



**CITY COUNCIL MEETING MINUTES ~ APPROVED
JULY 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 July 14th 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, Council President Maurice Sanders, Councilor Ed Scarberry, 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, 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 made a motion to approve the Agenda. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

5. CONSENT AGENDA

City Administrator/Recorder Mills pointed out that an amended Bills of the Session through July 7th was distributed to Councilors prior to the start of the meeting.

Council President Sanders made a motion to approve the Consent Agenda as amended. Councilor Scarberry 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. Candidate Packets are available for pickup at Dunes City Hall. The time to file for office opened June 1, 2016 and will close on August 30. Positions open include the Mayor and three City Council positions.

Mayor Ruede explained that anyone interested in running for Mayor or City Council can contact Dunes City Hall for more information.

- B. A queen-size quilt is being auctioned off by the Rhododendron Quilt Guild. Each year the Guild raffles off a quilt to benefit a local charity. This year the charities are the Twilight After School program to care for children between 4:00 and 6:00 pm at the grade school and Helping Hands to feed the homeless. Raffle tickets are available at Wenz Daze Quilt Shop and from Guild members as well as at Dunes City Hall. Tickets are \$1.00 each or six for \$5.00. The drawing will be held August 10th.

Mayor Ruede noted that several Dunes City residents are members of the Quilt Guild, which meets on Wednesdays at the quilt shop in Florence.

- C. There will be a Special Session of the City Council on August 2nd at 4:00 pm for consideration of a variance application.
- D. The Dunes City Community Expo will be on Saturday, August 20th from 10:00 am to 3:00 pm. Free food will be available for Dunes City residents and numerous vendors will be on hand. Also attending, will be State Senator Arnie Roblan and State Representative Caddy McKeown as well as candidates running for Dunes City Council and Mayor.
- E. Refreshments will be served after the meeting and everyone is welcome to join in.

7. CITIZEN INPUT

There was none.

8. NEW BUSINESS

- A. Presentation to Volunteers of the Year

Mayor Ruede invited Mrs. Judy Martin to step up to the dais to receive a plaque commemorating the Volunteer of the Year selection of her and her husband, Norman, who was unable to attend the presentation.

Mayor Ruede read from the Volunteer of the Year Nomination Form, "Norman and Judy Martin have consistently shown their loyalty to the citizenry of Dunes City over the many years they have resided in our little community. Both have served on the Planning Com-

mission, on numerous committees, and Judy also served on the City Council for a time. Both have continually demonstrated an unwavering commitment to fairness and ethics in government. The dedication of this couple to making sure our citizens are treated fairly and in compliance with state, federal and local laws, rules and regulations has helped to make this City “A Nice Place to Live!” Mayor Ruede extended congratulations to the Martins for being chosen as Volunteers of the Year and thanked them for their many years of service to the City.

Mrs. Martin thanked the Mayor and the Council, noting that she misses being “part of the action.” She went on to say that being involved was worthwhile and she encouraged everyone to do so. She explained that Mayor Ruede’s father was, at one time, the Road Commissioner for Dunes City and recruited Mr. Martin to the Road Commission in 1991, shortly after the Martins moved to Dunes City!

B. Septic Loan Bill Update

Councilor Meyer explained that State Senator Roblan sponsored a bill to help low-income Oregonians fix their septic systems and the bill (Senate Bill 1563) was recently signed into law by Governor Kate Brown. He went on to explain that the bill, passed by the Legislature in the 2016 Session, requires the Oregon Department of Environmental Quality to award grants for development and administration of low-interest loan programs for repairing, upgrading or evaluating residential or small business onsite septic systems. The bill, he continued, appropriates an initial \$250,000 to DEQ for administering the program and awarding grants and loans through the 2015 – 2017 biennium.

Councilor Meyer further explained that Senator Roblan is hopeful that the program becomes self-sustaining with the money that is loaned out eventually being repaid with a small amount of interest. Mayor Ruede pointed out that the program could potentially benefit Dunes City residents who may not be able to afford to have their septic systems inspected and pumped as recommended by septic inspectors.

In response to a question about when DEQ would start making loans, Councilor Meyer explained that Senator Roblan did not state a target date, but it should be soon. Councilor Meyer agreed to follow up to find out when and how the program is set up to accept applications so that Dunes City residents can be informed.

C. League of Oregon Cities Policy Committee Survey

Mayor Ruede explained that Councilors are to select four of the twenty-nine proposed LOC legislative topics and give their completed survey forms to the City Administrator to compile and submit to LOC. The survey will help the LOC determine which specific issues should be the focus during its 2017 legislative session.

D. Ordinance No. 239 – Dunes City Rights-of-Way

City Administrator/Recorder Mills explained that Dunes City's franchise agreement with Charter expired last year and the agreement has been extended on a month-to-month basis since then. She went on to explain that during the time that the former City Administrator/Recorder, Fred Hilden, was negotiating a new franchise agreement several cities filed a lawsuit against Charter and the lawsuit stalled the new franchise agreement negotiations. The lawsuit has been settled in favor of cities so that Charter (and other franchisees) is now required to follow city codes relating to use of city-owned rights-of-way.

City Administrator/Recorder Mills further explained that, with the exceptions of City Code in Title XV and the Master Transportation Plan, Dunes City's Code is silent when it comes to requirements for the use of the City's rights-of-way by individuals or commercial entities such as telecommunications or utility providers. The lack of explicit Code requirements means that the City has no development requirements or enforcement for an entity's use of any City-owned right-of-way.

She went on to note that the proposed ordinance would address those issues but, before work on the ordinance can be completed for consideration, the Council must decide whether the ordinance's regulations should apply only to telecommunications providers or to any vendors or individuals who use City rights-of-way. Following discussion, Councilors all agreed that regulations should apply to all vendors as well as any of the general public who use City rights-of-way. City Administrator/Recorder Mills noted that with that Council decision, Staff could continue work on language for the draft ordinance.

City Administrator/Recorder Mills went on to point out that if the City has a current franchise agreement in place with any vendor, the terms of the existing agreement must be honored until it expires. There was some discussion about whether or not this new ordinance would supersede the terms of any existing franchise agreement. City Administrator/Recorder Mills agreed to continue working with the City Attorney to answer that question and to refine the ordinance language.

E. Dues Statement for Florence Area Chamber of Commerce

Mayor Ruede referred Councilors to their copies of the Florence Area Chamber of Commerce membership packet. City Administrator/Recorder Mills explained that she was looking for direction from the Council about whether or not to continue with a membership and, if so, at what level. She pointed out that the City of Florence was a large sponsor of the Oregon Dunes Triathlon this year and very supportive of the event.

Following discussion, Councilors agreed to continue Dunes City's membership in the Florence Area Chamber of Commerce at the \$125 Associate Member level.

F. Oregon Coastal Caucus Economic Summit

City Administrator/Recorder Mills noted that the Oregon Coastal Caucus is an annual event, being held this year on August 8th and 9th at the Mill Casino in Coos Bay. She explained that Councilors were given information about the event so that they could decide whether or not they wanted to attend, and she noted that State Senator Roblan and State Representative McKeown are organizers of the event and invited Dunes City to participate.

Mayor Ruede noted that she might attend at least one day and suggested that if any Councilors decide to attend they could let the City Administrator know so that she could coordinate a carpool, if anyone is interested in sharing a ride.

G. Request to Construct Additional Storage Room

City Administrator/Recorder Mills referred Councilors to a copy of an office floorplan drawing that was included in their meeting packets. She pointed out an area on the drawing that would be an addition to the existing building and explained that it would be used for additional storage for records that the City is required by law to keep.

Council President Sanders asked whether State Records Retention Laws allowed cities to make digital copies of records, noting that doing so would help reduce storage space needs in the future. City Administrator/Recorder Mills explained that she was looking into the requirements for keeping records and whether or not digital records are permitted.

Councilor Wells pointed out that the proposed space would make good use of existing walls and roof area. He noted that the contractor who repaired the siding on City Hall did an excellent job and suggested that the City Administrator contact that contractor for a bid on the storage area. Councilors agreed that City Administrator/Recorder Mills should find out more about digital recordkeeping regulations, obtain a quote for the proposed storage area and report back to the Council.

H. Ever Growing Deer Population in Dunes City

Mayor Ruede explained that she requested this subject be included on the Agenda because it seems to be a concern for residents and she would like to hear ideas for solutions to dealing with wounded and nuisance animals.

City Administrator/Recorder Mills read from Dunes City's Chapter 130 regarding hunting and trapping, "Section 130.01(A) Prohibited. Except as provided by division (B) of this section, ORS 498.158 is applicable within the City and no person shall hunt or trap any wildlife within the City. (B) Exception. The hunting of game birds with a shotgun and the trapping of wild fur-bearing animals are allowed within the City. A person engaged in the activities described in this section is responsible for conformance with all other applicable laws and regulations." She went on to read from ORS 498.158, "No hunting or trapping

shall be allowed on any lands within the boundaries of any city, public park or on any school lands unless a) the governing body or other agency that administers the affairs of the city, public park or school, after notice and hearing, authorizes such hunting or trapping by ordinance or resolution, and b) the State Fish and Wildlife Commission, after notice and hearing, determines that such hunting or trapping would not adversely affect public safety or unreasonably interfere with other authorized uses of such lands.”

City Administrator/Recorder Mills explained that the ORS regulation could be interpreted to mean that there is an opportunity for Dunes City to develop a process for the Code Enforcement Officer, or another designee, to deal with mortally wounded animals. She went on to explain that she discussed the issue with the City Attorney who agreed to look into it and report back. She noted that in the case of residents feeding deer, the City has no options other than education, but Councilor Scarberry pointed out that there are laws against feeding wild animals and if game wardens know about specific instances of people doing so, they can issue citations. Councilor Scarberry reminded everyone that he raised the subject at the last meeting so that the City could explore options for legally dispatching a wounded animal.

There was some discussion during which Council President Sanders pointed out that any person authorized to dispatch injured animals would have to be specifically trained in how to do it humanely and safely. He noted that the State Fish and Wildlife officers might be a resource and went on to explain that the general public would not ordinarily have the training and skill necessary. Councilor Scarberry reiterated his remarks that there are numerous laws against shooting animals and whomever would be authorized by the City would also need to be authorized by State Fish and Wildlife or other law enforcement entity. Councilor Mallen expressed concern about the length of time it could take for an authorized individual to arrive to dispatch an animal and wondered if the responsibility could be left to homeowners, as long as they had adequate training and proper licensing.

Mayor Ruede acknowledged the complexity of the subject and reminded everyone not to feed wild animals. Councilors generally agreed that City Administrator/Recorder Mills should do more research to find out what options are allowed by ODFW and other entities. Mayor Ruede concluded the discussion by inviting City residents with ideas or information about the issue to attend future Council meetings during which the subject will be an Agenda item and be part of the discussion.

9. PUBLIC HEARINGS – None Scheduled

10. UNFINISHED/OLD BUSINESS

- A. Ordinance No. 236 – Amending Chapter 50 of the Dunes City Code of Ordinances entitled “Solid Waste;” Moving the Provisions Thereof to Title XII, Business Licenses, as New Chapter 121; Renaming the Provisions So They Are Entitled “Solid Waste Collection License;” Repealing Ordinances Numbered 88, 107, and 119; and Repealing Resolution Number 7-9-87A.

Mayor Ruede reminded everyone that the first reading of proposed Ordinance No. 236 and the public hearing were held during the June Council meeting, and the public comment portion of the hearing was closed. She noted that it was on the Agenda for this meeting for the purposes of a second reading and discussion of language.

City Administrator/Recorder Mills explained that since the last Council meeting she met with the representatives of the two waste collection providers in Dunes City and, with their help, crafted the amended language in the proposed ordinance that is presented to the Council for this meeting. She noted also that very few changes were made but both representatives were satisfied with the clarified language of the proposed ordinance.

Councilor Mallen made a motion for a second reading of Ordinance No. 236 as amended by title only. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

Mayor Ruede read aloud the title of amended Ordinance No. 236, “An ordinance to amend Chapter 50 within the Dunes City Code of Ordinances entitled ‘Solid Waste;’ Moving the provisions thereof to Title XII, Business Licenses, as new Chapter 121; Renaming the provisions so as to be entitled ‘Solid Waste Collection License;’ Repealing Ordinance Numbers 88, 107 and 119, and repealing Resolution Number 7-9-87A; and other matters properly relating thereto.”

Council President Sanders made a motion to accept the wording of Ordinance No. 236 as amended and to adopt and pass Ordinance No. 236. Councilor Meyer seconded the motion. In a roll call vote, the motion passed with five votes in favor (Council President Sanders and Councilors Scarberry, Mallen, Meyer, and Wells), no votes against the motion and no abstentions. There was one absence (Councilor Platt), and there were no vacancies on the Council.

Mayor Ruede declared Ordinance No. 236 adopted and effective immediately.

B. Resolution Series 2016, No. 10 (07/14/2016)

Mayor Ruede opened the public comment period for the Resolution at 7:54 pm and asked if there was anyone present who wished to comment on the Resolution. No one did and Mayor Ruede closed the public comment period at 7:55 pm.

Council President Sanders made a motion to adopt Resolution Series 2016, No. 10 dated 07/14/2016. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

C. Vacation of Undeveloped Roadway Easement Between Clear Lake Road and Darlings Loop and North Pioneer and Dorothy Lane

City Administrator/Recorder Mills reminded everyone that in the fall of last year the Council directed her to write a letter to the County stating that Dunes City would accept the roads in the Tsiltcoos Lake Club Plat that were proposed to be vacated by the County, with the stipulation that the County would provide survey descriptions of the vacated roads. She explained that, so far, the County has refused to perform the surveys and that has delayed the vacation of the roadways. She went on to suggest that the Council consider an amended offer stipulating that Dunes City would accept the undeveloped roadways and to give her authorization to write a letter so stating to the County.

Council President Sanders recused himself from discussion, stating that he owns property that would be affected by any Council decision on this issue, and proceeded to step down from the dais. City Administrator/Recorder Mills went on to explain that the only roadways to which her request would apply are those undeveloped ones in the Tsiltcoos Lake Club Plat. She noted that the County could potentially refuse the request and, possibly, ask Dunes City to take over jurisdiction of all of the platted roads, both developed and undeveloped but she did not think that the City should do that because at least one of the developed roads needs a lot of repair work the City cannot afford.

City Administrator/Recorder Mills explained that Dunes City could require owners who wished to keep the roadway land to maintain a utility easement for the City and, further, if owners wanted to vacate the land, the City could require the owner to pay all costs associated with the vacation. Mayor Ruede pointed out that she has had discussions about this with the City Administrator and has not been able to find a downside to making the request. She went on to ask Councilors if they had any comments. There were no objections raised by any Councilors.

Councilor Meyer made a motion for the City Council to authorize the City Administrator to send a letter to Lane County requesting that the County vacate the undeveloped roads in the Tsiltcoos Lake Club Plat to Dunes City. Councilor Wells seconded the motion. The motion passed with four votes in favor (Councilors Meyer, Wells, Scarberry, and Mallen) and none opposed. Council President Sanders recused himself. Councilor Platt was absent from the meeting and there were no vacancies on the Council.

D. Comprehensive Plan Review and Amendment

City Administrator/Recorder Mills explained that this item was on the Agenda so that the Council could determine what work needs to be done on the City's Comprehensive Plan and provide direction to City Staff.

Mayor Ruede reminded Councilors that they reviewed the Comprehensive Plan a few years ago and found that it contained outdated language, maps and tables as well as opinions by whomever wrote the Plan. Following discussion, it was agreed that Staff would proceed with updating the Plan based on the Council's prior review of content and not, as had been discussed by the Council recently, revise the Plan to eliminate references to City oversight of septic system maintenance. Mayor Ruede noted that Ordinance No. 228,

adopted earlier this year, seemed to have resolved most of the objections to the City's septic system maintenance requirements, and Councilors agreed.

11. REPORTS

Mayor's Report: Mayor Ruede reported that she planned to attend the Oregon Mayors Association summer conference July 21-23 in Lincoln City and will provide a report to the Council during the August meeting.

Community Center Report: Councilor Wells thanked City Administrator/Recorder Mills for getting the siding repair work done within budget and remarked that he supported the plan for building an additional storage area.

Site Review Report: City Administrator/Recorder Mills reported that there was some complaint activity that she and permit technician Renee Green investigated.

Water Quality Report: Councilor Meyer reported that the water test results were good and have been getting better over the last few months. The June report was included in Councilors' meeting packets.

Public Works Maintenance Supervisor Report: City Administrator/Recorder Mills reported that Mr. Richard Palmer mowed, brushed and cleaned both sides of Huckleberry Avenue, and hauled away six yards of duff. She also reported that he cleaned the catch basin on Fir Lane and Huckleberry and trimmed limbs, brushed and mowed along Woahink Drive. She also reported that there is a clogged culvert on Alder and Fir and she has asked the City of Florence to lend Dunes City their specialized equipment to clear it. Future projects will include finishing some roadwork in the Russell and Rio area.

Emergency Services Report: City Administrator/Recorder Mills reported that she attended the June WLEOG meeting that was held at Dunes City Hall. She explained that WLEOG's budget for 2017-2018 was adopted during the meeting and she reported that Chief Langborg provided after event reports on the Cascadia Rising Drill and the June Active Shooter training.

City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that 22 permits were issued in June, three of which were for new homes. She went on to report that, to date, two election packets have been issued for Council positions and one for Mayor; there was no June Planning Commission meeting, but there will be a Special Session on July 21st for a public hearing on a variance application; building inspector Dave Mortier has agreed to give the City a list of things the City needs to ensure that the generator and propane tanks meet the inspection requirements for an essential facility; the Watermaster is contacting Dunes City residents who are not complying with State law regarding use of water from Woahink and Siltcoos Lakes; letters regarding septic system maintenance compliance are going out at the rate of about ten per week and all of the lakefront properties not in compliance have been notified; and the draft Personnel and Policy Handbook has been circulated to Staff for comments and suggested amendments.

12. FOR THE GOOD OF THE ORDER

Councilor Wells remarked on the great job ODOT is doing on resurfacing Highway 101. He noted that funding for highway work is difficult to come by and pointed out the efforts by Mayor Ruede, former Road Commission Chairman Maurice Sanders and former Councilor and current City Administrator were instrumental in getting the repair work done in the Dunes City area.

Councilor Wells suggested that the Council consider opening a dialogue about how water quality of Siltcoos Lake could be improved. Councilor Scarberry reported that the quality of Siltcoos has deteriorated over the last several years. Mayor Ruede suggested that the City could look into grant funding for water quality improvement.

Council President Sanders noted that the City Administrator/Recorder has not yet signed her amended employment contract with the City. He requested that the contract be brought back to the Council at the next meeting for final approval.

City Administrator/Recorder Mills reminded the Council to set a date for the next Budget Committee meeting. It was agreed that the meeting be held prior to the next Council meeting, at 6:00 pm on Thursday, August 11th.

13. ADJOURNMENT

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

Mayor Ruede adjourned the meeting at 8:30 pm.

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

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder