



**CITY COUNCIL MEETING MINUTES ~ APPROVED
JUNE 11, 2015 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 June 11th meeting of the Dunes City Council to order at 7:00 pm.

2. ROLL CALL

Roll Call was taken by City Administrator/Recorder Fred Hilden.

Present: Mayor Rebecca Ruede, Council President Jamie Mills, Councilor Ed Scarberry, Councilor Ken Platt, Councilor Maurice Sanders, Councilor Duke Wells, and Councilor Sheldon Meyer.

Also Present: City Administrator/Recorder Fred Hilden, Administrative Assistant Rapunzel Oberholtzer, Planning Commission Chairman Paul Gargis, resident Jan Galbraith, and other citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. CONSENT AGENDA

Councilor Sanders made a motion to approve the Consent Agenda. 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. The Budget Committee met on May 19th and approved the 2015-2016 Budget with a recommendation to forward it to the City Council for adoption.

- B. Dunes City is seeking artists and photographers who would like to display their art in the Council Chambers. Anyone interested in displaying their work should contact City Hall.
- C. Volunteers are needed to fill three Budget Committee openings, one Communication and Education Committee opening, one Ordinance Review Committee opening, one Planning Commission opening, two Road Commission openings, two Water Quality Committee openings, one Water Tester for Siltcoos Lake, and one Parks and Recreation Committee opening.

Mayor Ruede invited anyone interested in volunteering to contact City Hall.

7. CITIZEN INPUT

Mayor Ruede called upon Planning Commission Chairman Paul Gargis who signed in to provide citizen input. He requested to speak later in the meeting to address a specific Agenda item. Mayor Ruede agreed to his request.

Mayor Ruede recognized Dunes City resident Jan Galbraith, who also signed in to comment. Ms. Galbraith volunteered to help work on the City's Disaster Preparedness Plan.

8. Public Hearing

- A. Resolution Series 2015, No. 3 (06/11/2015) – Adopting Dunes City Fiscal Year 2015-2016 Budget

Mayor Ruede announced the Public Hearing on the Dunes City Fiscal Year Budget for 2015-2016. A notice of the meeting was published in *The Siuslaw News* on June 6th, 2015, consistent with State Budget Law. A copy of the Budget as approved by the Dunes City Budget Committee on May 19th, 2015, has been available at City Hall since that date.

Mayor Ruede opened the Public Hearing for the Dunes City Budget for fiscal year 2015-2016 at 7:05 pm.

Mayor Ruede asked if there was anyone in the audience who would like to comment on the Budget. There was none. Mayor Ruede closed the Public Hearing at 7:06 pm.

Mayor Ruede requested a motion to adopt Resolution Series 2015, No. 3 adopting the Dunes City 2015-2016 Fiscal Year Budget. Councilor Meyer made the motion as stated. Council President Mills seconded the motion.

Mayor Ruede asked if any Councilors had questions or comments on the Budget. Councilor Sanders pointed out that under Other Resources on page six of the State Street Fund budget presented to the Council it appeared a line item discussed during Budget Committee meetings was missing and should be added with a zero balance. City Administrator/Recorder Hilden agreed, noting that the oversight would be corrected and the item would be added as line ten

with the description agreed upon during the May 19th Budget Committee meeting, “Cost Sharing Maintenance Revenue.”

Councilor Meyer withdrew his motion and Council President Mills withdrew her second.

Councilor Meyer made a motion to approve the 2015-2016 Budget as amended. Council President Mills seconded the motion.

Council President Mills commended the Budget Committee and City Staff for all of their hard work and for creating a truly balanced budget in line with the City Council’s goal for doing so.

The motion passed with six ayes, no nays, no abstentions, no absences and no vacancies.

9. NEW BUSINESS

A. Volunteer of the Year Award Selection

City Administrator/Recorder Hilden explained that during May of each year, the City accepts nominations for its annual Volunteer of the Year Award, a program suggested by Councilor Wells and initiated by the City in 2012. He went on to note that this year there was a nomination for William (Bill) Harris, a Dunes City Road Commissioner, who not only maintains his assigned section of roadways but also helps in all of the other sections. He read aloud the nomination as delivered to the City by a resident:

Bill has consistently spent hours and hours of this time maintaining his section of Dunes City roads—repairing and installing road signs, maintaining drainage ditches, and mowing and brushing the edges of the streets. Plus, he helps maintain the equipment and tools the City uses for road maintenance. Last year, during the slurry seal work, he spent hours personally contacting residents about the project to make sure they knew when the work would be done and what to expect during the work.

In addition, Bill is a really, really nice man and has served as a Road Commissioner for several years. I live in Bill’s section of roads and I really appreciate all of his hard work and dedication.

Councilor Wells made a motion to nominate Bill Harris as the 2015 Volunteer of the Year for Dunes City. Councilor Sanders seconded the motion.

During discussion of the motion, Councilor Sanders noted that Mr. Harris not only maintains his assigned section of roads but also stepped up to work other sections of roads and to repair and replace signs and sign posts throughout the City—all with a “happy to volunteer to help attitude.”

Mayor Ruede noted that the award would be presented during July Council meeting.

The motion passed by unanimous vote.

B. Oregon Dunes Triathlon Volunteer Award

Mayor Ruede explained that this award was the result of Dunes City's commitment to donate \$250 to the organization that provided the most volunteers for the Oregon Dunes Triathlon and Duathlon. Several organizations accepted the challenge and sent volunteers to work the event but Florence Lodge #107 AF & AM sent the most volunteers.

City Administrator/Recorder Hilden introduced Ramsey Hunt who was present to accept the award. On behalf of Dunes City, Mayor Ruede presented Mr. Hunt with a check for \$250 and a commemorative certificate. Mayor Ruede went on to thank the Lodge for providing so many volunteers and reminded everyone that volunteers are key to a successful Tri/Du event every year.

C. Mayors Conference July 30th – August 1st

Mayor Ruede noted that although attending the Conference was an expense for the City she would like the Council's approval to attend. Council President Mills remarked that since Mayor Ruede began attending the annual Conferences, she has expanded the City's number of contacts and resources for information and getting things done.

Councilor Sanders made a motion to authorize Mayor Ruede to attend the Mayors Conference July 30th through August 1st. Councilor Wells seconded the motion.

City Administrator/Recorder Hilden pointed out that last year the City received a fully paid scholarship for the Mayor to attend the Conference and noted that there was a good possibility the City would receive some sort of scholarship again this year.

The motion passed by unanimous vote.

D. 4th Annual Oregon Coast Economic Summit August 26th – 27th

Mayor Ruede directed the Councilors' attention to the information about the Economic Summit that was in their meeting packets and requested the Council's approval to send a representative to attend the Summit. She noted that the invitation to attend was personally sent by Senator Roblan.

Councilor Sanders made a motion to authorize Mayor Ruede or her designee to attend the Summit. Councilor Wells seconded the motion. The motion passed by unanimous vote.

E. Accessory Building Code Update (Chapter 155, Zoning and Development)

Mayor Ruede introduced Planning Commission Chairman Paul Gargis and invited him to talk about the Agenda item. For reference, City Administrator/Recorder Hilden distributed

copies of the Planning Commission's proposed changes to Chapter 155's Accessory Building Code language to the Councilors.

Chairman Gargis explained that this item was on the Agenda for discussion about whether or not it would be possible for the City to pass an Ordinance adopting the proposed Accessory Building Code language soon, rather than waiting for all of the revised Chapter 155 to be adopted by Ordinance. He went on to explain that with the new subdivisions that have been approved in Dunes City and the increase in new building activity recently, there was a potential for accessory buildings to be constructed that exceed the permitted 32 feet height restriction on residential buildings; the Planning Commission's proposed changes to the Accessory Building Code eliminate that possibility.

There was some discussion about the current Code and the thought behind changing it. City Administrator/Recorder Hilden clarified, noting that the Planning Commission had not made a recommendation on an Ordinance to adopt the Accessory Building Code changes separately from the rest of Chapter 155; the Agenda item was suggested by Mr. Gargis as a private citizen, not as a member of the Planning Commission. He pointed out that an Ordinance adopting the Accessory Building Code would require the City to proceed with the land use adoption process with a Citizen Advisory Committee (CAC) review, public hearings, staff reports, etc.

There was further discussion about existing Code, accessory buildings, whether or not anyone had applied for a permit to construct a large accessory building, and how long it would take City Staff to complete work on all of Chapter 155. Administrative Assistant Rapunzel noted that work on Chapter 155 revisions could possibly be complete by October and City Administrator/Recorder Hilden pointed out that during the Planning Commission's review of Chapter 155 many details were assigned to City Staff to research and finish.

In further discussion, Council President Mills explained that the process for adopting any land use ordinance involved the Planning Commission appointing a CAC, a CAC review and report to the Planning Commission, staff reports and findings of facts, public hearing by the Planning Commission, Planning's recommendation to the City Council, staff reports for the Council, City Council public hearing, and so forth. There was also discussion about the possibility of a moratorium on accessory buildings. Regarding a moratorium, City Administrator/Recorder Hilden pointed out that the City Charter, which was modified in March, 2007, by vote of the people reads, "Elector approval by city wide vote shall be required prior to the enactment of any moratorium on construction or land development."

It was generally agreed by all that City Staff should continue to work on completing changes to Chapter 155 as quickly as possible and that the entire Chapter should be considered in a single ordinance rather than breaking out the Accessory Building language in a separate ordinance.

F. Staffing Options

City Administrator/Recorder Hilden explained that this subject was on the Agenda from a suggestion by Councilors Wells and Meyer to explore options to show appreciation for City Staff. He went on to comment that the budget for fiscal year 2015-2016 reflected efforts by the Budget Committee and City Staff over several years to bring expenses under control and in line with income. He noted that while he agreed with the idea of rewarding City Staff, the City has limited financial resources to do so. He encouraged the Council to explore and discuss various ideas.

Council President Mills reminded everyone that one of the ideas that had been discussed was to put more of City Staff on payroll. In light of that idea, she looked at the Oregon Administrative Rules which state that any employee who works for the City for more than 600 hours a year must be in PERS. She explained that the City would have to contribute to PERS and that makes the City payroll idea a more expensive option than the payroll service the City currently uses.

Councilor Wells explained that his suggestion to find a way to reward Staff was not so much for the PERS contribution but a way to provide a sense of job security for Staff. He wondered if it would be possible for the City to opt out of PERS or to challenge the requirement to contribute. He went on to note that the office no longer has the staff turnover that it once did, which has saved the City some money. He acknowledged the financial concerns about City payroll for Staff but remarked that Staff should have more than a thank you and a pat on the back for their hard work.

There was some discussion about the feasibility of payrolling one key employee and whether that would save the City money. Councilor Sanders suggested looking into the cost savings. City Administrator/Recorder Hilden agreed to do so. Council President Mills noted that the City's stipend for insurance is not mandatory and suggested that the City Administrator look at the numbers for payrolling an employee both with and without the insurance stipend. Councilor Meyer agreed with Councilor Wells' opinion about the value of City Staff. He noted that the Council needed more information about the PERS and insurance costs and requirements but the City should try to find a way to convert the current Staff City employees. Councilor Wells suggested that becoming a City-paid employee could be an option for Staff. Councilor Scarberry suggested looking into whether Dunes City could opt out of PERS based on its small staff size. Mayor Ruede agreed that the issue warranted investigation, if not for this year for the future.

G. Ordinance No. 178 (Regulation of Dogs and Animals)

Council President Mills explained that this subject was on the Agenda because Staff received complaints about a dog and needed direction on how to deal with it according to City Code, which is currently governed by Ordinance No. 178. She went on to note that a couple of years ago the Ordinance Review Committee presented the Council with a new ordinance that would repeal Ordinance No. 178, but no action was actually taken.

Mayor Ruede pointed out that Ordinance No. 178 was outdated in its reference to Dunes City Municipal Court, which does not exist. City Administrator/Recorder Hilden noted that the Lane County Animal Regulation Authority, referenced in the Ordinance, no longer existed. Council President Mills noted that a Nuisance Ordinance could include dog-related issues.

Mayor Ruede called for a break at 8:05 pm and reconvened the meeting at 8:12 pm.

During the break, City Administrator/Recorder Hilden reviewed the City's Nuisance Ordinance, which is Ordinance No. 220 passed March 14, 2013, and found Section 91.04 regarding public peace which states, "No person shall create or assist in creating or permit the continuance of unreasonable noise in the City. The following enumeration of violations of this section is illustrative of some unreasonable noises, but is not exclusive: 1. Keeping an animal that causes annoyance, alarm, or noise disturbance for more than fifteen (15) minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property..." He noted that the Nuisance Ordinance covered the complaints the City has recently received and Ordinance No. 220 should have repealed Ordinance No. 178.

Councilor Sanders pointed out that Ordinance No. 178 was the only City Code that regulates kennel licensing and operations. City Administrator/Recorder Hilden noted that Chapter 155, Land Use Code, limited the number of animals allowed but did not deal specifically with kennel operations. Council President Mills suggested that the issues be referred to the Ordinance Review Committee for consideration and a recommendation to the City Council. There were no objections to her suggestion.

10. UNFINISHED /OLD BUSINESS

A. Siuslaw School District Construction Excise Tax (CET)

City Administrator/Recorder Hilden explained that this subject was on the Agenda as a follow up to previous Council discussions about whether or not the City could increase the percentage of the tax it retains from collecting the construction excise tax. He pointed out that Senate Bill 1036 caps the amount of money the City can keep at one percent of tax revenues. He went on to note that Dunes City is required by law to collect the Construction Excise Tax on behalf of the Siuslaw School District and the City cannot opt out of collecting the money.

Councilor Sanders expressed concern about the fact that the Intergovernmental Agreement (IGA) between the City and the School District has no termination clause and the City is locked into the Agreement until the Senate Bill sunsets. He also noted that the language in Senate Bill 1036 uses "may" rather than "shall" and "may" does not sound mandatory. Councilor Scarberry pointed out that Item 10 of the Intergovernmental Agreement states, "This CET Collection IGA may be amended by mutual written agreement of the Parties."

He went on to note that Lane County would not agree to the 1% limitation and is keeping 4% of the revenue it collects. He wondered if there was any possibility that the City could renegotiate its Agreement with the School District and keep more than 1% of the tax or stop collecting the tax altogether and take that task off of City Staff.

There was some discussion about the Lane County Agreement and Councilor Scarberry agreed to help City Staff acquire a copy of it for reference.

Mayor Ruede requested that the subject be kept on the Agenda for the July meeting. She went on to point out that Dunes City residents might not like the idea of having to go to the school office in Florence to pay for a construction permit and then have to go to Dunes City Hall to obtain the permit.

11. REPORTS

Mayor's Report: Mayor Ruede noted that she did not have a report but she thanked the Budget Committee and everyone who participated in the budget process this year. She went on to say that some innovative ideas came out of the Budget meetings but the City needs more volunteers to serve on the Committee and if anyone is interested in volunteering they should contact City Staff.

Communication and Education Committee Report: Council President Mills reported that there was no meeting but she is working on articles for the next newsletter and is open to ideas or articles.

Ordinance Review Committee Report: Council President Mills reported that the Committee did not meet but will meet soon to discuss the animal control regulations.

Community Center Report: Councilor Wells asked whether it would be appropriate to look at having a professional inspect the siding on the Community Center, now that the Budget has been adopted. City Administrator/Recorder Hilden suggested sending out a request for a quote to do the inspection and repair.

Conservation Committee Report: Councilor Platt reported that there was no activity.

Parks and Recreation Committee Report: Councilor Scarberry reported that he was gradually removing all of the debris from the cleanup around the Overlook area and that his property in Dunes City is now free of Scotchbroom. The next Parks and Recreation Committee will be in August and there is a vacancy on the Committee.

Road Commission Report: Councilor Sanders reported that the bids for work on Russell Drive and Rio Drive were opened and were a little higher than expected, but he and the City's Public Works Director, City Engineer and City Administrator are working on a solution to bring the cost of the project down. He went on to report that he attended the Lane ACT meeting by telephone and learned that there is some interest in developing bicycle and pedestrian paths to accommodate more than walking and biking from point A to point B; he will keep the Council

apprised of further ideas on the subject. Councilor Sanders noted that Volunteer of the Year, Bill Harris, has purchased a home in Coos Bay and will be moving out of Dunes City eventually; when he moves the Road Commission will be left with just two citizen members. Councilor Sanders suggested changing the Chapter 32 requirement for Commission members to reside within the Dunes City boundaries to allow Commissioners to reside on property that abuts the City limits, thereby expanding the pool of citizens from which volunteers could be recruited. He requested that the Council consider directing either Staff or the Ordinance Review Committee to look at changing the Code language. Mayor Ruede requested adding the subject to next month's meeting Agenda for further discussion. Council President Mills suggested that the Ordinance Review Committee draft an ordinance changing the Chapter 32 language and bring the draft to the next Council meeting. She went on to suggest that the residency requirement for all Commissions and Committees could be changed. Mayor Ruede agreed to the suggestions.

Water Quality Committee Report: Councilor Meyer provided copies of the water quality reports for the current month. He reported that test results remain consistently good and that reports will continue to be distributed to Councilors and, going forward, to the water testers.

Emergency Services Report: Council President Mills reported that she attended the May 18th WLEOG meeting and Emergency Operations Plan Executive Planning Committee meeting. The rewrite of the Emergency Operations Plan is moving along on track. The WLEOG budget was discussed and a five percent increase in dues was recommended along with several reductions in spending. Council President Mills went on to report that she participated in a mock emergency drill that provided some insight into areas that need to be improved. She left the EOP Executive Planning Committee meeting with a list of action items that she and City Administrator/Recorder Hilden will work on.

City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Hilden noted that two of Dunes City's former Mayors, Bob Read and Rob Ward, participated in this year's Budget Committee meetings and both were very helpful. He went on to report that he was still hearing positive feedback on the Mayor's presentation to the Rotary Club. The City's website now includes a Water Quality tab where the water test results are shown in an Excel spreadsheet. A property line adjustment needs to be done before the emergency generator and propane tanks can be installed. City Staff continues to work on the water database, Council President Mills has contributed a significant amount of information. City Staff also continues to work on the septic database, and has sent out letters reminding residents of the need to have their septic systems inspected; the letters have prompted responses from residents and Staff has been able to update property files and the database with inspection information that was not previously provided to City Hall. Council President Mills requested updates on several tasks (weir engineering work, City Hall's property line setback, the shared domestic water rights ordinance, and Oregon Dunes Triathlon and Duathlon sponsorship fees) which City Administrator/Recorder Hilden provided.

12. FOR THE GOOD OF THE ORDER

Councilor Platt, on behalf of the Florence Masonic Lodge, thanked the City for its \$250 award for providing the most Tri/Du volunteers.

Council President Mills pointed out that the Tri/Du banner was still up south of the bridge. Councilor Wells volunteered to remove it.

Councilor Sanders noted that Lane County has requested and received an official declaration of drought and asked whether there were any actions that Dunes City should take. City Administrator/Recorder Hilden agreed to look into the matter. Council President Mills pointed out that the governor's declaration of drought could lead to freeing some federal funding the City might be able to tap for perfecting its water rights.

Councilor Wells remarked that he has talked to several residents about ideas for keeping Dunes City roads maintained.

Mayor Ruede explained that she was approached by some residents who live on Siltcoos Lake about obtaining water from Woahink Lake. She noted that the idea would require some thought and further exploration. Council President Mills pointed out that the City's permit for Woahink water might restrict the way the City could provide Woahink water to Siltcoos area residents. Mayor Ruede suggested that the Water Quality Committee and others start talking about the idea, looking into whether or not it could be done and how it could be done so that the Council can be prepared to discuss the issue if a request is officially brought before the Council.

13. ADJOURNMENT

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

Mayor Ruede adjourned the meeting at 9:05 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 9th DAY OF JULY 2015.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder