



**CITY COUNCIL MEETING MINUTES ~ APPROVED  
NOVEMBER 10, 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](http://www.DunesCity.com)

**1. CALL TO ORDER**

Council President Maurice Sanders called the November 10<sup>th</sup> 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 Tom Mallen, Councilor Ed Scarberry, and Councilor Ken Platt.

**Absent and Excused:** Mayor Rebecca Ruede, Councilors Duke Wells and Sheldon Meyer.

**Also Present:** City Administrator/Recorder Jamie Mills, Administrative Assistant Rapunzel Oberholtzer, and several citizens, including Ean Wright and Jeannie White who operate the Siltcoos River Dam.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

Council President Sanders suggested several amendments to the Agenda: removal of item 8C, proposed Ordinance No. 242 regarding City Rights-of-Way because no ordinance was presented and removal of item 8D, proposed Ordinance No. 241 regarding Animal Control, so that it could be considered by the new Council that will be seated in January. The removal of Ordinance No 241 resulted in removing item 9 Public Hearing on the Ordinance, item 10A, Council consideration of the Ordinance, and the removal of item 10B, a Resolution to adopt certain forms and set fees related to Animal Control. Council President Sanders noted that he was reluctant to convene an Executive Session to discuss item 10F, Acquisition of Property, because, in his opinion, any decision about acquiring property should involve the newly elected Councilors. There were no objections to his suggestions.

**Councilor Mallen made a motion to approve the Agenda as amended. Councilor Scarberry 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 list was distributed to Councilors prior to the start of the meeting.

**Councilor Scarberry made a motion to approve the Consent Agenda as amended with the amended Bills of the Session. Councilor Mallen seconded the motion. The motion passed by unanimous vote.**

## 6. ANNOUNCEMENTS / CORRESPONDENCE

Council President Sanders read aloud from the list of announcements on the Agenda. The next Budget Committee meeting is scheduled for January 19<sup>th</sup>, 2017 at 5:30 pm. Birthday wishes to Gary Baker on November 3<sup>rd</sup>, City Administrator/Recorder Jamie Mills on the 23<sup>rd</sup>, and himself for his birthday on the 25<sup>th</sup>. He went on to announce that refreshments would be served after the meeting and everyone is invited to partake.

## 7. CITIZEN INPUT

Council President Sanders recognized Mr. Ean Wright who signed in to address the Council.

Mr. Wright noted that he was present to talk to the Council about its discussions on removing the portage at the Siltcoos River Dam, which he has supervised and operated for International Paper since about 1980. He explained that in the summer, beginning in about April, the dam is closed which makes the water level on the west side of the dam several feet lower than the level on the east side—how many feet lower depends on whether the tide is in or out. He explained that there is no way around the dam via paths on the river banks so the portage is the only way that canoers and kayakers can get safely across the dam. He went on to explain that, in his opinion, removing the portage would create safety concerns.

Addressing a Council concern about the safety of canoeing and kayaking below the dam where there is a significant amount of downed trees in the water, Mr. Wright explained that he has many times worked with a crew to cut up trees in the river, leaving the refuse in the water for fish habitat as requested by ODFW. He went on to note that IP cut its budget for dam operations and asked him not to clear downed trees. He went on to explain that when the dam is open the current washes that debris down river out of the way of canoers and kayakers.

Mr. Wright informed Councilors that he learned today the IP site has been sold, but he has had no contact with the new owners.

Mr. Wright explained that in the winter, one of the gates in the dam is left open and boaters can go through the dam but cannot access the portage. He reiterated his concerns about safety if the portage is removed, noting that Dunes City shouldn't be liable for a boater getting tangled in debris on the river. Providing some historical background, Mr. Wright noted that he has been IP's supervisor for the Tahkenitch and Siltcoos River dams since 1980 and in 2006 rebuilt the Siltcoos River dam.

Mr. Wright pointed out that if the portage is removed, there is no way for boaters to get around the dam. He also noted that it was the Forest Service that asked for the portage to be installed before Dunes City leased it.

Council President Sanders thanked Mr. Wright for his comments and taking the time to attend the Council meeting.

## 8. NEW BUSINESS

### A. Appointment to Budget Committee

Council President Sanders referred Councilors to their copies of an Application for Appointive Office submitted by Dunes City resident Linda John that was included in their meeting packets. He noted that the applicant was not present, she is the wife of a former Road Commissioner. He recognized Ms. Bonnie Allen who was present in the audience.

Ms. Allen remarked that Ms. John was a neighbor of hers and seemed to be very responsible, currently working as a technician at PeaceHealth Hospital. Ms. Allen recommended Ms. John's appointment to the Budget Committee.

**Councilor Scarberry made a motion to appoint Ms. Linda John to the Budget Committee. Councilor Platt seconded the motion. The motion passed by unanimous vote.**

### B. Resolution Series 2016, No. 12 (11/10/2016) – Approval of Easement and Agreement for Construction of Drainage Facilities

City Administrator/Recorder Mills explained that the proposed Resolution is to approve a Deed of Easement and Agreement between Juliann Ellis and Dunes City for the installation of a piped drainage system that moves water off Kiechle Arm Road onto the Ellis property and allows the water to safely drain out across her land and her neighbor's land. City Administrator/Recorder Mills went on to explain that the proposal is to repair and repave Ms. Ellis' driveway apron, including installing a culvert connecting to the new drainage, and smoothing out the existing gravel driveway, including additional gravel if necessary. She noted that, "additional gravel if necessary" was a slight change to the language in the Agreement that was presented in the Councilors' meeting packets. The Agreement presented read, "including adding more gravel."

Council President Sanders asked how much the project would cost. City Administrator/Recorder Mills explained that the project work came in at about \$8,000. She went on to explain that the City's Public Works Maintenance Supervisor, Richard Palmer, had moved forward on the project because of the impending rain forecast and completed most of the work, even though the agreement with Ms. Ellis was not finalized. She noted that since the work was done, Ms. Ellis did sign the Agreement so that the City could do maintenance work when needed.

There was some discussion about the fact that funds were spent on the project before the City Council had had an opportunity to approve or weigh in on the cost. City Administrator/Recorder Mills explained that she, the City Attorney, City Engineer and Mr. Palmer met to discuss the work that needed to be done—Ms. Ellis agreed to the scope of the project and Mr. Palmer moved ahead to take advantage of a break in the weather. City Administrator/Recorder Mills went on to explain that there seemed to be a consensus among Councilors that the work should be done as soon as possible to resolve the litigation brought by Ms. Ellis’ neighbors for road maintenance. In discussion, it was noted that there was no indication that the litigation was formally resolved. City Administrator/Recorder Mills explained that she had not been authorized by the Council to spend the funds, but did so in the interest of resolving the maintenance and drainage issues quickly.

City Administrator/Recorder Mills noted that if the Council adopted the Resolution to approve the Deed of Easement and the Agreement, Council President Sanders would need to sign the Easement and Agreement on behalf of the City because she was going out of town and would not be able to have her signature notarized.

Following discussion, it was generally agreed that Councilors had no issues with the work being done without Council approval, it being necessary and using a break in the rain to complete. There was some further discussion about whether or not the City would be required to continue to add gravel to Ms. Ellis’ driveway overtime in order to keep it in good repair, or if the Agreement provided that the addition of gravel was a singular event. City Administrator/Recorder Mills pointed out that she could amend the Agreement to be more specific in that regard if the Council so desired. Also in further remarks, Council President Sanders noted that a good City Administrator recognizes when it is necessary to take calculated risks to protect residents’ interests and he further noted that he appreciated the actions City Administrator/Recorder Mills had taken to resolve the drainage issues.

**Councilor Scarberry made a motion to authorize the Council President to execute the Deed of Easement and Agreement for construction of drainage facilities as amended and adopt Resolution No 12. Councilor Platt seconded the motion. The motion passed with three votes in favor, none opposed, no abstentions, two absences, and no vacancies.**

## **9. UNFINISHED/OLD BUSINESS**

### **A. Website Advertising**

City Administrator/Recorder Mills explained that Councilor Scarberry requested this subject be added to the meeting Agenda for discussion. Reviewing the advertising with Staff, she determined that advertisers are paying for their ads on the City’s website. Councilor Scarberry explained that he requested Staff to review the ads to make sure they were paid and to make sure that the advertisers were still in business. He went on to suggest that Staff could clean up references in website content to businesses that were no longer in business, perhaps adding new ones and seeking them out as advertisers. Councilor Scarberry agreed to provide a list of outdated references to Staff.

## B. Siltcoos River Dam Portage

City Administrator/Recorder Mills explained that she had contacted Mr. Wright of International Paper for permission to access IP property to determine what was involved in removing the portage. Since that conversation, she noted, the IP property was sold and the new owners are responsible for granting permissions to access the dam and surrounding property.

Councilor Scarberry offered a point of clarification: It was never the intent of the Dunes City Council to remove the portage—DSL mandated the removal after the City opted not to renew its lease on the portage. City Administrator/Recorder Mills noted that Mr. Wright's comment about the Forest Service's installation of the portage was new information that she had not known. Councilor Scarberry noted that hearing that ODFW likes the accumulation of debris in the river for fish habitat was new information to him and was contradictory to maintaining a navigable river channel.

There was some discussion about the City's possible next steps. Included in the discussion was the cost of the lease and whether or not there were other entities that might be willing to pay for it. It was generally agreed that this matter would require some Council action in the future but that there was none that should be taken now. It was suggested that City Administrator/Recorder Mills contact the Forest Service and/or the new IP land owners for more input or suggestions for solutions. It was also suggested that City Administrator/Recorder Mills could contact State Senators or Representatives and, perhaps, the Parks and Recreation Department. The major concern for the City, noted City Administrator/Recorder Mills, is liability and she suggested that if Parks and Rec wanted to keep the river trail open, perhaps they could assume responsibility for liability.

Following discussion, it was generally agreed that the City should not be responsible for clearing the waterway. City Administrator/Recorder Mills agreed to pursue contacts with the Forest Service, new IP owners, State representatives, Parks and Recreation, etc. and report to the Council next year in February or March.

## C. Vacation of Undeveloped Roadways – Tsiltcoos Lake Club Plat

Council President Sanders noted that because he owns property that could be affected by proposed roadway vacations, he would not participate in discussion on the subject, but would moderate the conversation. City Administrator/Recorder Mills explained that the City has received the signed Dedication of a Public Roadways of the Tsiltcoos Lake Club Plat from the County and the Quitclaim Deed giving the undeveloped easements to Dunes City. She noted that only undeveloped easements were transferred to Dunes City, not the developed roadways. She explained that the City is required to follow the provisions of ORS 271 in vacating them but before any can be vacated to residents, the City has to accept the County's transfer documents.

**Councilor Scarberry made a motion to accept the Tsiltcoos Lake Club Plat as presented. Councilor Platt seconded the motion. The motion passed by unanimous vote.**

D. Acquisition of Property

City Administrator/Recorder Mills explained that she included the subject on the Agenda for discussion in case she had news from the property owner. She had not talked to the owner so there was no new information to discuss.

**12. REPORTS**

Mayor's Report: Council President Sanders reported that Mayor Ruede is continuing her recovery from surgery.

Community Center Report: Council President Sanders noted that Councilor Wells was absent from the meeting so there was no report.

Site Review Report: Councilor Platt reported that he investigated a complaint about a resident who was taking down a dangerous tree and should have obtained a permit to do so. He will give City Administrator/Recorder Mills the information she needs to follow up with the resident.

Water Quality Report: Council President Sanders pointed out that the November water test results were included in the Councilors' meeting packets.

Public Works Maintenance Supervisor Report: City Administrator/Recorder Mills noted that the report for November was included in the Councilors' meeting packets.

Emergency Services Report: City Administrator/Recorder Mills pointed out that the report was included in the Councilors' meeting packets.

City Administrator/Recorder Report: City Administrator/Recorder Mills reported that no new building permits were issued in October, but there were twelve permits for other types of work. She went on to report that in its October 27<sup>th</sup> meeting, the Planning Commission appointed itself as the CAC to review Chapter 155.1, 155.2 and 155.3 and then appointed Paul Ryan, the only applicant, to the CAC. She went on to explain the process of notifying residents who are not in compliance with septic maintenance requirements, and noted that people are usually responsive to becoming compliant; she noted that there are a couple of property owners who have not responded to any notifications, but she is not pursuing any further action on those because she believes the properties may be abandoned or in foreclosure. She reported that Three Rivers Casino has agreed to sponsor next year's Oregon Dunes Triathlon. She announced that she will meet with representatives of the Division of Water Resources in December to find out what is required to draft a Water Management and Conservation Plan for Dunes City.

### **13. FOR THE GOOD OF THE ORDER**

City Administrator/Recorder Mills announced that there will be some training for Councilors next year. More information about the type of training and the dates will be announced when it is available.

Council President Sanders congratulated Councilor Mallen on his election to the Council. He went on to report that he attended the Lane ACT meeting on November 9<sup>th</sup>, his last meeting as a City Councilor representing Dunes City. He noted that the Council will need to designate a new representative to attend the meetings on behalf of the City.

There was some discussion about the County election results. It was noted that Mayor Ruede was re-elected and Councilor Mallen was elected. The names of the write-in candidates for vacancies on the Council were not available at the time.

### **14. ADJOURNMENT**

Council President Sanders adjourned the meeting at 7:48 pm. There was no motion made for adjournment.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 8<sup>th</sup> DAY OF DECEMBER 2016.**

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

ATTEST:

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