



**CITY COUNCIL MEETING MINUTES ~ APPROVED  
JANUARY 12, 2017 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 Sanders called the January 12<sup>th</sup>, 2017, meeting of the Dunes City Council to order at 7:00 pm.

Council President Sanders read aloud a letter of resignation from Councilor Ken Platt. In the letter addressed to Mayor Ruede, Councilor Platt regretfully tendered his resignation due to health issues in his family that necessitated his absence for extended periods of time and prompting his concern that he would be unable to fulfill his duties as Councilor. In his letter, Councilor Platt offered to continue to serve on the Council until such time as a replacement is appointed. Council President Sanders noted that the letter of resignation was confirmed on January 9, 2017.

**2. ROLL CALL**

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

**Present:** Council President Maurice Sanders, Councilor Sheldon Meyer, Councilor Duke Wells, and Councilor Tom Mallen.

**Absent and Excused:** Mayor Rebecca Ruede and Councilors Ken Platt and Ed Scarberry.

**Also Present:** City Administrator/Recorder Jamie Mills, Administrative Assistants Linda Stevens and Rapunzel Oberholtzer, Siuslaw News Community Reporter Mark Brennan, and members of the West Lane County Amateur Radio Emergency Services group.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. SWEARING IN OF THE MAYOR**

Council President Sanders noted that the Mayor was absent due to health issues and her Oath of Office ceremony would take place during the next meeting she attends.

## 5. SWEARING IN OF NEW COUNCIL MEMBERS

Council President Sanders invited the newly elected Councilors, who were present in the audience, to step to the front of the dais to be sworn in. City Administrator/Recorder Mills requested that all of the previously elected Councilors also be sworn in, explaining that doing so would resolve a potential housekeeping issue with the administration of their original Oaths of Office. Councilors Meyer, Wells and Mallen joined Councilors-elect Orr and Montgomery in front of the dais. Administrative Assistant Linda Stevens administered the Oath.

Council President Sanders, whose term expired with the swearing in of new Councilors handed the meeting gavel to new Council President Sheldon Meyer and the new Councilors took their seats at the dais. Council President Meyer requested that Mr. Sanders not leave the meeting just yet and he proceeded to read aloud a letter to Dunes City citizens from Mayor Ruede.

*January 12, 2017*

*Dear citizens, friends and neighbors,*

*I truly regret that I am unable to be with you this evening. As some may know, I am in treatment for ovarian cancer. The chemotherapy is at the halfway point now and my immune system is significantly compromised. My doctor advises that any illness would be a major setback and that I must avoid public spaces at this time. I am at home and can be reached by phone. Our City Manager calls me at least weekly and whenever there are things that need attention.*

*I want to express my sincere appreciation to retiring Councilors Ed Scarberry, Ken Platt, and Council President Maurice Sanders.*

On behalf of Mayor Ruede, Council President Meyer presented a Community Service Award plaque to Mr. Sanders in appreciation of his outstanding service and leadership to the City of Dunes City.

Council President Meyer continued to read Mayor Ruede's letter to the community:

*They have served our community with outstanding loyalty, uncompromised diligence and gracious hearts.*

*Continuing Councilors Duke Wells and Sheldon Meyer are joined by re-elected Tom Mallen, newly elected Alan Montgomery and Robert Orr, which leaves us with one Council vacancy. If you have an interest in being appointed to serve with us, please call or come by the office.*

*As this New Year begins, there is a lot of unfinished business to move forward and I am confident that this outstanding team, along with our capable staff, will work together to get it done for the benefit of all.*

*Thank you everyone for your vote of confidence in the election and I look forward to being back with you very soon.*

*Your humble servant,  
Rebecca Ruede, Mayor*

## **6. CONFIRMATION OF APPOINTMENT OF COUNCIL PRESIDENT**

City Administrator/Recorder Mills suggested that, in light of the fact that new Councilors were seated since Councilor Meyer's appointment as Council President in December, a motion to confirm agreement on his appointment would be appropriate.

**Councilor Wells made a motion to confirm Sheldon Meyer as Council President. Councilor Mallen seconded the motion. The motion passed by unanimous vote.**

## **7. APPROVAL OF THE AGENDA**

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

## **8. CONSENT AGENDA**

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

## **9. ANNOUNCEMENTS / CORRESPONDENCE**

City Administrator/Recorder Mills requested that Councilors cancel the scheduled Budget Committee meeting on January 19<sup>th</sup> at 5:30 pm. There were no objections. The new date will be determined and announced at another time.

Council President Meyer read aloud the remaining announcements from the meeting Agenda.

- A. A big Thank You goes out to Robin Mills, Paulina Orozco and Paul Koepsell for helping to clear Hellkat Trail when it was blocked by a fallen tree.
- B. Birthday wishes to Road Secretary Laurale Lorentzen on January 12<sup>th</sup>. Refreshments will be served after the meeting and everyone is invited to stay and partake.
- C. Reminders to City Councilors and Planning Commission members: your Annual Statement of Economic Interest must be filed online with the State Ethics Commission by February 15, 2017.

There was some discussion about the filing date. City Administrator/Recorder Mills suggested that everyone watch for announcements from the Commission and guidelines for filing.

- D. Councilors, please mark your calendars as City Day at the State Capitol is February 8, 2017. More information will follow.

Council President Meyer explained that he attended City Day last year and found that it was a great opportunity to network with Councilors from other cities and to meet some of the State representatives in person. He encouraged anyone who could attend to do so and to make arrangements with City Administrator/Recorder Mills.

## **10. CITIZEN INPUT**

There was none.

## **11. NEW BUSINESS**

- A. Installation of Assigned Radio System Setup at City Hall by Florence Amateur Radio Emergency Services (ARES)

City Administrator/Recorder Mills referred Councilors to a copy of an email from Mr. John Pershing of ARES, that described a proposal to store a semi-permanent emergency radio kit at Dunes City Hall. She introduced Messrs. Bob Pine and Walt Zandi who were in the audience to provide details about the proposal.

Mr. Pine, the Emergency Coordinator for the West Lane Amateur Radio Emergency Service/Radio Amateur Civil Emergency Service, introduced himself. He explained that ARES is an associate member of WLEOG and their job is to help provide communications throughout the area in the event of a disaster when telephone, internet and other forms of communication go down—in that scenario, Dunes City would be cut off from Florence, its Emergency Operations Centers and any form of communication with other Emergency Operation Centers. He went on to explain that ARES' goal is to keep the Florence, Dunes City and Mapleton areas in communication with the WLEOG Center in Florence after a disaster.

Mr. Pine explained that in disaster training exercises, such as the Cascadia Rising drill last year, ARES was able to keep Dunes City in touch with the WLEOG Center in Florence by providing radio equipment and volunteer operators to Dunes City Hall. The proposal to store a two-way VHF/UHF radio, antenna, laptop computer and support equipment at Dunes City Hall would make it easier and faster for a volunteer to set up and start voice and digital communications. Except for the antenna, all of the equipment could be stored in a secure location out of sight until it's needed—the antenna would need to be hard-wired into the City Hall building.

Council President Meyer asked Mr. Pine if the group would be comfortable storing their equipment at City Hall, and Mr. Pine said that it would be as long as it was safeguarded as well as City-owned equipment.

Council President Meyer asked about the training that ARES would be willing to provide. Mr. Pine noted that ARES members, Mr. Zandi and Mr. Pershing, both reside in Dunes City and the group is working with Councilor Orr to get his license. He noted also that the group would be willing to train anyone else who might be interested in being a licensed operator—they are always looking for trainees to get licensed so they can help in an emergency situation. An orientation meeting is set for 11:00 am on February 11<sup>th</sup> at the Siuslaw Valley Fire Station on Highway 101.

**Councilor Wells made a motion to go ahead with the proposal. Councilor Mallen seconded the motion. The motion passed by unanimous vote.**

The ARES group will work with City Administrator/Recorder Mills on the installation of the equipment.

B. Siuslaw Watershed Council Membership

Council President Meyer referred Councilors to their copies of an email from the Siuslaw Watershed Council in which the group requested Dunes City's continued support. City Administrator/Recorder Mills explained that Dunes City has not in the past contributed financially to SWC, nor has Dunes City been a member, but the SWC helps Dunes City. She noted that she believed it was a good idea for the City to be a member of SWC and be actively involved in it.

**Councilor Mallen made a motion to approve the twenty-five dollar membership fee. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

C. Set Goal Setting Session and Ethics Training

City Administrator/Recorder Mills explained that the Mayor tentatively suggested that the Goal Setting Session be set for 3:00 pm on Tuesday, January 17<sup>th</sup>, but noted that the Mayor most likely would not be able to attend.

Following discussion, it was agreed that the Goal Setting Session be scheduled for 4:00 pm on Thursday, January 19<sup>th</sup>.

City Administrator/Recorder Mills suggested that the Council set a date for Ethics Training, which the City's attorney has offered to provide for both Councilors and for City Staff. Following discussion, it was agreed that the training would be scheduled for 1:30 pm on Tuesday, January 17<sup>th</sup>.

D. Sports Management Summit Attendance

Council President Meyer referred Councilors to their copies of the registration information for the Oregon Sports Summit. Councilor Orr noted that he was already registered and planned to attend. City Administrator/Recorder Mills noted that, to date, no City Staff has registered but that at least one should attend. She explained that this is the last year that

Best in the West Events has agreed to manage the Oregon Dunes Triathlon and, although the City may contract with Best in the West Events in the future, it would be useful to have in-house knowledge of sports events management.

E. Resolution Series 2017, No. 1 (1/12/2017) Setting Recreational Marijuana Sales Tax Rate

City Administrator/Recorder Mills explained that in November, 2016, voters approved a 3% tax on the sale of recreational marijuana items and, while most cities are imposing the 3% tax, Dunes City could opt for a lesser percentage to attract businesses to the City. Council President Meyer clarified that currently there are no marijuana-related businesses in Dunes City but, should any come in, the tax allows the City to collect revenue from sales.

During discussion, City Administrator/Recorder Mills explained that the State is very strict about the locations of recreational marijuana sales businesses and very particular about recreational grow facilities, but currently Dunes City has no Code addressing any of its own restrictions. She noted that Staff fields calls about applications for various marijuana-related businesses about once a week.

In other discussion, it was suggested that Dunes City might need to amend its Zoning and Development Code to allow for recreational marijuana businesses but there needs to be much more discussion about the types of City regulations, if any, that would be necessary. City Administrator/Recorder Mills clarified that the proposed tax applies only to recreational marijuana items, not to medical marijuana products.

**Councilor Wells made a motion to set Dunes City's tax rate at three (3) percent for marijuana sales. Councilor Mallen seconded the motion. The motion passed with four votes in favor, none opposed, no abstentions, and two absences including one vacancy.**

F. Ordinance No. 243 – Amends Ordinance No. 239 Relating to Collection of Tax on Retail Sales of Recreational Marijuana Items

Council President Meyer read from a script prepared for the first reading of Ordinance No. 243. “A proposed ordinance requires two readings before it is enacted. Dunes 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.”

Council President Meyer asked City Administrator/Recorder Mills whether all of the requirements for posting had been met. They had been. Council President Meyer then asked Councilors whether any would like the ordinance to be read in full. None did.

**Councilor Mallen made a motion to read the Ordinance by title only. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

Council President Meyer read aloud the title of Ordinance No. 243, “An ordinance amending Ordinance No. 239 relating to collection of a tax on the retail sales of recreational marijuana items in the City of Dunes City, and other matters properly relating thereto.”

Council President Meyer opened the agenda item for public comment at 7:40 pm and asked if there was anyone in the audience who would like to comment on the ordinance. There was no one. Council President Meyer closed the public hearing/comment period at 7:41 pm.

Council President Meyer asked if there was a motion to change the language of Ordinance No. 243 as presented. There was none.

**Councilor Mallen made a motion to have the second reading of Ordinance No. 243 by title only. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

Council President Meyer again read aloud the title of Ordinance No. 243, “An ordinance amending Ordinance No. 239 relating to collection of a tax on the retail sales of recreational marijuana items in the City of Dunes City, and other matters properly relating thereto.”

**Councilor Mallen made a motion to accept the wording of Ordinance No. 243 as presented and to adopt and pass Ordinance No. 243. Councilor Wells seconded the motion.**

Council President Meyer requested a roll call vote, which was conducted by City Administrator/Recorder Mills.

**Councilors Montgomery, Wells, Mallen and Orr all voted in favor. There were no votes opposed, no abstentions, and two absences including one vacancy on the Council.**

Council President Meyer declared Ordinance No. 243 adopted and effective in thirty (30) days. City Administrator/Recorder Mills explained that Ordinance No. 243 primarily allows for Dunes City to enter into an intergovernmental agreement with the Oregon Department of Revenue to collect the tax on recreational marijuana items, a provision that was not in Ordinance No. 239.

#### G. Ordinance No. 241 – Animal Control Code

Council President Meyer read from a script prepared for the first reading of Ordinance No. 241. “A proposed ordinance requires two readings before it is enacted. Dunes 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.”

Council President Meyer asked City Administrator/Recorder Mills whether all of the requirements for posting had been met. They had been. Council President Meyer then asked Councilors whether any would like the ordinance to be read in full. None did.

**Councilor Mallen made a motion to read Ordinance 241 by title only. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

Council President Meyer read aloud the title of Ordinance No. 241, “An ordinance repealing Title IX, Chapter 92 of the Dunes City Code of Ordinances; repealing Ordinance Number 178, adopted June 9, 2005; adding a new Title IX, Chapter 92 of the Dunes City Code of Ordinances entitled ‘Animal Control Code’; and other matters relating thereto.”

Council President Meyer opened the agenda item for public comment at 7:45 pm and asked if there was anyone in the audience who would like to comment on the ordinance. There was no one. Council President Meyer closed the public comment period at 7:46 pm.

Council President Meyer announced that he would entertain motions to change the language of Ordinance No. 241 as presented. There were no motions to amend language.

**Councilor Wells made a motion to read Ordinance No. 241 for the second time by title only. Councilor Mallen seconded the motion. The motion passed by unanimous vote.**

Council President Meyer read aloud the title of Ordinance No. 241 for the second time, “An ordinance repealing Title IX, Chapter 92 of the Dunes City Code of Ordinances; repealing Ordinance Number 178, adopted June 9, 2005; adding a new Title IX, Chapter 92 of the Dunes City Code of Ordinances entitled ‘Animal Control Code’; and other matters relating thereto.”

**Councilor Wells made a motion to accept the wording of Ordinance No. 241 as presented. Councilor Mallen seconded the motion.** At the suggestion of City Administrator/Recorder Mills, no vote was taken in order to allow Councilors to discuss the proposed Ordinance. Council President Meyer opened the meeting to discussion.

Councilor Montgomery noted that, according to a February 2010 *Register Guard* article, only 30% of dogs in Lane County are licensed. He went on to state that if Lane County voters did not support animal control by the County, he could not support such an ordinance in Dunes City. He cited a reference from the American Veterinary Medical Association stating that 64% of American households had pets, and according to the ASPCA, 36% of those pets are dogs. After some mathematical calculations using those numbers and a total of about 609 households in Dunes City, he estimated that the number of dogs that could be licensed in Dunes City worked out to be about forty-two, with a resulting income to the City (based on the Ordinance’s associated fee schedule) would be between \$1,764 and \$756, not enough revenue to cover the cost of City Staff’s work.

Responding to a question from Council President Meyer, City Administrator/Recorder Mills explained that Staff received about one dog-related complaint a week. She also explained that the proposed fee schedule would cover Staff time to issue licenses, and she noted that the City of Florence is looking at the possibility of entering into an IGA with Lane County to issue licenses and investigate complaints. She went on to explain that Animal Control Ordinance No. 178, currently on the City's books, is outdated in that it references Dunes City's IGA with Lane County's Animal Regulation Authority to handle licensing and complaint investigations; the IGA expired in 2007, that Authority no longer exists and the County no longer provides animal control licensing and services to small municipalities. She went on to note that most, but not all, residents are responsive to her follow through on complaints about animals, and the proposed Ordinance would allow a Dunes City official to issue licenses and investigate complaints or allow the City to enter into an IGA with another entity to do so.

Responding to questions from Councilor Orr, City Administrator/Recorder Mills explained that the City had adequate Staff to enforce the Ordinance, unless a complaint involved a very dangerous dog. Councilor Orr noted that the Ordinance requires all dogs to be current on their vaccines before they could be licensed, a detail he considered a positive. He expressed his support for the Ordinance.

Councilor Wells remarked that he had not spoken to any residents who were in favor of the Ordinance—and he has been reaching out to residents for about two months since the issue was first raised in a Council meeting. He expressed concern about the license cost to residents who have kennels in Dunes City, many of whom may be on fixed incomes. He stated that he was not in favor of the Ordinance because it takes the City in a direction he would not want to see it go.

Councilor Mallen remarked that he was very much against the Ordinance—it is too long and too complicated. He went on to note that he felt it was over reaching by huge magnitudes for a community the size of Dunes City. He explained that he found, after talking to residents, that many residents moved to Dunes City to get away from extreme regulations, such as this one, that were imposed on their former areas. He expressed concern about the added workload for the City Code Enforcement Officer, and Staff is not adequately equipped to handle the additional workload.

City Administrator/Recorder Mills reminded Councilors that, although it is outdated, there is an Ordinance dealing with Animal Control issues on the books. She asked that the Council give her instructions for drafting an Ordinance to repeal the current Animal Control Ordinance and guidance for dealing with complaints about vicious dogs.

In further discussion, it was noted that a priority for the Council is the safety of residents, vicious dogs and unvaccinated dogs pose a potential safety issue. There were some comments about the possibility of rewording the proposed Ordinance to clarify and shorten it. Councilor Mallen noted that in other rural communities, residents know whose dog is whose and deal with problems by contacting the animal's owner. He also noted that in the event of a dog bite, the dog would be caught and taken to a vet to be tested for rabies, if it

wasn't wearing a current tag, and the victim and the animal owner would resolve the issue. Councilor Wells remarked that people need to take individual responsibility for their pets, and any other issues that might affect their neighbors, and work with neighbors to solve problems. Councilor Wells also noted that the Staff Report for the proposed Ordinance indicated that the City Council could choose to repeal Ordinance No. 178 and not provide animal control services to its residents at all—he was inclined toward that option.

Following discussion, there was no consensus to vote on the motion to accept the wording of Ordinance No. 241 as presented.

**Councilor Montgomery made a motion to repeal Ordinance No. 178 in its entirety and not provide animal control services to its residents at all. Councilor Mallen seconded the motion. The motion passed with three votes in favor (Councilors Wells, Mallen and Montgomery) and one opposed (Councilor Orr).**

## 12. UNFINISHED/OLD BUSINESS

### A. Resolution Series 2017, No. 3 (1-12-2017)

City Administrator/Recorder Mills reported that Staff's recommendation is to delay entering into an IGA with Oregon's Department of Revenue for the collection of marijuana retail sales taxes until Dunes City actually has a licensed marijuana retail sales outlet. She noted that the costs associated with entering into an IGA at this time could exceed any potential revenue to the City.

**Councilor Wells made a motion to follow Staff's recommendation and not enter into an IGA until Dunes City has a licensed marijuana retail sales outlet. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.**

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

City Administrator/Recorder Mills explained that the City now has deeded access to the undeveloped roadways and she requested that the Council form an Ad Hoc Committee for the purpose of reviewing the platted roadways to determine which, if any, of them the City should retain for future use for such things as potential storage areas or other uses. She recommended that this process be complete before the City announces that the roadways are available to residents who might be interested in acquiring them.

Councilors Orr and Montgomery volunteered to be the Ad Hoc Committee members to work with City Administrator/Recorder Mills.

## 13. REPORTS

Mayor's Report: Council President Meyer noted that in the interim since setting the time for the Goal Setting Session on January 19, he realized that he cannot meet until 5:00 pm. He suggested changing the start time for the meeting from 4:00 pm to 5:00 pm. There were no

objections. He went on to note that Mayor Ruede's letter to the Council and residents was read into the record earlier during the meeting and constituted the Mayor's Report.

Community Center Report: Councilor Wells reported that there were some lighting fixtures in City Hall that needed repair and he would work on that project. He also volunteered to work with the ARES group on the placement for antenna and the cable they need to install.

Site Review Report: Council President Meyer noted that there was no report.

Water Quality Committee Report: Council President Meyer reported that water testers have been testing on a regular basis and there have not been any reports of toxic algae issues on Siltcoos Lake and, in fact, water quality has improved. He also reported that water quality of Woahink Lake remains very good.

Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that she met with the Public Works Maintenance Supervisor and mapped out a plan for road maintenance this year. The plan is to start mowing, sweeping and trimming beginning at Highway 101 north of Clear Lake Road and work on every road to Canary. The project will include checking the drainage and making improvements where needed and replacing signage if necessary. City Administrator/Recorder Mills also reported that Johnson Rock will be re-sealing Rio Road this spring—the slurry seal that was applied last year has failed but the application was under warranty by Johnson Rock and they will honor their warranty.

Emergency Services Report: City Administrator/Recorder Mills reported that there was no WLEOG meeting in December.

City Administrator/Planning Report: City Administrator/Recorder Mills reported that her summary was included in the Councilors' packets and is on file at City Hall. She went on to report that Dunes City had a total construction value of \$1.48 million dollars in 2016, according to the City's annual Building Report.

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

Councilor Orr reminded everyone that he had volunteered to represent Dunes City at the Lane ACT meetings. He reported that the regularly scheduled meeting was cancelled due to the inclement weather and he was unable to attend an emergency teleconference meeting, but he will attend future meetings.

Councilor Wells wished Mayor Ruede a speedy recovery and welcomed the new Councilors.

Council President Meyer also welcomed the two new Council members and asked City Administrator/Recorder Mills to work on filling the Council vacancy created by Councilor Platt's resignation as soon as possible. City Administrator/Recorder Mills agreed to do so and noted that she would also contact the third place write in candidate to find out if he would be interested in applying for the vacancy.

**15. ADJOURNMENT**

**Councilor Orr made a motion to adjourn. There was no second and no vote taken.**

Council President Meyer adjourned the meeting at 8:18 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 9<sup>th</sup> DAY OF FEBRUARY 2017.**

[Signed copy available at City Hall]  
Sheldon Meyer, Council President

ATTEST:

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