volunteer of the Year award to him. Everyone present applauded as Mayor Ruede presented the award to Mr. Harris.

Mr. Harris thanked the Councilors and the Mayor, noting that Councilor Wells encouraged him to join the Road Commission. He also thanked Councilor Sanders for his leadership of the Road Commission and everyone who volunteered their time. And, he thanked his wife, Kay, for her support while he volunteered his time to the City.

5. CONSENT AGENDA

Councilor Scarberry made a motion to approve the Consent Agenda. Council President Mills 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. Dunes City is seeking artists and photographers who would like to display their art in the Council Chambers. Anyone interested in displaying work should contact City Hall.
- B. The Communication and Education Committee is planning an Expo for Saturday, August 22nd that will focus on Septic Maintenance Education, Maintaining a Safe Drinking Water Source and Emergency Preparation.

Mayor Ruede noted that more information about the Expo would be available later during the meeting.

7. CITIZEN INPUT

Mayor Ruede recognized Ms. Bonnie Allen who signed in to give public comments.

Ms. Allen explained that she was at this Council meeting in regards to a subject that was broached at the June meeting and she read from those draft minutes, “Mayor Ruede suggested that the Water Quality Committee and others start talking about the idea (Siltcoos Lake residents using Woahink Lake water), looking into whether or not it could be done and how it could be done so that the Council can be prepared to discuss the issue if a request is officially brought before the Council.”

Ms. Allen asked if the Water Quality Committee had provided any input on the matter. Mayor Ruede replied that it had not. Ms. Allen asked if the terms of Dunes City’s Water Permit 4401 [sic] would offer any guidance for Siltcoos residents. Council President Mills noted that any usage would be required to comply with the terms of the Permit. Council President Mills went on to add that she was not familiar with the terms of Permit 4401. Ms. Allen clarified that the Permit number is 44501 and asked whether it was true that Siltcoos Lake already receives Woahink water via the weir. Council President Mills and Councilor Meyer agreed that was the case.

Ms. Allen asked if she understood the terms of Permit 44501 and read, “The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.5 cubic feet per second measured at the point of diversion from the stream or its equivalent in location with other water users from Woahink Lake and is limited to municipal use of the City of Dunes City.” There was some discussion about the water permits during which Council President Mills noted that Dunes City has four permits, the newer one being for municipal use and the older ones for domestic use and storage.

Council President Mills clarified that sharing water with Siltcoos residents would not fall under the municipal use permit but rather a shared domestic water supply permit. Council President Mills offered to meet with Ms. Allen to discuss the various City permits. She went on to explain that as part of the permit negotiation process potential users of Woahink Lake water were specifically identified by area and some of Siltcoos Lake residents fall in that category. Mayor Ruede informed Ms. Allen that her allotted time had expired and invited her to meet with Council President Mills after the meeting or another time to continue discussion.

Mayor Ruede recognized Councilor Sanders who remarked that he was providing comments not as a City Councilor but as a resident of Dunes City and Commander of American Legion Post 59. He explained that he had been successful in obtaining the 2016 Department of Oregon American Legion convention in Florence, a group of about 750 people the last week of June for the largest convention ever held in Florence. He extended an invitation to Mayor Ruede to join in the opening ceremonies of the convention. Mayor Ruede thanked him for the invitation noting that it would be an honor to attend.

Mayor Ruede recognized Ms. Susie Navetta who also signed in to provide comments. Ms. Navetta relinquished her time allotment to Ms. Allen. Ms. Allen asked if the Council had received an official request for water use from Siltcoos residents. Councilor Sanders objected to the question, pointing out that the Citizen Input portion of the meeting was intended for receiving comments from citizens, not for citizens to ask questions, and that questions should be addressed at another time. Mayor Ruede noted that Councilor Sanders’ point of order was cor-

rect and asked Ms. Allen to limit her allotted time to comments so that the Councilors could hear everything she had to say during that time period. Ms. Allen remarked that her comment is she would like to know whether the City has received an official request for water use from Siltcoos residents and she would also like to know if any other entity has requested to use water from Woahink Lake.

Mayor Ruede said that the answer to both questions was, “No.”

8. UNFINISHED/OLD BUSINESS

A. Staffing Options

City Administrator/Recorder Hilden provided an update on this subject which, Mayor Ruede noted, was discussed at previous meetings. He explained that he reviewed the League of Oregon Cities website and found that the Oregon Supreme Court recently eliminated any and all PERS opt out options for Oregon cities, which means that Dunes City cannot opt out of PERS. He went on to add that he plans to meet with the City’s PERS representative to explore other options and will provide updates when available.

B. Ordinance No. 178 – Regulation of Dogs and Animals

Council President Mills explained that the Ordinance Review Committee revisited Ordinance No. 178 and also obtained more current information. The ORC learned that because Dunes City is an incorporated city in Lane County, it would be required to handle licensing requirements itself. She went on to explain that the ORC also looked into the Ordinance No. 178 regulations on kennels along with the animal limitations provided by Chapter 155 and found that the issue of the number of animals allowed would be satisfied by Chapter 155. The ORC also reviewed the “Nuisance Ordinance” comparing it with Ordinance No. 178 and determined that the Nuisance Ordinance would provide regulation of barking dogs, etc.

Council President Mills went on to explain that since the City currently does not have any animal license provisions in place or any type of animal control officer, the ORC’s recommendation is to take no action on repealing Ordinance No. 178 at this time and look into the possibilities of contracting for animal control or cost sharing with Florence. The ORC further recommends that the City investigate the costs associated with its own license fee and whether or not the City is required under State law to issue licenses. If the City is required to license, then it should take steps to do so.

Mayor Ruede suggested further investigation to make sure the impact on City Staff was minimal, if Staff is required to take on the extra work. Councilor Sanders suggested that if State law mandates that cities issue licenses, then perhaps the State could provide funding. Council President Mills agreed to work with City Staff to find answers to the questions and report back to City Council.

C. Siuslaw School District Construction Excise Tax

Mayor Ruede noted that this subject had been discussed at prior Council meetings. City Administrator/Recorder Hilden provided an update explaining the he was working with the City of Florence and planning to approach the Siuslaw School District jointly to negotiate amendments to the Intergovernmental Agreements giving both Florence and Dunes City an increase in the percentage of the Construction Excise Tax they keep.

Mayor Ruede thanked City Administrator/Recorder Hilden for moving forward with the CET/IGA improvement project.

D. Emergency Generator Update

City Administrator/Recorder reported that he had been working on resolving the encroachment issue with the neighbors on the side of City Hall where the propane tanks for the emergency generator need to be located. To that end he wrote a letter to the property owners and is waiting for a response.

E. Marijuana Update

City Administrator/Recorder Hilden informed Councilors that he received an email update on marijuana usage from the City Attorney, a copy of which was provided in the Councilors' meeting packets for reference. The City Attorney's email pointed out that recreational marijuana became legal in Oregon on July 1st but there are still restrictions associated with its use, possession and distribution and many questions about regulations the State, counties and cities will deploy.

City Administrator/Hilden reminded Councilors that the City's moratorium on medical marijuana expired May 1st and pointed out that the City need not take any action on recreational marijuana regulations at this time as the State is still discussing regulations.

9. NEW BUSINESS

A. Lane County Drought Declaration

City Administrator/Recorder Hilden explained that the Lane County drought declaration was essentially requested by and for two businesses, Delta Sand & Gravel and Knife River Corp., so that they could secure extra water for their concrete mixing operations this summer by negotiating to purchase water from other water rights holders.

Council President Mills pointed out that the drought declaration, although benefitting those two businesses specifically, also allows farmers and other water rights holders to sell their rights and, thus, make extra money. There was some discussion about whether or not a Woahink water rights holder could sell water. Council President Mills explained that it

was a slight possibility but remote because water rights transfers are subject to lots of restrictions and lengthy legal processes in addition to permit limitations. Mayor Ruede reminded Councilors that, according to Senator Roblan's office, there is legislation being discussed that could affect Dunes City water rights which makes it imperative that the City secure its permits as soon as possible.

B. Chapter 32 Residency Requirement

Council President Mills explained that the Ordinance Review Committee discussed the Chapter 32 residency requirement at length and decided that there should be a conversation with the City Attorney about it. Council President Mills and City Administrator/Recorder Hilden had that conversation and were advised that the City could rewrite its Code to allow anyone to become a committee member, but not on any decision-making body such as the Planning Commission which by State law requires members to be residents of the City the Commission serves. Council President Mills pointed out that the State law requirement would also apply to the Road Commission, which also has decision-making authority. She went on to say that the recommendation of the Ordinance Review Committee is leave the residency requirement in Chapter 32 and push harder for volunteers to fill Committee vacancies. Councilors did not object to the recommendation.

C. Road Commission Appointment

Mayor Ruede directed Councilors' attention to the Application for Appointive Office that was submitted by Dunes City resident Michael Clifton and included in the Councilors' meeting packets.

Councilor Sanders made a motion for the Council to appoint Mr. Clifton to the Road Commission for the longest term available. Councilor Wells seconded the motion. The motion passed by unanimous vote.

City Administrator/Recorder Hilden pointed out that the term ending date would be 2018.

Mayor Ruede called for a break in the meeting at 7:42 pm and reconvened at 7:47 pm.

10. REPORTS

Mayor's Report: Mayor Ruede reported that she and other representatives from the area met with a Ford Family Foundation director, Mr. Roque Barros, who was in the area to learn more about issues and concerns of our area. On behalf of Dunes City, Mayor Ruede explained to Mr. Barros two key concerns: 1) Water (education, preservation, septic) and 2) Codification. At the invitation of Florence Mayor Joe Henry, she also attended a Power of Florence Committee meeting during which they discussed her obligation, as the representative of the Florence/Dunes City Oregon Dunes Triathlon and Duathlon team challenge, to perform some Community Service in Florence. She agreed to participate in the Power of Florence walk and assist Mayor Henry at the barbeque on Saturday, July 18th. Mayor Ruede invited Dunes City

residents and the Dunes City Tri/Du team to join her in the walk beginning at 10:00 am and to attend the barbeque in support of Florence.

Communication and Education Committee Report: Council President Mills reported that there was no meeting but the newsletter was finished and will be ready for mailing sometime next week. She went on to announce that the first annual Dunes City Expo will be held on Saturday, August 22nd at City Hall. The Expo will feature vendors with products and information about emergency preparedness, information about septic system maintenance and well water safety and maintenance. A small group of volunteers is helping to organize the event and all Dunes City residents are invited to attend.

Ordinance Review Committee Report: Council President Mills presented the draft minutes from the meeting on June 22nd during which the draft Shared Domestic Water Use Ordinance, the Animal Control Ordinance No. 178 and Chapter 32 residency requirements were all discussed. She noted that she reported during this meeting on the animal control issues and the residency requirements.

Community Center Report: Councilor Wells reported that he would work on the installation of the emergency propane tanks and generator once the property line issue has been resolved. He will also replace a few missing shingles on the roof of City Hall.

Conservation Committee Report: Councilor Platt had no report.

Parks and Recreation Committee Report: Councilor Scarberry reported that the next quarterly meeting of the Committee will be held next month. He also reported that he has visited the Overlook area a couple of times and it appears that it is being used but is fairly clean; he will try to pressure wash the structure before fall. He noted that some overhanging branches will need to be removed before winter.

Road Commission Report: Councilor Sanders confirmed with City Administrator/Recorder Hilden that a start date for the Russell Drive and Rio Drive projects has not yet been decided but is a few weeks out and the contract Public Works Director and Roads Secretary are working on the process for notification of residents in the area. City Administrator/Recorder Hilden noted that the scope of the project changed slightly after discussion by the project team so that the cost will be comfortably within the budget limitations. Councilor Sanders reported that one of the Road Commissioners is no longer a Dunes City resident and, therefore, not legally allowed to serve as a Road Commissioner; he will be notified and that will mean there are two vacancies on the Commission.

Water Quality Committee Report: Councilor Meyer provided a copy of the water quality report for the current month in the Councilors meeting packets. He reported that test results remain good.

Emergency Services Report: City Administrator/Recorder Hilden reported that he and Council President Mills attended the June 15th WLEOG meeting hosted by Dunes City. The City has been working with WLEOG on updating the Emergency Operations Plan as well as working with the County on Multi-Jurisdictional Hazard Mitigation Planning and with the South Coast Resilience Network. He noted that the work is progressing nicely and the projects have brought all of the emergency services providers and the cities closer together. There was a question about how the increase in dues to WLEOG affects Dunes City's budget. City Administrator/Recorder Hilden explained that the increase was minimal and had no impact on the budget.

City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Hilden reported that permit activity was up in June compared to May. The water quality information on the City website has been revised so that it is more useful. The Council-approved budget for fiscal year 2015-2016 was filed with the Oregon Department of Revenue. City Staff continues to receive updates and reports from residents and is updating the City database and property files to reflect new information. He and Council President Mills have been working on rewriting the Shared Domestic Water Supply Ordinance and should have it in front of the Council in August.

Council President Mills pointed out the new DEQ-required form for septic inspections that was included in the Councilors' meeting packets. She noted that the State form is very comprehensive and captures the information about septic inspections that Dunes City requires. City Administrator/Recorder Hilden noted that the form does not include a section for indicating the next septic inspection date, but City Staff suggests that inspectors write that date on the DEQ form so there is no need for the City to provide its own separate septic inspection form.

City Administrator/Recorder Hilden reported that he will present an updated septic compliance report to the Woahink Lake Association at its annual meeting on July 18th.

11. FOR THE GOOD OF THE ORDER

Councilor Wells thanked Mr. Harris for volunteering to serve on the Road Commission for so many years and thanked Mr. Clifton for volunteering to fill a vacancy on the Commission. Councilor Sanders concurred with Councilor Wells' remarks.

12. ADJOURNMENT

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

Mayor Ruede adjourned the meeting at 8:10 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 13th DAY OF AUGUST 2015.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder