



**CITY COUNCIL MEETING MINUTES ~ APPROVED
SEPTEMBER 8, 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 September 8th 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 Duke Wells, Councilor Sheldon Meyer, Councilor Ed Scarberry, and Councilor Tom Mallen.

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

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

5. CONSENT AGENDA

Mayor Ruede pointed out a scrivener error in the Consent Agenda. She noted that the date for the heading on the Receipts of the Session should read *8/5/2016 thru 9/2/2016* rather than *7/8/2016 thru 8/5/2016* as presented in the Councilors' meeting packets.

Councilor Mallen made a motion to approve the Consent Agenda with the correction written above. 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. Two candidates have been approved to be included on the November ballot. They are Rebecca Ruede, candidate for Mayor, and Tom Mallen, candidate for City Council. Two Council positions are open with no candidate having filed.

Mayor Ruede announced that the City Council would meet in a Special Session on Tuesday, September 13th at 3:00 pm and notice of the meeting would be posted. She continued to read from the list of announcements on the Agenda.

- B. Refreshments will be served after the meeting. All are welcome to join us.

7. CITIZEN INPUT

There was none.

8. NEW BUSINESS

- A. LaneACT Letter of Testimony to Joint Interim Committee on Transportation Preservation and Modernization

Mayor Ruede called on Council President Sanders to elaborate on the letter he wrote to Denise Walters, Senior Planner at LCOG, a copy of which was included in Councilors' meeting packets. Council President Sanders explained that, as Dunes City's LaneACT representative, he wrote the letter in response to a request for feedback from communities about various revenue raising proposals for funding transportation infrastructure improvements. He went on to explain that, with the exception of the last paragraph, the comments in the letter were based on his understanding of remarks made by Councilors during the August Council meeting.

- B. Siltcoos Water Quality Governor's Regional Solutions Team Meeting Report

Referring to the report prepared by City Administrator/Recorder Mills that was included in the Councilors' meeting packets, Mayor Ruede asked City Administrator/Recorder Mills if she wanted to comment on the report. City Administrator/Recorder Mills explained that, as noted in her report, the recommendation from the meeting was for Dunes City to consider forming a Local Improvement District (LID) that would, on behalf of the City, purchase the South Coast Water District water system from Oregon Water Services and contract with Oregon Water Services to operate the system. The reason behind the recommendation was that with the system in the hands of a Local Improvement District, there would be funding available for improvements, whereas no funding is available to any privately held entities. City Administrator/Recorder Mills went on to explain that an LID would be able to assess costs for improvements, if any, on the users of the system, not on the entire populace of Dunes City. She noted that the issues for the Council to consider

concern not only the formation of an LID, but what the City would do if all of the people who take water from Siltcoos Lake, not just those in the South Coast Water District, suddenly found themselves without water permanently. She pointed out that the former owner of the IP property did not, to her knowledge, use its Siltcoos water right but the new owners could and there is no way of knowing the impact that might have on the already low water level in the lake.

Councilor Meyer questioned the reason for forming an LID if it is only to bail out the current owner of South Coast Water District. City Administrator/Recorder Mills explained that the City could contract with South Coast Water District to operate the system for a percentage of the profit and keep any remaining profit from the operations. She went on to explain that South Coast, as a private entity, is restricted by the Public Utility Commission on the amount it can charge customers for water and the amount allowed does not cover the costs of any improvements. She noted that the LID could apply for grant funding that would potentially allow it to make repairs relatively quickly; if the Council opts not to form an LID, it should be prepared to create an emergency plan to provide water to citizens if none is available from South Coast and/or as a result of the new IP property owners exercising their right to water from Siltcoos.

Council President Sanders asked how many residents were impacted by this issue and if it was possible for them to form their own water district. City Administrator/Recorder Mills noted that about 80 homes and about 300 people get water from South Coast Water District. She explained that the water service for homes in the original Siltcoos Heights subdivision area was owned and operated by the homeowners association. Over time, only one person was left to operate the system and he walked away from it, leaving residents in the area essentially without water. The State then asked Oregon Water Services to take over the operations.

There was some discussion about why the State was regulating the amount that the water district could charge for service. There was some concern about whether citizens outside of the South Coast service area would want to opt into a City-owned system. And, there was discussion about the cost to bring the current system up to par and whether or not the homeowners in the area could form a district.

Mayor Ruede noted that this issue was discussed at the Mayors' Conference and seems to be common in smaller rural communities. It was generally agreed that more information and further exploration of resources and options was necessary before any City action can take place. It was further agreed that Staff would do more research into the fee limitations set by the Public Utilities Commission, find out more about running city water systems and report back to the Council. Councilors also agreed that the issue deserves immediate attention.

C. Appointment to Planning Commission

Councilor Scarberry made a motion to appoint Mr. Eric Ziegler to the Planning Commission. Councilor Wells seconded the motion. The motion passed by unanimous vote.

D. Approval of New Application for Permit to Use Dunes City Water Right

City Administrator/Recorder Mills referred Councilors to their copies of the new application form included in their meeting packets. She explained that there was a typographical error in the italicized section where the word “property” should be “properly.” She noted that this form included a space for the applicant’s email address, the old form did not.

Councilor Meyer made a motion to approve the permit form as revised. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

E. Request to Use Dunes City Parking Lot

City Administrator/Recorder Mills explained that she could not find any rules or Code that governed public parking on Dunes City’s property. She went on to explain that the City received a request from the owner of Jernigan Island to use the City’s parking area for overnight parking one night.

Council President Sanders noted that the old Master Road Plan allowed for parking as long as it was not on the roadway and there are no “No Parking” signs in the area. He suggested that the City could issue a permit, possibly closing the road to allow for parking, and charge a fee. Mayor Ruede suggested that neighbors in the area should be notified when the parking area would be used for overnight parking and that it should be made clear to the permit holder that none of the vehicles can block neighbors’ driveway access.

F. Ordinance No. 240 Regarding Humane Killing of Crippled or Helpless Wildlife—First Reading

Mayor Ruede announced that “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 request 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 if any Councilor desired the Ordinance to 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 aloud the title of Ordinance No. 240, “An ordinance amending Title XIII, section 130.01 of the Dunes City Code of Ordinances entitled ‘General Offenses’ by

adding a new paragraph (C) regarding the safe and humane killing of crippled or helpless wildlife; and other matters relating thereto.”

9. PUBLIC HEARING

A. Ordinance No. 240 Regarding Humane Killing of Crippled or Helpless Wildlife

Mayor Ruede opened the agenda item for public hearing at 7:39 pm and asked if there was anyone in the audience who would like to comment on the ordinance. She recognized Ms. Bonnie Allen, a resident of Dunes City. Ms. Allen noted that the new paragraph (C) provides that the City Code Enforcement Officer, or the Code Enforcement Officer’s designee would be tasked with euthanizing the injured animal and asked if the task was to be added to City Code Enforcement Officer’s duties. City Administrator/Recorder Mills, the City’s Code Enforcement Officer, explained that the task could be done by her designee, but the designee would have to be licensed and certified to carry and use a firearm and would have to have had some training. Ms. Allen asked if the Code Enforcement Officer could be contacted if the City office was not open and City Administrator/Recorder Mills noted that her telephone number is posted outside of City Hall so citizens can call her at any time there is a need.

There being no further comments from the public, Mayor Ruede closed the public hearing at 7:41 pm.

10. UNFINISHED/OLD BUSINESS

A. Ordinance No. 240 Regarding the Humane Killing of Crippled or Helpless Wildlife

Mayor Ruede asked if Councilors wished to make a motion to continue discussion to another time to allow more time for consideration or deliberate in this meeting. She asked if there were any suggestions for amendments. There were none.

Council President Sanders read aloud part of the last sentence in paragraph (C), “Any individual called upon to safely and humanely euthanize such crippled or helpless wildlife must be licensed and certified to carry and use a firearm...” and asked what licensing and certifications were required. He explained his reason for the question, noting that barring felony or mental illness disqualifications any one of legal age could buy a firearm and not have a license for it. He went on to express concern about the need for the Ordinance, asking what City Code would prevent any citizen who comes across an injured animal from dispatching it.

City Administrator/Recorder Mills explained that a citizen could dispatch the animal but would then be required to dispose of the carcass in accordance with ODFW rules. She went on to note that the proposed Ordinance provides that the ODFW will advise the City on how to dispose of it and, in fact, ODFW has provided some suggestions for doing so. In addition, she determined that one of the local waste management companies will take the carcass away.

Council President Sanders noted that there was nothing that prevented the City from promoting public education to tell them what they can do if they run into this situation. He noted also that any form of public education should outline the personal liability problems that could come out of dispatching an animal.

Councilor Mallen noted that if a citizen dispatches an animal, then the onus for disposing of the carcass correctly falls on that individual and that might deter people from euthanizing a mortally wounded animal. City Administrator/Recorder Mills pointed out that State law requires that if a person euthanizes an animal he must notify ODFW and wait for the ODFW officer to arrive on scene and take the animal, which is a problem for Dunes City residents because the ODFW office for the area is in Newport and officers are often difficult to reach by telephone, particularly on weekends or holidays.

There was some discussion about who to contact if a resident finds a dead animal. City Administrator/Recorder Mills noted that residents should call her because she has the telephone numbers of the various appropriate State and County agencies.

Councilor Scarberry noted that he was not sure what the “must be licensed and certified to carry and use a firearm” phrase meant. Council President Sanders pointed out that if the City was to designate a person to be responsible for euthanizing helpless animals then the City could require specific licenses and training for which that language would become applicable. Council President Sanders again questioned the need for the Ordinance if sufficient public education could be provided to residents.

Councilor Wells agreed that if public education would be sufficient, then the Ordinance would not be needed. He noted that dispatching a wounded animal should be done quickly to be humane and going through a chain of command to notify the right authorities could take some time. Councilor Meyer agreed, noting that the idea was for the City to have the ability to dispatch animals humanely and dispose of them without outside authority.

Councilor Scarberry pointed out that OSP Game Wardens and ODFW Officers do not always agree on enforcement of the regulations. Mayor Ruede suggested that City Administrator/Recorder Mills try to get more clarification from OSP and ODFW.

It was agreed to table further discussion until the October Council meeting.

B. Dunes City Personnel Handbook

Councilor Mallen made a motion to adopt the revised Personnel Handbook. Councilor Wells seconded the motion.

Council President Sanders referred Councilors to page 8, bullet point 3, of the Handbook, included in the Councilors’ meeting packets. He read aloud from the definition for gesture bullying, “a movement of a part of the body, especially the hand or the head, to express an

idea or meaning that is designed to harm someone's social reputation..." and asked City Administrator/Recorder Mills to demonstrate or describe what such movement might be so it would be clear to everyone. City Administrator/Recorder Mills explained that the definitions included in the Handbook were provided by the City's insurance carrier and, if they are not appropriate for the City, they can be deleted from the text. Council President Sanders remarked that the definition was too vague and he suggested removing it.

Council President Sanders made a motion to amend by removing number three, gesture bullying, renumbering four and five, exclusion bullying and cyber bullying to be three and four respectively. Councilor Wells seconded the motion. The motion passed by unanimous vote.

There was no further discussion of the revised Handbook and Mayor Ruede called for the question on the motion to adopt the Handbook.

The motion passed by unanimous vote.

C. City Hall Encroachment Issue

City Administrator/Recorder Mills referred Councilors to a copy of a letter from David and Beverly Dimon that was included in their meeting packets. She explained that the Dimons have agreed to deed the strip of land with the concrete pad on it behind City Hall for payment to them in the amount of \$1,200 plus payment of all of the costs associated with conveying the title.

Mayor Ruede requested a motion to authorize the City Administrator to enter into an agreement, make that payment and do the transaction. Councilor Meyer so moved. Councilor Wells seconded the motion.

Mayor Ruede asked City Administrator/Recorder Mills to convey the Council's thanks to the Dimons for their cooperation.

The motion passed by unanimous vote.

D. Update on Undeveloped Roadway Easements in Tsiltcoos Lake Club Plat Subdivision

City Administrator/Recorder Mills reported that she had been working with Mr. Jeff Turk, Lane County's Property Management Officer, and the County attorney on a possible resolution to this issue to present to the County Commissioners. The County attorney passed away during the process so Mr. Turk now has to work with the new County attorney on a presentation to the Commissioners.

Mayor Ruede suggested carrying the Agenda item over to another meeting, whenever new information is available. There were no objections.

11. REPORTS

Mayor's Report: Mayor Ruede reported that she had an opportunity to participate in a local radio station's "Our Town" program with Florence Mayor Joe Henry. During the program, the Mayors discussed the ballot issue concerning taxation of retail sales of marijuana—Dunes City does not have retail sales outlets for marijuana, but Florence does.

Community Center Report: Councilor Wells reported that all is well.

Site Review Report: City Administrator/Recorder Mills reported that there were no site visits.

Water Quality Report: Councilor Meyer reported that water quality is still good. He also reported that on the 27th he would be going out with water testers and two residents who signed up during the Expo to see what water testing is all about. He went on to report that he has been in contact with Senator Roblan's office about the funding that was set aside for septic repair loans; the Senator's office has not yet finalized the details for administering the loan program—Councilor Meyer will report when he has more information.

Public Works Maintenance Supervisor Report: There was no report this month as Mr. Palmer has not been available.

Emergency Services Report: City Administrator/Recorder Mills reported that she was not able to attend the August WLEOG meeting but minutes and handouts were included in Councilors' meeting packets.

City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that FEMA Flood Maps are being revised and since the maps are part of the City's Comprehensive Plan, revisions to the Plan will require a Measure 56 notice mailed to all Dunes City residents as well as public hearings, costs of which the City will have to absorb—as far as she has been able to determine there are no funds from the State or Federal agencies to reimburse cities' expenses. She went on to request that if Councilors have any suggestions for changes to the maps they let her know.

12. FOR THE GOOD OF THE ORDER

Councilor Scarberry reminded everyone to vote in the coming elections.

Councilor Wells wanted Dunes City citizens to know that the water issue is important to the Council and the Council is moving forward to find solutions.

13. ADJOURNMENT

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

Mayor Ruede adjourned the meeting at 8:12 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 13th DAY OF OCTOBER 2016.

[Signed copy available at City Hall]

Maurice Sanders, Council President

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder