



**CITY COUNCIL MEETING MINUTES ~ APPROVED
OCTOBER 13, 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

Council President Maurice Sanders called the October 13th 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: Council President Maurice Sanders, Councilor Ed Scarberry, Councilor Sheldon Meyer, Councilor Duke Wells, and Councilor Ken Platt. Councilor Tom Mallen attended via telephone conference call.

Absent and Excused: Mayor Rebecca Ruede.

Also Present: City Administrator/Recorder Jamie Mills, Administrative Assistant Rapunzel Oberholtzer, and several citizens, including the new Community Reporter from the *Siuslaw News*, Mark Brennan.

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

Councilor Meyer made a motion to approve the Consent Agenda as presented. Councilor Wells seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

Council President Sanders extended birthday wishes to Councilor Meyer, whose birthday is on October 21st. He also introduced Mark Brennan, the new Community Reporter from the *Siuslaw News* who was present in the audience.

7. CITIZEN INPUT

There was none.

8. NEW BUSINESS

A. Schedule Next Budget Committee Meeting

Council President Sanders suggested that the Councilors consider holding a Budget Committee Meeting on Tuesday, October 25th at 4:00 pm or come to an agreement for an alternative date and time. After discussion, it was agreed that the next Budget Committee Meeting would be Tuesday, October 25th at 5:00 pm. City Administrator/Recorder Mills agreed to notify all of the Budget Committee members of the meeting date and time.

B. Request from City Resident to Prohibit Installation of High Density LED Street Lights

City Administrator/Recorder Mills referred Councilors to a copy of an email from a Dunes City resident and an attached article regarding LED lighting that was included in the Councilors' meeting packets. She explained that she responded to the resident's email thanking her for her input and advising that at this time Dunes City does not have LED lights and does not yet have plans to install them due to their sensitivity to moisture. She noted that the City's annual bill for street lighting is about \$17,000, which could be significantly lower by installing LED lights if they were designed to be moisture resistant.

Following discussion, Council President Sanders suggested that the issue could be on an agenda for consideration in the next Budget cycle meetings. There were no objections to the suggestion, and it was noted that if the City switches to LED lighting the City could consider alternatives to the high density type of bulbs.

C. Acquisition of Property

Council President Sanders announced an Executive Session pursuant to ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

9. EXECUTIVE SESSION

Council President Sanders read from a script prepared for adjourning to Executive Session, "I will now adjourn this Regular Session of the Dunes City Council to go into

Executive Session held pursuant to ORS 192.660(2)(I)[sic] to conduct deliberations with persons designated by the governing body to negotiate real property transactions. Only representatives of the news media (Mr. Brennan) and designated staff shall be allowed to attend the Executive Session. The time is 7:08 pm.”

Councilors adjourned to the conference room.

Council President Sanders called the Dunes City Council Regular Session back to order at 7:37 pm.

Council President Sanders ~~announced that no decisions were made in Executive Session. He then~~ requested a motion to authorize the City Administrator and Councilor Wells to act as agents for Dunes City to negotiate a possible purchase of real property on behalf of Dunes City and report back to City Council for approval prior to consummation of any negotiations or transactions.

Councilor Mallen moved to make the motion. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

Council President Sanders announced that the motion passed unanimously and that the City Administrator and Councilor Wells would, therefor, act as agents for Dunes City to negotiate and discuss the terms of possible purchase of real property on behalf of Dunes City and report back to the City Council prior to the consummation of any negotiations or transactions.

10. PUBLIC HEARING

None was scheduled.

11. UNFINISHED/OLD BUSINESS

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

City Administrator/Recorder Mills explained that, as directed during the September Council meeting, she contacted the Oregon State Police, Game Warden Division, and spoke with Lieutenant David Gifford to clarify the issue of dispatching and disposing of a wounded animal. According to Lt. Gifford, the thing to remember is that once an animal has been euthanized the person who euthanized it must contact either the Lane County Sheriff's Office *or* the Oregon State Police to explain what happened prior to disposing of the carcass so that both agencies are aware of the incident and will not need to investigate later. She went on to explain that she amended the wording of the proposed Ordinance to reflect this new information and to eliminate language requiring involvement of the City's Code Enforcement Officer in these situations.

Council President Sanders noted that City Code prohibits the hunting and trapping of wild game and State law allows for humane euthanizing of injured animals. He questioned the necessity for Dunes City Code to exempt what already exists in State law. He opened the subject to discussion.

Councilor Scarberry did not object to the proposed Ordinance, noting that having language in writing helps to clarify what residents must do if they need to dispatch an animal.

Councilor Scarberry made a motion to adopt Ordinance No. 240 as written. City Administrator/Recorder Mills noted a point of order which required a second reading of the Ordinance before any vote to adopt could be made.

Council President Sanders proceeded to state, “The public hearing on this ordinance having been closed at the last City Council meeting on September 8, 2016, this ordinance is now before us on second reading and language consideration.” He asked City Administrator/Recorder Mills to inform Councilors as to what has taken place with the language since the last Council meeting that has not already been disclosed. City Administrator/Recorder Mills reported that there have been no changes other than what she just described to the Council.

Council President Sanders requested a motion to have the second reading of ordinance number 240, as amended, by title only. He asked Councilor Scarberry if that would be his motion and Councilor Scarberry confirmed. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Council President Sanders 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.”

Councilor Scarberry made a motion to accept the wording for Ordinance No. 240, as amended, and to adopt and pass Ordinance No. 240 as presented. Councilor Wells seconded the motion. Council President Sanders requested a roll call vote. The motion passed by unanimous vote with Councilors Meyer, Wells, Scarberry, Mallen, and Platt all voting in favor.

Council President Sanders declared Ordinance No. 240 adopted, effective immediately.

B. Update on State Funding for Septic Repairs

Councilor Meyer referred Councilors to a copy of an email and related letter confirming that DEQ has awarded the grant for developing and implementing a loan program for septic repairs and maintenance to Craft3, a community development financial institution. More information will be available as the next steps for implementing the program are determined. Councilor Meyer reported that he is in contact with Senator Roblan’s office for status updates and will brief the Council when he has more details.

C. Possible Creation of a Local Improvement District for Siltcoos Area Water Users

City Administrator/Recorder Mills referred Councilors to a copy of a memo from Carrie Connelly of Local Government Law Group that described the general purposes and basic processes Dunes City could follow to form a Local Improvement District (LID) for running the South Coast Water District water system, if the City should opt to do so.

City Administrator/Recorder Mills disclosed, for the record, that she would be a beneficiary of an LID, if one was created to assist with South Coast Water District's improvements. She explained that she would make every effort not to influence the Council's decision process and she asked the Council to inform her if it felt that she was inappropriately impacting the Council's discussions and decisions.

Council President Sanders noted that the new City Council might want to address the LID issue and suggested that, if Councilors agreed, further discussion be tabled until December or January.

Councilor Meyer asked whether there was any possibility that the residents in the area served by South Coast Water District could put in wells for water. He also suggested that ODFW could be brought into discussions about using the water that goes from Woahink into Siltcoos as a water source. City Administrator/Recorder Mills noted that there have been water rights issued for the Woahink Creek water. She went on to note that it would be up to the Council and/or the residents in the water district to determine whether or not to form an LID, it was a suggestion presented to the City by the governor's office and the Regional Solutions Team.

Council President Sanders suggested that perhaps the affected residents should meet with the new Council to decide what to do. Councilors agreed to table further discussion until January.

D. Siltcoos Dam Portage License Renewal

City Administrator/Recorder Mills referred Councilors to a copy of an email from DSL that was included in their meeting packets. In the email, DSL is asking Dunes City to renew its license for the portage or to remove the footing, walkway and ramp and return the site to a natural condition.

Councilor Scarberry expressed concern about this issue, noting that he recently kayaked below the dam and found a couple of spots where downed trees in the river are beginning to create navigation and safety problems. He went on to note that removing the portage ramp would not be much of a problem, but the concrete footing is part of the dam structure itself. He went on to note that he was not in favor of renewing the license with DSL.

Council President Sanders asked who would be responsible for keeping the waterway clear and then went on to suggest that the City Engineer and perhaps the City's Public

Works Supervisor could take a look at the portage and the dam to determine what would be involved in removing the portage and the cost involved. He went on to note that removing the portage and appurtenances would likely cause damage to the surrounding area and be costly to repair. He suggested that City Administrator/Recorder Mills contact the DSL representative to clarify exactly what it is DSL wants removed and then determine what it would cost to remove it. City Administrator/Recorder Mills agreed to do so.

There was some further discussion during which it was noted that the accumulation of debris in the river could potentially cause flooding of the river or other damage. There was some question about who, or which agency, was responsible for keeping river clear of debris and safe to navigate. It was also noted that a DSL representative should probably look at the dam and the surrounding waterway before making demands on the City to remove the portage and repair the area damaged by the removal of the structure. It was generally agreed that City Administrator/Recorder Mills should follow up on the DSL email by contacting a DSL representative.

12. REPORTS

Mayor's Report: Council President Sanders reported that Mayor Ruede had surgery on the 10th of October—the surgery went well and she is home recovering. On behalf of the Mayor, he thanked everyone who sent get well wishes and prayers for her recovery.

Community Center Report: Councilor Wells reported that all is well at the Community Center and, with the current stormy weather, he is happy to see the emergency generator is in place.

Site Review Report: Councilor Platt reported that there were no site visits, and he thanked the Councilors for their support and patience while he was absent.

Water Quality Report: Councilor Meyer reported that water quality is still good. He also reported that he went out with the water testers to see what water testing is all about—it is a very thorough and interesting process. He went on to report that he has been in contact with Mary Dodson, one of the high school science teachers, about the possibility of having one or two students involved in the water testing process. Ms. Dodson expressed interest in the idea. Councilor Meyer noted that he might offer the same opportunity to the Community College.

Planning Commission Annual Report: On behalf of the Planning Commission, Planning Secretary Rapunzel reported that the Commission's annual report on the City's Citizen Involvement Program was included in the Councilors' meeting packets. It essentially reports that the Planning Commission has seen some citizen involvement through its public hearings and will see more with the Citizen Advisory Committee review of Chapter 155 that is coming up.

Public Works Maintenance Supervisor Report: City Administrator/Recorder Mills presented the Public Works report for Mr. Palmer noting that work continues on Leavitt Loop, Russell Road has been swept and brushed, trees have been trimmed, edges graveled and a culvert cleaned out, repairs have been done on Rio Road and a dead end sign has been ordered. She

went on to report that Mrs. Ellis agreed to have the natural drainage on her property restored and the product for the work has been ordered.

Emergency Services Report: City Administrator/Recorder Mills reported that she attended the September WLEOG meeting, handouts and minutes of the August WLEOG meeting were included in Councilors' meeting packets. She noted that the Florence Emergency Expo will be

held at the FEC on November 5th and the National Guard will hold a Convoy Event there on October 23rd to help them identify routes to Florence in the event of an emergency.

City Administrator/Recorder Report: City Administrator/Recorder Mills reported that six permits were issued in September, Ric Ziegler joined the Planning Commission, and septic letters continue to go out at about ten a week and the number of noncompliant residents continues to drop as a result. She went on to report that the City's boundary encroachment issue is still under discussion but the legal description and survey work to resolve the issue has been done. She noted that she and Region 15 Watermaster, Susan Douthit, had an opportunity to speak at a meeting of the Florence Area Realtor's Association and discussed water concerns, the importance of notifying Dunes City when property in the City changes hands, and much more.

Council President Sanders asked that the record show that the telephone connection with Councilor Mallen was lost at about 8:10 pm.

13. FOR THE GOOD OF THE ORDER

City Administrator/Recorder Mills reported that she was able to follow up on the Council's request to determine what regulations govern how much South Coast Water District is permitted to charge customers—the Public Utilities Commission and OAR set the limit at \$36 per year per household. She noted that she has contacted the governor's office about this issue.

Councilor Platt reminded everyone that a new president will have been elected by the time the Council meets again.

Councilor Wells reminded everyone to register to vote and then be sure to vote.

Councilor Meyer thanked Mr. Brennan for his article in the *Siuslaw News* about the dive club that removed over 3,000 pounds of debris from Woahink Lake and he suggested that the Council request City Administrator/Recorder Mills to write the coordinator of the event a thank you note on behalf of the Council. Councilors did not object to his suggestion. Mr. Brennan noted that the dive group would like to return to the lake to continue their efforts.

14. ADJOURNMENT

Council President Sanders requested a motion for adjournment. Councilor Meyer made the motion to adjourn. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

Council President Sanders adjourned the meeting at 8:16 pm.

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

[Signed copy available at City Hall]
Maurice Sanders, Council President

ATTEST:

[Signed copy available at City Hall]
Jamie Mills, City Administrator/Recorder