



**CITY COUNCIL MEETING MINUTES ~ APPROVED
MAY 12, 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 May 12th meeting of the Dunes City Council to order at 7:00 pm.

2. ROLL CALL

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

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

Absent and Excused: Councilor Ken Platt.

Also Present: City Administrator/Recorder Jamie Mills, Administrative Assistant Rapunzel Oberholtzer, LCOG Staff Attorney Gary Darnielle, and several citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Council President Sanders requested that the Budget item (New Business 9B) appearing on the Agenda be removed from the Agenda. There were no objections and Mayor Ruede agreed to remove the item.

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

5. CONSENT AGENDA

Councilor Scarberry made a motion to approve the Consent Agenda. Councilor Mallen seconded the motion.

Council President Sanders asked if it would be possible in the future to include the statement for the City Credit Card with the Bills of the Session. City Administrator/Recorder Mills agreed to do so in the future.

The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

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

- A. Dunes City continues to look for nominations for Volunteer of the Year. If you know someone who has contributed to the City and deserves recognition, go to our website at dunescityhall.com and fill out a nomination form under the Permits and Forms tab.

Mayor Ruede suggested setting the deadline for submitting nominations at the end of May and a Council decision on the winner during the June Council meeting. There were no objections.

- B. May birthday wishes to Mayor Rebecca Ruede and Councilor Tom Mallen. Refreshments will be served after the meeting and everyone is welcome to attend.

7. CITIZEN INPUT

There was none.

8. NEW BUSINESS

- A. Mayoral Proclamation Declaring June 3, 2016, Volunteers in Medicine Day

Mayor Ruede noted that being Mayor provides opportunities to recognize and honor groups and individuals who do outstanding service to the community. She introduced Ms. DeLeesa Meashintubby, who was present in the audience, as the Executive Director of Volunteers in Medicine and announced that, as Mayor, she would proclaim a Volunteers in Medicine Day. Mayor Ruede invited Ms. Meashintubby to step to the front of the dais while she read aloud the proclamation.

WHEREAS, Volunteers in Medicine opened their doors on February 1, 2001 and are now celebrating their 15 year anniversary; and

WHEREAS, Volunteers in Medicine serve the health and wellness needs of the medically underserved in the greater Lane County area, including Dunes City; and

WHEREAS, Volunteers in Medicine provide access to primary health care, behavioral health services, assistance with prescription medications, laboratory services, women's health care, and lifestyle counseling; and

WHEREAS, the medically underserved individuals who feel invisible and excluded find open arms and hearts to reach out and include them with healing hands to touch their lives with love from Volunteers in Medicine on a daily basis; and

WHEREAS, annually, Volunteers in Medicine have 5,633 patient visits, donate \$1.45 million worth of prescriptions, and provide \$411,988 worth of hours donated by its volunteers; and

WHEREAS, by the end of this year, Volunteers in Medicine will have provided 135,000 patient visits at no charge to patients.

NOW, THEREFORE, I, Mayor Rebecca Ruede, do hereby proclaim June 3, 2016 as Volunteers in Medicine Day and encourage all citizens and businesses to join in the celebration thereof and to support efforts to promote the well-being and health of all citizens.

Signed this 12th day of May, 2016 by Mayor Rebecca Ruede.

Mayor Ruede signed the proclamation and gave it to Ms. Meashintubby who thanked the Mayor and the Council for the proclamation and inviting her say a few words. She explained that Volunteers in Medicine was founded by a group of community members who saw a need for health care in communities in Lane County. The participating doctors, nurses and physicians assistants all donate their time; some of them are retired and some are still working but also volunteer their services. They all appreciate the support of businesses and cities throughout the County.

Ms. Meashintubby's remarks were followed by a round of applause.

B. Professional Services Agreement – The Dyer Partnership

City Administrator/Recorder Mills explained that the agreement is the third extension of an agreement with The Dyer Partnership and extends the contract between Dyer and the City for three more years.

Council President Sanders made a motion to approve the contract as presented. The motion was seconded by Councilor Meyer.

Mayor Ruede remarked that the agreement with The Dyer Partnership has worked well for the City over the years, both in terms of services provided and good governance, and she noted that the agreement generously extends the costs for services at the same rates as the previous contract.

The motion passed by unanimous vote.

C. Resolution Series 2016 No. 7 (5/12/2016) – Authorizing Submission of Transportation and Growth Management Grant for Connectivity Hiking and Biking Trail Between Clear Lake Road and the Westlake Area

Mayor Ruede read aloud the title of the proposed Resolution, “A Resolution supporting the submission of a grant application to the Oregon Department of Transportation, Transportation and Growth Management Program, and directing staff to prepare and submit such grant application for the requisite planning of the Dunes City connectivity trail, and other matters properly relating thereto.”

Council President Sanders made a motion to adopt Resolution Series 2016, No. 7 as presented. Councilor Mallen seconded the motion.

During discussion, City Administrator/Recorder Mills explained that during the Council’s Goal Setting Session earlier this year the Council set a goal to pursue planning, acquisition and installation of a bike/hiking trail that connects Dunes City’s North Beach area with its Westlake area. She went on to explain that since that goal was set, an opportunity to apply for a grant arose and, on behalf of the City, she submitted the pre-application for the grant. Discussing the grant opportunity with state officials, City Administrator/Recorder Mills learned that the state is not only supportive of the project but has offered advice and information about other potential resources.

Mayor Ruede remarked that the proposed trail provides an opportunity to link Dunes City’s trail network with those in the City of Florence and others in the County, providing more potential to attract tourism. Council President Sanders suggested looping the local businesses into the planning process because they would benefit from the trail as well. City Administrator/Recorder Mills also noted that the trail would meet FEMA provisions to provide an escape route for North Beach residents to go south to the Community Center if Highway 101 is inundated during a tsunami event. She noted that FEMA has offered to write a letter in support of Dunes City’s grant application, as have some of the local businesses.

The motion passed with five votes in favor, none opposed, no abstentions, and one absence. There are no vacancies on the Council.

D. Three Percent (3%) Recreational Marijuana Tax – Does The City Want To Put This Question On The General Ballot?

Council President Sanders asked if the proposed tax would allow Dunes City to tax a business selling recreational marijuana. City Administrator/Recorder Mills explained that sellers could be taxed but, in Dunes City’s case, the City does not have any places for a sales operation but it does have locations in residential areas where potential grow sites would be permitted, and grow sites would be taxed.

Mayor Ruede noted that this subject should be addressed sooner rather than later to allow the City to put some thought into planning rather than wait until urgent action must be taken. She also noted that there is a cost savings benefit from placing the question on the general election ballot at the same time other cities are doing so—the cost of printing the ballots is spread among the cities having the question on the ballot.

There was some discussion about whether or not the tax revenue would go to Dunes City and whether the City’s budget would carry a line item for the revenue.

Council President Sanders made a motion to put the marijuana revenue tax on the ballot as presented. Councilor Meyer seconded the motion.

In further discussion, Councilors agreed that people should have the right to vote on issues and putting the question on the ballot provides that right.

The motion passed by unanimous vote.

E. Ordinance No. 237 Amending Chapter 10 (General Provisions) – First Reading

Mayor Ruede read aloud the title of Ordinance No. 237, “An ordinance amending Chapter 10 of the Dunes City Code of Ordinances entitled ‘General Provisions’; changing the language of Ordinance enactment provisions to coincide with Dunes City Charter; repealing Resolution No. 5-12-05; repealing and replacing the language of Ordinances No. 214 and No. 215; and other matters properly relating thereto.”

City Administrator/Recorder Mills explained that the proposed ordinance is a result of a request to have a previously passed ordinance effective immediately rather than the usual thirty (30) days after adoption. She went on to explain that while reviewing the City Code and Charter provisions regarding effective dates, she found that Code and the Charter did not agree. In discussing, the discrepancy with the City Attorney, the Attorney recommended correcting Code so that ordinances take effect on the date of adoption, as stated in the Charter.

Mayor Ruede read from a prepared script regarding the enactment of ordinances, “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 asked City Administrator/Recorder Mills if all requirements for posting and advertisement had been met. They had. Mayor Ruede asked if any Councilor desired to have the Ordinance read in full. None did.

Councilor Meyer made a motion to read Ordinance No. 237 by title only. Councilor Scarberry seconded the motion.

Mayor Ruede read aloud the title of Ordinance No. 237, “An ordinance amending Chapter 10 of the Dunes City Code of Ordinances entitled ‘General Provisions’; changing the language of Ordinance enactment provisions to coincide with Dunes City Charter; repealing Resolution No. 5-12-05; repealing and replacing the language of Ordinances No. 214 and No. 215; and other matters properly relating thereto.”

It was noted that, as a point of order, the motion on the floor was not voted upon. Mayor Ruede called for a vote. **The motion passed by unanimous vote.**

9. PUBLIC HEARINGS

A. Ordinance No. 237 – Amending Chapter 10 (General Provisions)

Mayor Ruede opened the agenda item for Public Comment at 7:29 pm and asked if there was anyone present in the audience who wished to comment on the ordinance. There was no response and no one signed in to make comment.

Mayor Ruede closed the Public Comment period at 7:30 pm and stated that she would entertain a motion to change the language of Ordinance No. 237 as presented. There was no motion and no changes suggested.

Council President Sanders made a motion for the second reading of Ordinance No. 237 as presented. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

Mayor Ruede read aloud the title of Ordinance No. 237, “An ordinance amending Chapter 10 of the Dunes City Code of Ordinances entitled ‘General Provisions’; changing the language of Ordinance enactment provisions to coincide with Dunes City Charter; repealing Resolution No. 5-12-05; repealing and replacing the language of Ordinances No. 214 and No. 215; and other matters properly relating thereto.”

Council President Sanders made a motion to accept the wording of Ordinance No. 237 as presented. Councilor Scarberry seconded the motion. In a roll call vote, Council President Sanders voted aye, as did Councilors Meyer, Wells, Scarberry, and Mallen. Councilor Platt was absent and did not vote. There were no votes opposed, no abstentions, and there are no vacancies on the Council.

Mayor Ruede declared the vote unanimous and Ordinance No. 237 in effect immediately.

B. Resolution Series 2016, No. 8 (05/12/2016) – Adopting Dunes City Fiscal Year 2016-2017 Budget

City Administrator/Recorder Mills explained that this Agenda item was pulled from the Agenda at the request of Council President Sanders earlier in the meeting. She went on to explain that the budget discussion was pulled because the budget apparently did not include an accurate reflection of Council President Sanders’ suggestion during the last

Budget Committee meeting regarding the allocation for contracted services. She noted that the Budget would need to be corrected prior to any further discussion and adoption.

Council President Sanders asked if the Council should set a date for a special session to discuss Budget correction. City Administrator/Recorder Mills pointed out that any corrections could be made during discussion at the June Council meeting.

10. UNFINISHED/OLD BUSINESS

A. Ordinance No. 228 Regarding Septic Maintenance – Second Reading and Consideration

Mayor Ruede opened the floor for discussion of the language of Ordinance No. 228 and said that she would also entertain any motions to amend the language of Ordinance 228 as presented, or to accept the amendments recommended by staff if so desired.

Councilor Meyer noted that the submitted testimony seemed to show about a 50/50 split of those in favor of Ordinance No. 228 and those against it. He went on to say that those opposed seem to object mostly to the fact that Ordinance No. 228 does not require a complete initial inspection, including pumping with a full inspection of the empty tank. He explained that he liked the fact that the Ordinance includes the Oregon State University guidelines for pumping frequencies based on the size of a household and the size of the tank. Councilor Meyer said that he would be in favor of Ordinance 228 if it was changed to guarantee there would be an initial inspection that would guarantee that the septic system was good. He went on to say that he thought the Ordinance was enforceable if the City adopts the recommendations from LUBA and the City Attorneys, which were well documented.

Councilor Meyer referred to page six of ten of the Findings of Fact, noting that he liked the findings regarding Policy E6 that would make the Ordinance acceptable to LUBA and that the City must follow Policy E6, “The city shall adopt a program to improve maintenance of septic systems for the benefit of all residents.” He went on to note that testimony received also showed concern for protecting water quality which a septic maintenance ordinance would do. He also noted that while the City’s phosphorus ban helped to improve the water quality of Woahink Lake, making sure that septic systems are fully functional is also necessary for the good of all residents.

Councilor Meyer said also that no one has the right to violate his personal freedom by not following the guidelines to keep septic tanks from polluting the lake. He went on to say that he would like to accept the recommendations on Policy E6 and to have further discussion among Councilors about the need for pumping before an initial inspection in order to guarantee that a septic system is OK.

City Administrator/Recorder Mills directed Councilors’ attention to page four of eight in Exhibit B, Section 142.030(A), noting that the language still requires an initial inspection and mapping. Councilor Meyer noted that the language did not include pumping as part of the initial inspection and that was a concern of many citizens. He also noted that experts

seemed to agree that the best way to inspect a system initially to guarantee it was not failing was to pump the tank. He further noted that the language requiring that inspections be performed by “qualified inspectors” was an addition that seemed to be supported by residents who submitted testimony.

Mayor Ruede noted that everyone who has already complied with prior septic maintenance ordinances has already had their tanks pumped and that the only situations in which that has not been done is with new buildings and those residents who have never complied with the septic maintenance ordinances.

Councilor Sanders asked how many households are not in compliance. City Administrator/Recorder Mills reported that 60 properties have not complied with mapping, pumping and inspection requirements. Mayor Ruede pointed out that there could be many reasons why a property is not compliant. Councilor Wells pointed out that the majority of homeowners in the City have qualified with the pumping, inspection and mapping requirements of previous septic maintenance ordinances and asking residents to have their systems pumped for inspection again under this new ordinance would be an undue hardship on some residents. Councilor Meyer generally agreed that most homeowners in Dunes City are compliant with the maintenance requirements but those 60 properties have never been in compliance with any of the maintenance ordinances. He went on to note that Ordinance No. 228 has much more flexibility in inspection and pumping requirements, and offers an alternative to the “one size fits all” approach in Ordinance No. 203.

Council President Sanders asked Councilor Meyer what language he would suggest adding to the proposed ordinance. There was some discussion about the specific language. Councilor Meyer reiterated that he would like to see language requiring pumping, inspection and mapping if a septic system has never before had those things done. There was some question about where new language would be inserted into Ordinance No. 228, with Mr. Darnielle suggesting that it could be included in Section 142.030(A)(1). He explained that the pumping and mapping requirements could be added to the proposed language and that would then effectively mandate that the 60 noncompliant property owners would have to comply with those requirements. Council President Sanders suggested allowing time for Staff to develop and present the exact wording of suggested changes so that it would be clear what language would be voted upon.

While Staff worked on language changes, Councilor Mallen introduced himself as a native Oregonian who had been a licensed plumbing inspector, licensed by the State of Oregon to inspect sanitation systems from clean out at the house all the way to the street, in the case of a sewer system or, in the case of a septic system, from the house to the tank, to the distribution box and the drainfield. He went on to explain that he owned Northwest Backflow and Northwest Shoring, businesses that specialized in septic system design and development.

Councilor Mallen remarked that as he listened to all of the discussion about this issue he became saddened to see the amount of time that the Council has expended on it and the emotional effect it has had on residents. He went on to note that, in his opinion, it was ri-

diculous and out of control. He explained why he felt that way. For one, the City is trying to regulate based on at least partially untrue facts. He proposed that the City scrap all of the rules regarding septic systems, including Ordinance Nos. 203 and 228, and rely on what is already in place. Referring to page three of Staff's Findings of Fact he read, "The proposal is consistent with this policy (Open Space, Scenic Areas and Natural Resources B8) because no clear correlation has been established between septic system effluent and the water quality of Siltcoos and Woahink Lakes." He noted that the Lane County Sanitarian and the County have laws to monitor what the City does. Part of the regulations include a requirement for as-built homes to map where septic systems are to be located on a lot and those maps are on file with the County.

Councilor Mallen suggested that education about how septic systems work should be sufficient for the City and he went on to explain the basic workings of septic systems, why they are pumped prior to inspection, what baffles do, how effluent flows through the drainfield lines, what happens when solids block the lines, and how all of the components can be tested to make sure they're working correctly. He reminded everyone that the effluent from drain lines is absorbed into the surrounding soil and does not flow directly into the lakes. He went on to say that anyone should be able to tell when a septic system is failing.

Councilor Mallen summarized his comments by noting that the City should continue to monitor the water quality of the lakes, which to date have not tested positive for E-Coli, but the City should not be responsible for regulating septic systems, the County should be doing that. He closed by noting that he could not vote one way or another on Ordinance Nos. 228 or 203 because he did not agree with either one of them, and he noted that he wasn't an expert on septic systems but had a little experience with them.

Mayor Ruede thanked Councilor Mallen for his remarks. Council President Sanders noted that Ordinance No. 203 is currently the law in Dunes City and it would be repealed if Ordinance No. 228 was passed. He also noted that if Ordinance No. 228 did not pass, then Ordinance No. 203 would remain in effect. He suggested that, to address some of Councilor Mallen's concerns, the Council could direct Staff to bring Comprehensive Plan Policy E6 up for review as it seems, in his opinion, to be the driving force behind the need for septic maintenance ordinances—if Policy E6 was removed there would be no need for septic maintenance ordinances.

Councilor Wells commented that he generally agreed that Comprehensive Plan Policy E6 required the City to have septic maintenance regulations, but the bigger issue is that the Councilors' job is to watch over the City's budget. He went on to note that the City spent a considerable amount of money on legal expenses relating to septic maintenance regulations over the last few years, as well as paying for Staff time, and printing and mailing expenses, and he does not want to spend any more of the City's money on this issue. He cited a reference in a letter submitted to the City by Woahink Lake Association, "The Board is very concerned that efforts to repeal Ordinance 203 and its replacement with the proposed Ordinance 228 will result in LUBA action and unnecessary legal fees." He went on to say that if the Council passes Ordinance No. 228 and it results in LUBA action, he

would recommend that the City does not spend any money defending it. He explained that if Ordinance No. 228 does result in LUBA action, he would support changing the Comprehensive Plan to eliminate the need for a septic maintenance ordinance, and if it is determined that the City must have a septic maintenance ordinance he would work to defund it and would not want Staff to spend any time on it.

Councilor Scarberry said that he thought that Ordinance No. 203 was a mistake from the beginning. He agreed with Councilor Mallen's remarks about DEQ and Lane County being the responsible entities for failed septic systems, and with Councilor Wells' remarks that the City has spent too much time and money on septic maintenance ordinances. He went on to say that, if he could, he would also do away with septic maintenance ordinances altogether, but that he was prepared to vote in favor of Ordinance No. 228 as presented.

Councilor Meyer remarked that he did not want to wait until a system failed before getting the County involved, and that he felt it was his and the Council's job and responsibility to do what was necessary to prevent failed systems.

Mayor Ruede thanked all of the Councilors for their remarks and opinions. She noted that opinions ranged from being in favor of less City oversight of septic systems to having more stringent oversight and it is the Council's goal to find a middle ground with an ordinance that is a compromise.

During Council discussion, City Administrator/Recorder Mills distributed copies of alternative language for Section 142.030 of Ordinance No. 228.

Councilor Meyer made a motion to adopt Ordinance No. 228 with the additional language prepared by Staff.

There was some discussion about the motion.

Councilor Meyer restated his motion as move to adopt the proposed amendment to Ordinance No. 228.

Mr. Darnielle pointed out that a date needed to be inserted in paragraph B of the amended language, whatever the Council determined to be a reasonable amount of time for residents who are not in compliance with Ordinances to become so. After discussion, it was agreed that the deadline would be 120 days from the date of adoption of Ordinance No. 228. Mayor Ruede read the amended language aloud:

§ 142.030 Owners' Responsibilities

- A. *Owners of existing buildings served by onsite wastewater disposal systems are responsible to have those systems initially pumped and mapped, inspected and evaluated by a qualified inspector, at the owners' expense.*
- B. *Copies of the initial map, pumping, inspection and evaluation must be filed with the Dunes City Recorder on or before _____. Owners who have had their wastewater disposal system pumped, mapped, inspected and evaluated in accordance*

with prior Ordinance No. 173, passed March 9, 2006, and prior Ordinance No. 203, adopted January 14, 2010, are considered to be in compliance with the requirements of this paragraph.

It was agreed to insert the date as September 9, 2016.

At the request of Mayor Ruede, Councilor Meyer restated his motion as accept the proposed amendment to Ordinance No. 228 and insert in Paragraph B the effective date of on or before September 9, 2016. There was no second and Mayor Ruede declared that the motion died for lack of a second.

Mayor Ruede asked if there was any further discussion about the language of the proposed Ordinance. Councilor Wells noted that under Ordinance No. 203, City residents were taken advantage of by some septic maintenance vendors who have capitalized on the five year inspection frequency and the impression that septic tanks need to be pumped every five years. He went on to note that Ordinance No. 228 would stop the misunderstanding that tanks needed pumping every five years.

Councilor Scarberry made a motion for the second reading of Ordinance No. 228 by title only. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

Mayor Ruede read aloud the title of Ordinance No. 228, "An ordinance amending Title XV of the Dunes City Code of Ordinances by repealing Chapter 157 entitled 'Septic System Maintenance,' amending Title XIV of the Dunes City Code of Ordinances by adding Chapter 142 entitled 'Subsurface Sanitation,' and repealing Ordinance No. 203."

Councilor Meyer made a motion to accept the wording of Ordinance No. 228 as presented. Councilor Wells seconded the motion.

City Administrator/Recorder Mills pointed out that the language under consideration for approval still contained the March 31st date in Section 142.030(A)(2), which was passed (page 4 of 8 of Exhibit B).

Councilors Meyer and Wells withdrew their motions.

Council President Sanders made a motion to amend Ordinance No. 228 as presented under Section 142.030(A)(2) with the date of March 31, 2016, to be replaced with September 9, 2016. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Councilor Scarberry made a motion to accept the wording of Ordinance No. 228 as amended. Councilor Meyer seconded the motion. In a roll call vote Council President Sanders voted in favor of the motion, as did Councilors Meyer, Wells, Scarberry, and Mallen. Councilor Platt was absent and did not vote. There were no votes against the motion, no abstentions and there are no vacancies on the Council.

Mayor Ruede declared the vote on the motion unanimous and Ordinance No. 228 adopted effective immediately, according to the City Charter.

Mayor Ruede called for a short break in the meeting at 8:29 pm and reconvened the meeting at 8:34 pm.

B. Direction to Planning Commission Re: Title XV Language Amendments/Authorizing Planning Commission to Appoint Citizen Advisory Committees as Needed

City Administrator/Recorder Mills explained that the Planning Commission has been working on revisions to Title XV of the Dunes City Code and is looking for approval from the City Council to begin advertising for and appointing Citizen Advisory Committees as needed to review the proposed Code changes. She went on to explain that by authorizing the Planning Commission to appoint CACs as they are needed, it saves the Commission the time it would normally require for the Council to approve each individual request to call a CAC.

Councilor Mallen asked for an explanation of how a public hearing on the proposed changes would occur. City Administrator/Recorder Mills explained that the process is the same as for any other land use code amendments—property owner notifications in accordance to Measure 56 would be mailed, DLCD would be notified and all public hearings would be duly advertised.

Council President Sanders made a motion to authorize the Planning Commission to call Citizen Advisory Committees as needed to complete its review of Title XV. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

C. Oregon Dunes Triathlon

Mayor Ruede reported that the 4th annual event was a great success with about 300 athletes registered for the event. The final numbers of athletes are still to be determined, but there were definitely more athletes and spectators this year than last year.

City Administrator/Recorder Mills reported that this year a Florence business hosted an after event party for the athletes and volunteers which resulted in the business having its biggest till night in the history of the business—they would be more than happy to host another event next year.

Council President Sanders asked about the status of the contract between Dunes City and Best in the West Events. City Administrator/Recorder Mills explained that the City's attorney reviewed the draft contract and subsequently recommended that the City not enter

into the agreement as it is currently written. She went on to suggest that the Council hold a Special Session to discuss the contract and the attorney's concerns. It was generally

agreed that Staff would try to schedule a Special Session before the regularly scheduled Council meeting in June.

Mayor Ruede reiterated thanks to sponsors Three Rivers Casino Resort, PeaceHealth Medical Group, KCST Radio, *The Siuslaw News*, and others. Mayor Ruede read aloud the list of other sponsors:

Apex Helicopter	C & M Stables	Grocery Outlet
Coast Insurance	Mo's Chowder	Old Cedar Tree
Port of Siuslaw	Sea Lion Caves	Torex ATV
US Bank	Vend West	West Coast Media
Paul Gargis	Sheldon Meyer	Florence Yamaha
City of Florence	Bridgewater Fish House	Country Roads Rec
City Lights Cinemas	Darlings Marina & Resort	Driftwood Shores
Old Town Inn/River House	On Your Feet with a Splash	Oregon Pacific Bank
Sandland Adventures	Sand Master Park	West Coast Autobody
Wind Drift Gallery	Jamie & Robin Mills	

City Administrator/Recorder Mills noted that, although all of the accounting is not complete, it appeared that Dunes City made about \$4,000 from the Tri/Du this year.

11. REPORTS

Mayor's Report: Mayor Ruede reported that this year's Oregon Dunes Sprint Triathlon teams included the Dunes City team of Jan Murphy in the swim event, Councilor Duke Wells in the bike portion and Council President Maurice Sanders in the run. The Dunes City team finished second after Senator Roblan's team.

Community Center Report: Councilor Wells reported that City Administrator/Recorder Mills and Staff have been working hard on the emergency generator installation, which is nearly complete. The City will be acquiring some of the old Siuslaw River Bridge concrete railings to protect the propane tanks that will fuel the generator—once the barriers are in place the tanks can be filled and the system will be ready to use.

Water Quality Report: Councilor Meyer reported that the May water test results were included in the Councilors' meeting packets.

Emergency Services Report: City Administrator/Recorder Mills reported that she did not attend the April WLEOG meeting, but the minutes are included in the Councilors' meeting packets. She went on to report that Dunes City now has an official Public Works Maintenance Supervisor who has been busily working in the Woahink Lake/Leavitt Loop area of the City clearing brush, cleaning signage and checking culverts. The cost to the City so far is about \$2,700 and an added benefit is that citizen complaints or concerns about roads are addressed

immediately. Councilor Wells noted that he lived in the area and all of the work has greatly improved the roads and visibility throughout the area. Mr. Richard Palmer, the Public Works Maintenance Supervisor who was present in the audience, reported that citizens seem to be supportive and happy to see the work being done. There was some discussion about the lack of stop signs in that area.

City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that she is waiting for the Access Easement and Bill of Sale for the Woahink Lake outlet control structure to be signed by the current owners and returned to City Hall. She also reported that Staff has been gathering information about residents' water sources and now have only about six households in the City that have not supplied the information; as a result, the City is close to submitting a report to the State's Water Master. She went on to report that she identified 60 septic systems that appear to have never complied with any septic maintenance ordinance, but she has not yet investigated all of those in depth to determine why they are not compliant so the number could be less than 60.

12. FOR THE GOOD OF THE ORDER

Councilor Mallen noted that abandoned septic tanks must be pumped and filled with sand or rock.

Council President Sanders suggested that, in light of the discussion about the City's Comprehensive Plan Policy E6, it is clear that the City must have a septic ordinance but the City could revisit the language in the Comp Plan.

Council President Sanders pointed out that at one time the Council directed Staff not to levy fines or liens to enforce Ordinance No. 203 and with the passage of Ordinance No. 228, the Council might want to withdraw that instruction. Mayor Ruede pointed out that the repealing and amending language in the title of Ordinance No. 228 should pertain to that specific instruction.

City Administrator/Recorder Mills noted that she had reviewed Chapter 36 regarding Code Enforcement with the City Attorney who suggested a few minor changes. The changes under discussion would allow the City Administrator/Recorder to take specific enforcement actions without resorting to outside legal avenues, except for actions requiring entrance onto private property which do require court action. The changes and the amending ordinance will be brought to the Council soon.

Councilor Wells remarked that the City recently completed its annual budget review. He went on to note that he has seen, over the years, assets shrinking, some projects, such as road maintenance, being deferred due to lack of finances and an increase in legal fees, particularly relating to septic maintenance ordinances. He went on to say that he hoped Ordinance No. 228 did not go to LUBA but, if it did, he did not want to spend money on legal fees to defend it or

any other septic ordinances—instead, if necessary, the Comprehensive Plan should be fixed as discussed earlier in the meeting, and money should be going into the road fund for street maintenance that citizens want.

13. 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 9:05 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 9th DAY OF JUNE 2016.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder