



**CITY COUNCIL MEETING MINUTES ~ APPROVED
JANUARY 14, 2016 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 January 14th meeting of the Dunes City Council to order at 7:00 pm.

2. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

3. ROLL CALL

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

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

Absent and Excused: Councilor Ken Platt. (There is one vacancy on the City Council.)

Also Present: Interim City Administrator/Recorder Jamie Mills, Administrative Assistant Rapunzel Oberholtzer and several citizens.

4. APPROVAL OF THE AGENDA

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

5. CONSENT AGENDA

Councilor Scarberry made a motion to approve the Consent Agenda. Councilor Meyer 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. We still have many volunteer openings on various Commissions and Committees. Please contact City Hall for more information.

Mayor Ruede thanked Interim City Administrator/Recorder Mills for sending Dunes City residents a letter describing the many committee and commission volunteer openings, and noted that the letter generated a great response from residents that resulted in several much needed applications for appointment.

- B. Birthday wishes to Road Secretary Laurale Lorentzen (January 12th) and Councilor Ed Scarberry (January 19th). Refreshments will be served after the meeting
- C. Dunes City Council's Goal Setting Work Session scheduled for Thursday, January 28th, 2016, from 2:30 to 4:30 pm, will need to be rescheduled due to a conflict with Mayor Ruede's work schedule.

Mayor Ruede invited everyone to stay for refreshments after the meeting and then went on ask Councilors to check their calendars to find an alternate date for the Goal Setting Work Session. After some discussion, it was agreed to hold the Work Session on Wednesday, February 3rd from 2:30 to 4:30 pm. Staff was asked to email a reminder of the date change to Mayor Ruede and the Councilors and to telephone Councilor Wells.

7. CITIZEN INPUT

There was none.

8. NEW BUSINESS

- A. Ordinance No. 232 – Adding Authority to Fine for Code Violations

Mayor Ruede read from a prepared script for discussion of the proposed ordinance.

“A proposed ordinance requires two readings before it is enacted. City Charter Section 34(3) provides that both readings may be read by title only if (a) no council member present at the meeting requests it be read in full or (b) a copy of the ordinance is provided for each member and all requirements for posting and advertisement have been met.”

Mayor Ruede asked Interim City Administrator/Recorder whether all of the requirements for posting had been met. They had been. Mayor Ruede then asked Councilors whether any would like the ordinance to be read in full. None did.

Council President Sanders made a motion to read the Ordinance by title only. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

Mayor Ruede read the title of Ordinance No. 232, “An ordinance amending Title III (3), Chapter 36 of the Dunes City Code of Ordinances entitle ‘Code Enforcement,’ repealing and replacing Section 36.070 thereof to include fines, adding a new Section 36.95 entitled ‘Fines, Assessment, and Lien’ and other matters relating thereto.”

Mayor Ruede opened the agenda item for public comment at 7:07 pm and asked if there was anyone in the audience who would like to comment on the ordinance, either for or against.

Mayor Ruede recognized Dunes City resident, Ms. Bonnie Allen who spoke in favor of the proposed ordinance. Ms. Allen remarked that Dunes City has thoughtfully written, good Code but no way to penalize residents who are in violation of City Code. She went on to comment that she thought the ordinance proposed a fair Code enforcement mechanism for the City.

There were no other citizens signed in to give comments on the proposed ordinance and Mayor Ruede closed the public comment portion of the meeting at 7:12 pm.

Mayor Ruede asked Councilors if they had any suggestions for changes to the language of the proposed ordinance. There were no suggestions for changes but Council President Sanders requested clarification about whether or not the intent of the ordinance was to allow the Code Enforcement Officer to set the amount of a penalty. City Administrator/Recorder Mills explained that the intent is to allow the Code Enforcement Officer to set the amount of a penalty if Code is silent. She noted that in some sections of Code there are provisions stating the amount of penalty for specific violations.

Councilor Wells voiced some concern about setting fines for Code violations too quickly and suggested that the City Council should have an opportunity to weigh in before a fine is set. Council President Sanders pointed out that if the Council is arbitrator in a resident's appeal of a fine, then the Council could not participate in setting fines. Councilor Wells said that as long as the Council can hear objections to fines at some point, he had no objections to the Code Enforcement Officer assessing the initial penalty.

Mayor Ruede read from Section 36.095, paragraph A, "Any person found to be in violation of any section or provision of this City Code, where no other penalty is set forth, shall be punished by a fine not to exceed five hundred dollars (\$500.00) for any one offense, each day constituting a separate offense." She expressed some concern about the potential severity of the penalty. City Administrator/Recorder Mills explained that there is a process that the City must follow prior to assessing a fine; the process includes, among other things, sending the violator a notice of the violation, followed by another notice specifying a deadline for compliance and the potential actions the City could take if compliance is not achieved. She went on to explain that the process should give a violator time to become compliant before the penalty process begins.

There was some discussion about what the City would do if the violator did not become compliant, whether the City could place a lien on property, the process and costs for filing a lien, and whether or not a five-hundred-dollar-a-day fine was excessive. City Administrator/Recorder Mills pointed out that there is Code in place that allows for some negotiation between the City and the Code violator to agree upon a penalty. It was generally agreed that as long as some negotiation of a penalty/compliance remedy was in place the language of the proposed ordinance was satisfactory.

Councilor Meyer made a motion to read Ordinance No. 232 as presented by title only. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Mayor Ruede read aloud the title of Ordinance No. 232, “An ordinance amending Title III (3), Chapter 36 of the Dunes City Code of ordinances entitled ‘Code Enforcement,’ repealing and replacing Section 36.070 thereof to include fines, adding a new Section 36.95 entitled ‘Fines, Assessments, and Lien’ and other matters relating thereto.”

Council President Sanders made a motion for the Council to adopt Ordinance No. 232 as presented. Councilor Wells seconded the motion. Council President Sanders and Councilors Meyer, Wells, and Scarberry all voted in favor of the motion.

Mayor Ruede pronounced Ordinance No. 232 adopted.

B. Resolution Series 2016, No. 1 (1-14-2016) Re: Driveway and Driveway Access Permit Applications

Mayor Ruede announced that the proposed resolution is to approve a combination driveway access and driveway permit application in order to simplify the information required by the City and the fees charged.

Mayor Ruede opened the agenda item for public comment at 7:24 pm and asked if there was anyone in the audience who wished to comment on the proposed resolution. No one did. Mayor Ruede asked if any Councilors had questions. Council President Sanders asked Staff to confirm that the diagram referenced on the application form as attached would, in fact, be included with the application since it was not included with the form submitted for approval. City Administrator/Recorder Mills explained that the diagram would be included with the form, along with other information provided to the applicant. Mayor Ruede closed the public discussion at 7:26 pm.

Council President Sanders made a motion to adopt Resolution Series 2016, No. 1, dated 1/14/2016. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

C. Set Aside Letter – Montgomery Roadway Request

City Administrator/Recorder Mills explained that Mr. Alan Montgomery is requesting Council approval for him to set aside the funds for his subdivision roadwork in an escrow account until the road work can be done in the spring of this year. As described in the report from Permit Technician Renee Green that was included in the Councilors’ meeting packets, the reasons for the request is that the road contractor will not guarantee the road work if it is done in the winter months and the cost is lower if the work is done in the spring.

Council President Sanders asked City Administrator/Recorder Mills if the proposed road work had been approved by the City Engineer. She replied that it had.

Councilor Scarberry made a motion to allow the set aside requested by Mr. Montgomery. Council President Sanders seconded the motion. The motion passed by unanimous vote.

D. Request to Install Pipe Under Roadway – Fish Mill Lodge

Council President Sanders explained that the City has received a request from a citizen to cut into newly paved City roads in approximately three different locations for the purpose of installing a water line from the spring at Summit and Maple to Fish Mill Lodge. He went on to explain that whenever a roadway is cut, it is weakened which would eventually become a problem for the City, as has been seen elsewhere in the City. He noted that it is better to bore under the roadway than to cut into the pavement and, while boring is expensive, boring provides more assurance that the City should not incur the extra maintenance costs associated with cutting into the roadway.

Council President Sanders pointed out that the City has allowed cutting into roadways in the past but has had to bear additional costs for repairing those roads when needed. He went on to note that currently the City does not provide an incentive for residents to bore under the roadway, such as offering reduced permit fees to residents who bore rather than cut. He added that he is familiar with the work involved in maintaining City roads and is not, personally, in favor of allowing the cutting option. City Administrator/Recorder Mills pointed out that the City has the option of placing a condition on the approval of the permit to use the easement that would require the applicant to bore under the road. Council President Sanders noted that this application raises two issues for the Council to consider: one is a City policy matter and the other is the application itself.

There was some conversation about whether or not this matter should be discussed by the Road Commission, which would then make a recommendation to the City Council. City Administrator/Recorder Mills explained that the applicant is anxious to install the water line and Staff is concerned that the City would have to repave the roads after they are cut. She went on to explain that the greatest issue at hand for the Council is whether or not to allow the applicant to cut the roadway or require boring underneath.

In further discussion, it was noted that the water from the spring would become the applicant's primary water source, that the City has allowed roadways to be cut to install utility facilities and has had to incur the cost of repairing the roads afterwards, and that several cuts are needed in this case because roadways curve and intersect along the route of the water line. Councilor Scarberry expressed concern about cutting the roadway, noting that there are examples throughout the local area where roads have been cut and, no matter how repaired, remain in poor condition. He pointed out that boring for a water line should require a smaller diameter hole than a utility line would require and, therefore, might not adversely affect the road.

Council President Sanders made a motion for the Council to require the applicant to bore under the roadway to install the water line. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Mayor Ruede directed Staff to notify the applicant. Council President Sanders requested that discussion of City policy for this type of application be placed on the agenda for a future meeting. It was agreed to discuss this during the February Council meeting. Council President Sanders noted that he would also discuss it during the January 18th Road Commission meeting.

E. Advertising/Hiring City Recorder/Administrator

City Administrator/Recorder Mills reminded Councilors that she agreed to act as City Administrator/Recorder until the first of this year. She described the process for filling the position on a permanent basis as advertising the vacancy, collecting applications and resumes, reviewing the resumes and interviewing applicants, and making a selection. She explained that the Council could appoint a small ad hoc committee to cull the applications presented to the Council for consideration.

Following discussion, it was agreed that the acting City Administrator/Recorder would place an advertisement for a permanent City Administrator/Recorder for the City, running for thirty days.

There was some discussion about whether the position advertised should be for a City Recorder or for a City Administrator, or for both. City Administrator/Recorder Mills pointed out that the job descriptions allow for two different positions, if the City needs that option, but the positions could be handled by one person, as is currently the case. She noted that the City Charter requires at least a City Recorder. There was also some discussion about the possible need for a Council work session to discuss the job offer before placing an ad. City Administrator/Recorder Mills explained that she is currently filling the position on a contract/consultant basis, which was approved by PERS, and she is paid on an hourly basis (responsible for paying state and federal taxes herself and not receiving medical benefits), which saves the City money.

City Administrator/Recorder Mills agreed with the suggestion for a work session to further discuss and determine the offer and whether the position(s) could be full- or part-time and filled by a contractor/consultant—questions that might require consultation with the City Attorney, League of Oregon Cities or other experts in managing small cities. After discussion, it was agreed that the Goal Setting Session agenda would include an item to set a date middle to late February for the aforementioned work session about the City job opening(s).

F. Advertising City Council Vacancy

Mayor Ruede noted that she has been approached by residents interested in applying for the Council vacancy and has also been informed that the Council has not sufficiently informed residents about the vacancy, even though some applications for the position have been submitted to City Hall. She asked Councilors if they thought the City should advertise the vacancy to make sure it is well known and to allow anyone else who might be interested in applying to do so. Councilors did not object and Mayor Ruede asked Staff to place an ad, including a deadline for candidates to submit their applications.

Mayor Ruede asked City Administrator/Recorder Mills to include City Council appointments on the February Council meeting agenda.

G. Committee Appointments

Mayor Ruede referred to the applications for Planning Commission that were included in the Councilors' meeting packets—Tom Mallen, Brett McKnight and James Ryan. She invited Mr. Mallen, who was present in the audience, to speak about his application. Mr. Mallen explained that he is beginning the process of building a home on Woahink Lake and is interested in serving the City to make sure the City remains a “slice of paradise” for everyone who lives here. Following a discussion with Mayor Ruede about serving on either the Planning Commission or the City Council, during which Mayor Ruede pointed out that he could not serve on both bodies at the same time, Mr. Mallen requested, and was granted, the opportunity to fill the Planning Commission vacancy with one year remaining in its term.

City Administrator/Recorder Mills explained that after talking with Mr. James Ryan about his interest in applying to the Planning Commission he withdrew, noting that he is in the Air National Guard and deployed out of the area much of the time, which could preclude his availability for Planning meetings but not for Budget Committee, to which he also applied.

Referring to the application from Mr. Brett McKnight, who was not present in the audience, Mayor Ruede suggested that he could fill one of the remaining full term vacancies. There was no objection. Mayor Ruede directed Staff to inform Mr. McKnight of his appointment.

Councilor Sanders made a motion to appoint both Mr. Mallen and Mr. McKnight to the Planning Commission. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Mayor Ruede directed Councilors' attention to the applications from Mr. Tom Mallen, Mr. Brett McKnight, Mr. James Ryan, and Mr. Larry Overton for Budget Committee.

Councilor Meyer made a motion to appoint, Messrs. Mallen, McKnight, Ryan, and Overton to the Budget Committee. Councilor Wells seconded the motion.

City Administrator/Recorder Mills noted that term ending dates for the appointees needed to be established. Mayor Ruede offered Mr. Mallen the opportunity to choose his ending date. He agreed to a term ending date of June 30, 2018; Mayor Ruede pointed out that if Mr. Mallen is appointed to the City Council, he would automatically become a member of the Budget Committee with a term ending on the date his appointment to fill the Council vacancy expires.

The motion passed by unanimous vote.

H. Committee Chair Appointments

Mayor Ruede explained that Committee Chair appointments have been traditionally made in January of the new year, however, she requested to table the appointments until the Goal Setting Session. She requested that Councilors cover their Chair assignments until the new appointments are made. All of the Councilors agreed to do so.

Mayor Ruede explained that her reason for making the request to table appointments was to give the Council an opportunity to take a look at consolidating or eliminating some of the Committees, largely due to the difficulty in keeping them fully staffed by volunteers.

9. UNFINISHED/OLD BUSINESS

A. 2016 Oregon Dunes Triathlon/Duathlon – T-shirts for Giveaways

City Administrator/Recorder Mills reported that Sponsorship Packets were included in Councilors' meeting packets so that Councilors can be soliciting sponsors for this year's event. She also confirmed that Three Rivers Casino has agreed to a major sponsorship of the event this year.

City Administrator/Recorder Mills explained this agenda item by saying that the City has extra Triathlon/Duathlon t-shirts that Administrative Assistant Linda Stevens suggested could be donated to KCST for promotional giveaways. Mayor Ruede suggested also giving extra T-shirts to *The Siuslaw News* and to everyone Dunes City challenges to participate in the event. Councilors suggested donating T-shirts to SOS and the high school track and field team. It was generally agreed that Staff could donate T-shirts to any local organization.

B. Comprehensive Plan Update

City Administrator/Recorder Mills suggested that this agenda item be discussed during the Goal Setting Session, noting that the project could likely be done in-house rather than contracted out. There were no objections.

C. Reimbursement of Funds from Lake's Edge, LLC

City Administrator/Recorder Mills reported that the City has reached a resolution that is satisfactory to all parties and full reimbursement is expected soon.

10. REPORTS

Mayor's Report: Mayor Ruede reported that she attended US Senator Ron Wyden's Coastal Outreach meeting during which she challenged the Senator and his staff to provide a team to participate in this year's Triathlon/Duathlon and he agreed to do so. Mayor Ruede invited everyone to attend a Siuslaw Pathways Community Forum at the Florence Event Center on January 28th from 5:00 to 8:00 pm; the event is sponsored by the Ford Family Foundation. Mayor Ruede also paid tribute to well-known former Westlake resident Bob Jackson, who passed away January 7th and offered condolences to his family.

Communication and Education Committee Report: There was no report, the Council needs to appoint a new Chairman of the Committee.

Ordinance Review Committee Report: There was no report, the Council needs to appoint a new Chairman of the Committee.

Community Center Report: Councilor Wells reported that there was some minor flooding around City Hall in December that was handled by Staff and volunteer, Robin Mills. The wind during that time bent the bolts holding the flag pole in front of City Hall, which he repaired.

Conservation Committee Report: There was no report due to Councilor Platt's absence.

Parks and Recreation Committee Report: Councilor Scarberry reported that the Committee might not meet as scheduled the week of January 18 if there is no business to discuss. On another subject, Councilor Scarberry reported that Dunes City resident, Mr. David Jackson contacted him about the portage and broached the idea of forming a group to assume responsibility for leasing and maintaining the structure. There were no objections from the Council, and Councilor Scarberry agreed to report progress back the Council.

Road Commission Report: Council President Sanders reported that there was no Road Commission meeting in December due to lack of a quorum. The next meeting is scheduled for January 18th during which various road maintenance projects will be discussed.

Water Quality Committee Report: Councilor Meyer reported that water quality remains good and the next meeting of the Committee is scheduled for February 17th.

Emergency Services Report: City Administrator/Recorder Mills reported: she attended the December WLEOG meeting, the minutes and report from Chief Jim Langborg were included in Councilors' meeting packets; recipients of emergency notification emails may have noticed a recent increase in the volume of messages—the City of Florence Facebook page or Lane

County's home page provide options for recipients to change settings to filter unwanted messages; the next WLEOG meeting will be January 25th during which the EOP will be discussed in detail.

City Administrator/Planning Report: City Administrator/Recorder Mills reported that permit activity was fairly busy in December with ten permits issued. She also reported that the Planning Commission did not meet in December but will do so in January now that appointments to the Commission have been made. Lane County has provided a copy of the deed conveying Lot 700 to the County. Lane County has indicated that it is not certain it wants to survey and provide descriptions of the roads in Siltcoos Heights, as requested by Dunes City; the City may want to reconsider assuming responsibility for North Pioneer road as there are flooding issues that came to light during the December rains, possibly because of culvert issues on Clear Lake Road. The sales contract for the Oregon Dunes Triathlon and Duathlon was submitted to the City Attorney for review. The Woahink Lake outlet control structure Easement Declaration was submitted to the City Attorney for review and should be ready to submit to the structure owners soon. City Administrator/Recorder Mills went on to note that due to flooding and erosion issues it was necessary for the City to enter into an emergency agreement for drain and culvert cleaning and restoration to stop flooding of a residence on Kiechle Arm Road, and she thanked Richard Palmer, Renee Green and Robin Mills for their help in averting damaging water flows. She also requested that this item be discussed in the Goal Setting session. In addition, she noted that during the Best Practices/Safety inspection, the City's insurance representative pointed out that all City volunteers are required to sign a registration and waiver form, which has now been created and will be provided to all Council, Commission and Committee members.

Septic Maintenance Update: City Administrator/Recorder Mills reported that she has been working on the Septic Maintenance database and has completed the first page of the listed addresses, all of which are now in compliance with the requirement to initially pump and inspect their systems, leaving less than 80 addresses that are not in compliance with the initial requirements.

11. FOR THE GOOD OF THE ORDER

Councilor Wells noted that the unusually heavy rains in December caused significant flood damage to Darlings Resort and other properties on Siltcoos Lake as well as damage to several docks on Woahink Lake. He suggested that the City could perhaps work with the Siltcoos River dam owners to be more proactive in monitoring lake levels in the fall to help prevent flooding along the shoreline during winter months. City Administrator/Recorder Mills pointed out that Staff contacted the dam operators when lake levels began to rise and was assured that the gates were open—while the gates could possibly have been opened sooner, they were not because the lake level had been unusually low prior to the onset of the heavy rain. She noted that it might have been helpful to have the measuring device (that has been discussed in other Council meetings) at the Woahink Creek entrance to Siltcoos, and suggested discussing the subject during the Goal Setting session.

Council President Sanders remarked that he had been fortunate to have the opportunity to interview Bob Jackson a couple of years ago—the recording and the transcript of the interview are in the City’s new time capsule. He went on to say that, for personal reasons, he will not seek re-election to the Council.

12. ADJOURNMENT

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

Mayor Ruede adjourned the meeting at 8:30 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 11th DAY OF FEBRUARY 2016

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, Interim City Administrator/Recorder