



**CITY COUNCIL MEETING MINUTES ~ APPROVED
FEBRUARY 11, 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 February 11th meeting of the Dunes City Council to order at 7:00 pm.

2. 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.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Meyer 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. The Dunes City Budget Committee will meet on Tuesday, February 23, 2016 at 4:00 pm to review Budget vs. Actual for the first half of Fiscal Year 2015-2016.

- B. We still have many volunteer openings on various Commissions and Committees. Please contact City Hall for information.

Mayor Ruede noted that several residents applied for appointment to the vacant Commission and Committee positions, and she thanked them for doing so.

- C. City Hall will be closed February 15th for Presidents Day.
- D. The Dunes City Triathlon will be held May 7th, 2016. We are looking for sponsors and volunteers for the event.

7. CITIZEN INPUT

There was none.

8. NEW BUSINESS

- A. Goals Set by the City Council

Mayor Ruede explained that the Council met in a Special Session to set goals for 2016. The Special Session produced a list of five primary goals, with subordinate goals under each category. She read the list of primary goals:

- A. Financial Stability
- B. Good Governance
- C. Water Quality
- D. Emergency Preparedness
- E. Economic Development

Mayor Ruede asked if Councilors wished to discuss the proposed goals. There was no discussion and Mayor Ruede requested a motion to approve the goals as presented.

Councilor Meyer made a motion to approve and adopt the 2016 goals as presented. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

- B. Annual Financial Report

City Administrator/Recorder Mills referred to the Financial Report from Hough, MacAdam & Wartnik that was distributed to the Councilors noting that the financial review did not reveal any major areas of concern other than recommendations to change a few office policy procedures, which have since been implemented. Council President Sanders pointed out that next year the City would be required to have a full audit, not just a review. Mayor Ruede reminded Councilors that the Report would be discussed in more detail at the Budget Committee meeting on February 23rd.

C. Policy to Require Boring Under City Roadways in Certain Circumstances

Council President Sanders explained that the January 18, 2016, draft Road Commission meeting minutes included in the Councilors' meeting packets contained detailed notes from the Commission's discussion of this subject and also recommendations from the Commission. Council President Sanders went on to explain that the Road Commission is recommending as a City Policy that the City require boring under roads. He proceeded to read and comment on the Commission's list of suggestions:

- a. Charge a fee for any cut that is made in the road,
- b. Attach a one-year warranty requirement to all utility street cuts,
- c. Require a licensed contractor to do the work,
- d. Attach specifications to the permit that includes inspections of the work performed and compliance with City engineering standards,
- e. Enforce the specifications for whomever is involved,
- f. Possibly put a limited moratorium on the project to protect newly refinished roads,
- g. Require a street cut permit fee of between \$450 and \$800
- h. Install pipe down the side of a paved street and outside the paved portion of the right-of-way,
- i. Post a bond for each project so if the project is not completed satisfactorily the City has funds available to make the necessary repairs,
- j. Require that part of the road cut fee be allocated to the Road Fund,
- k. Establish the parameters of a utility cut fee system that could become a revenue generator for the Road Fund, and
- l. If the road sinks after contract work is done, it is the contractor's responsibility to repair it.

Council President Sanders suggested that the Council task the Road Commission with developing a policy for the Council to consider, possibly to include two separate fees (one for cutting the road and one for boring underneath) with an incentive for doing the one that is the least invasive.

There was some discussion of the two-tiered fee structure and the impacts of boring small bores for water lines versus cutting the roads and resurfacing. It was suggested that part of the policy statement include language to the effect that boring is the preferred option.

There was a discussion about what happens when a contractor, such as a utility company, cuts into City roads without permits and City oversight. City Administrator/Recorder Mills reported that contracts with utility company franchisees do not currently include language making the companies responsible for damage to City roads, but that language could be included in the new contracts going forward, as well as language stating that any repairs the franchisees make to City roads must meet City Code.

Council President Sanders pointed out that the Road Commission's recommendations were a collaborative effort with input from the Commissioners, the Planning Commission

Chairman and former Public Works Director.

Councilor Meyer made a motion to instruct the Road Commission to draft language for a City Policy that could become an Ordinance. Councilor Wells seconded the motion. The motion passed by unanimous vote. (00

D. Ordinance No. 231-A – Shared Domestic Water Supply Program

Mayor Ruede explained that the subject of the Ordinance was discussed in previous meetings and the Ordinance is presented now for the Council’s consideration.

Mayor Ruede read from the prepared script for opening a Public Hearing. “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 (a) if no Council member present at the meeting requests it be read in full or (b) if a copy of the ordinance is provided for each member and all requirements for posting and advertisement have been met.”

Mayor Ruede confirmed with City Administrator/Recorder Mills that all requirements for posting and advertisement had been met, and asked if any Councilors desired the Ordinance be read in full. None did.

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

Mayor Ruede read Ordinance No. 231-A by title only, “An Ordinance adding Chapter 51, entitled “Shared Domestic Water Right” to the Dunes City Code of Ordinances; repealing Ordinance Numbers 165 and 192, confirming the appeal of Ordinance Number 185, and other matters properly relating thereto.”

Mayor Ruede opened the agenda item to Public Comment at 7:29 pm and asked if there was anyone in the audience who wanted to comment, either for or against, the ordinance. There were no comments and Mayor Ruede closed the Public Comment period at 7:30 pm.

Mayor Ruede said that she would entertain motions to change the language of Ordinance 231-A as presented, if desired. There were no motions or comments and Mayor Ruede suggested a motion for the second reading of Ordinance No. 231-A by title only.

Council President Sanders made the motion for the second reading of Ordinance 231-A by title only. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

Mayor Ruede read Ordinance No. 231-A for the second time by title only, “An Ordinance adding Chapter 51, entitled “Shared Domestic Water Right” to the Dunes City Code of Ordinances; repealing Ordinance Numbers 165 and 192, confirming the appeal of Ordinance Number 185, and other matters properly relating thereto.” She went on to state that

she would entertain a motion to accept the wording for Ordinance No. 231-A as presented and to adopt and pass Ordinance 231-A.

Councilor Meyer made the motion to accept the wording for Ordinance No. 231-A as presented and to adopt and pass Ordinance No. 231-A. Councilor Scarberry seconded the motion.

Mayor Ruede requested a roll call vote and City Administrator/Recorder Mills polled the Councilors. Councilors Meyer, Wells and Scarberry and Council President Sanders all voted in favor of the motion.

The motion passed with four votes in favor, none opposed, no abstentions, one absence, and one vacancy.

Mayor Ruede declared the motion passed and effective in thirty (30) days.

9. UNFINISHED/OLD BUSINESS

A. Committee Chair Appointments

Councilor Meyer suggested that it might be premature to appoint committee chairpersons at this meeting without a full Council present. He further suggested that the Council wait to make the chairperson appointments until after a permanent City Administrator/City Recorder is hired. Council President Sanders concurred with Councilor Meyer's suggestions and went on to recommend that the appointments take place sixty (60) days from now.

There was some discussion about the Council vacancy and the fact that the person appointed to that position would be serving just until the term expires the first of next year and would need to run for re-election in the fall of this year if he/she wished to seek election to the position. Mayor Ruede described briefly the requirements and process for running for election.

B. City Council Vacancy Appointment

Mayor Ruede recognized City Council applicant Tom Mallen and invited him to address the Council. Mr. Mallen introduced himself, explaining that he is in the process of building a house on Woahink Lake and that he was interested in serving on the Council for several reasons, one being to help preserve the high quality life in the community.

Mayor Ruede recognized City Council applicant Ken Pesnell and invited him to speak to the Council. Mr. Pesnell introduced himself by saying that he has lived in Dunes City for four years, has served in the past on the Water Quality Committee and was a volunteer with Siuslaw Valley Fire and Rescue. He explained that among his concerns for residents is that building codes are applied consistently to everyone, others include the state of the lakes and encroachment of development around the lakes.

Following a brief question and answer exchange between Councilors and applicants, Mayor Ruede asked for a motion for appointment.

Council President Sanders made a motion to appoint Mr. Tom Mallen to fill the vacancy on the City Council with the term expiring on January 12, 2017. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Mayor Ruede administered the Oath of Office to Mr. Mallen and everyone present applauded as he took his seat at the Council dais.

C. Committee Appointments

Council President Sanders made a motion to appoint Mr. Kenneth Pesnell to the Planning Commission with the term ending date of January 10, 2019, and appoint Mr. Steve Galbraith to the Planning Commission with the term ending date of December 31, 2016. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Council President Sanders made a motion to appoint Mr. Kenneth Pesnell to the Budget Committee. Councilor Wells seconded the motion.

City Administrator/Recorder Mills pointed out that there were two term ending dates for vacancies on the Budget Committee.

Council President Sanders amended his motion to appoint Mr. Kenneth Pesnell to the Budget Committee for the term ending 2018. Councilor Wells seconded the amended motion. The motion passed by unanimous vote.

Councilor Meyer made a motion to appoint Mr. Steve Galbraith to the Water Quality Committee for the term ending January 10, 2019. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

There was some discussion about appointing Mr. Galbraith to the vacant Road Commission position. Council President Sanders expressed concern about appointing Mr. Galbraith to the Road Commission while he is also serving on the Planning Commission. He went on to note that serving on the Planning Commission and the Water Quality Committee seemed like quite a lot of demand for Mr. Galbraith's time and, in addition there has been some discussion about the possibility of eliminating some of the Committees and the Road Commission in the future. Planning Commission Chairman Paul Gargis who was present in the audience agreed with Council President Sanders that serving on three committees was a big investment of time. It was agreed to table further discussion until another time.

10. REPORTS

Mayor's Report: Mayor Ruede reported that she had no news to present.

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 he will be installing a big screen TV on the wall of the Council Chambers and that he is working on building storage space for tables. He also reported that he is rethinking the fireplace mantel replacement project and has the project on hold until the two other projects are finished.

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

Parks and Recreation Committee Report: Councilor Scarberry reported that there was no meeting and none is scheduled unless something comes up that requires a meeting.

Road Commission Report: Council President Sanders reported that the draft minutes from the January 18th meeting were included in the Councilors' meeting packets and the road boring discussion from the meeting was addressed earlier in the Council meeting. He noted that 2016 Road Maintenance projects will be discussed during the February 15th meeting.

Water Quality Committee Report: Councilor Meyer reported that he did not have a water quality report but there was a call about a bloom which was investigated and determined to be no problem.

Emergency Services Report: City Administrator/Recorder Mills reported that she did not attend the January WLEOG meeting due to illness, but meeting information was included in the Councilors' meeting packets.

City Administrator/Planning Report: City Administrator/Recorder Mills reported that the Administrator's Report was in the Councilors' meeting packets but pointed out she and Mayor Ruede are scheduled to meet with property owners to discuss City Hall encroachment issues. She also noted that Lakes Edge LLC has requested and was granted another two week extension within which to repay the City. And, she reported that an agreement on the Outlet Control Structure has been reached.

City Administrator/Recorder Mills broached the subject of the upcoming Oregon Dunes Triathlon and Duathlon and presented a list of questions for the Councilors to address. After discussion it was agreed that the Council would meet in a Special Session on February 23rd at 3:00 pm, just prior to the Budget Committee meeting, to review the questions in detail. The Council did agree, however, that City Administrator/Recorder Mills could order black hoodies

and T-shirts for this year's event and could order goodie bags so that work on assembling those could begin soon.

11. FOR THE GOOD OF THE ORDER

There were no comments.

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 8:12 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 10th DAY OF MARCH 2016.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, Interim City Administrator/Recorder