



**CITY COUNCIL MEETING MINUTES ~ APPROVED
FEBRUARY 9, 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

1. CALL TO ORDER

Acting Council President Duke Wells called the February 9th, 2017, 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: Acting Council President Duke Wells, Councilor Tom Mallen, Councilor Alan Montgomery, and Councilor Robert Orr.

Absent and Excused: Mayor Rebecca Ruede and Council President Sheldon Meyer.

Also Present: Administrative Assistants Rapunzel Oberholtzer and Linda Stevens, Dunes City residents Barry Sommer and Robert Forsythe, the *Siuslaw News* community reporter Mark Brennan, and Vice President of Stakeholder Relations for Travel Lane County, Andy Vobora.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE CONSENT AGENDA

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

6. ANNOUNCEMENTS / CORRESPONDENCE

Acting Council President Wells read aloud from the list of announcements included on the Agenda.

- A. A heart-felt thank you goes out to Tree Works for removing the tree at the property of the septic hardship case, as well as to all the generous folks who contributed to get the work done.
- B. Also, another big thank you goes out to the Citizens for Fairness and Ethics in Government PAC that contributed \$265 toward the costs of Ethics Training for our new Councilors and Planning Commission members this year.
- C. Reminders to City Councilors and Planning Commission members: Your Annual Statement of Economic Interest must be filed online with the State Ethics Commission.

7. CITIZEN INPUT

There was none.

8. NEW BUSINESS

A. Appointment of new Council Member

Acting Council President Wells invited City Council applicant Robert Forsythe to introduce himself. Mr. Forsythe explained that he was a fairly new resident of Dunes City and wanted to be involved in the community where he lived. He went on to note that prior to moving to Dunes City he had lived in Florence where he was Chairman of the Environmental Management Advisory Committee and the Budget Committee, as well as manager of the Port of Siuslaw. He explained that he is still involved in several charitable organizations in Florence and also coaches the high school wrestling team. Before moving to Florence, he was Director of Procurement and Business Contracts at the University of California San Diego for many years and on several campuses.

City Administrator/Recorder Mills noted that Mr. Forsythe was a write-in candidate for City Council in last year's election and lost by one vote to Councilor Montgomery. Acting Council President Wells asked Councilors if they had questions for Mr. Forsythe. None did.

Councilor Montgomery made a motion to approve Mr. Forsythe for the City Council. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

Administrative Assistant Linda Stevens administered the Oath of Office to Mr. Forsythe. Councilors, Staff and the audience welcomed him to the Council and he took his place at the dais.

B. Appointment of new Planning Commission Member

Acting Council President Wells invited Mr. Sommer to introduce himself. Mr. Sommer explained that he recently retired and moved to Dunes City from Eugene. He went on to describe his background noting that he was originally from Los Angeles where he worked in retail with his father and also worked as a radio personality and an instructor for radio/TV voiceover school before moving to Oregon and beginning several new ventures. He explained that he was committed to giving back to the community and volunteering where he can, noting that he currently volunteers at the Oregon Coast Military Museum as an archivist is updating the museum's displays. He went on to thank the Council for considering his application to the Planning Commission.

Councilor Orr made a motion to approve Mr. Sommer for the Planning Commission. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

Councilors welcomed Mr. Sommer to the Planning Commission. City Administrator/Recorder Mills noted for the record that Mr. Sommer's term ending date would be January 9, 2020. Mr. Sommer will be sworn in during the next Planning Commission meeting.

C. Travel Lane County – Andy Vobora

Acting Council President Wells introduced Andy Vobora from Travel Lane County. Mr. Vobora presented a short video featuring highlights of events from around Lane County.

Mr. Vobora explained that Travel Lane County is a 501(C)(6) private, non-profit corporation, not actually a Lane County government entity. The County is required to invest its Transient Room Tax (TRT) funds in marketing tourism in Lane County and Travel Lane County has had the contract for marketing Lane County throughout the region, the state and the rest of the world for several years. Travel Lane County is also a membership-based group with members from localities throughout the County.

Mr. Vobora went on to present a slide show illustrating Travel Lane County's Fiscal Year 2016 Annual Report and the fiscal impact of the tourism industry in Lane County. He also discussed some statistics relating to tourism. Of note, a recent survey of mayors from around the country showed that travel and tourism are considered to be driving forces in economic growth. Mr. Vobora noted that the travel and tourism industry is still growing and, in Oregon during 2015, visitor spending brought in revenue of over \$11B and provided for more than 105,000 jobs.

Among the facts Mr. Vobora related:

- In Fiscal Year 2016, Travel Lane County marketing programs generated more than \$95M for local communities.

- In 2015 travel and tourism brought about \$633M in direct visitor spending to Lane County with \$10.5M in TRT receipts to Lane County and over 10,000 jobs.
- For every room tax dollar invested in Travel Lane County, almost \$40 in spending is returned or will return to Lane County's economy.
- Transient room tax collection in 2016 hit record high with June 2016 the highest monthly collection in history.
- Travel Lane County receives about \$2.4M of the local tax receipts and also generates revenue from membership dues and advertising.
- Travel Lane County is continually updating its website, adding new features and content. Last year the website received about 700,000 unique visitors.
- Travel Lane County's website features pages dedicated to Dunes City. A content manager continually updates the pages and Dunes City Staff can suggest content, upload City photos and videos and use Travel Lane County content. Last year over 2,600 people visited the Dunes City landing page.
- Travel Lane County's integrated marketing campaign uses geo targeting to digitally market specific locations in Lane County and to provide detailed information about places to go and things to do in each location.
- Travel Lane County markets to sporting event planners and meeting planners with highly successful, targeted campaigns focusing all of the things to do that are available in Lane County.
- Social media provides direct connections to visitors and Travel Lane County's social media followers continue to grow with Facebook leading the way at 12,000 followers in 2016 and Instagram followers up 79% in the past year.
- In other 2016 accomplishments, Travel Lane County partnered with wineries and breweries in promotional programs to attract visitors, worked with in-flight magazines to place ads and advertorials about Lane County, and worked with Google to launch digital tours of various trails and locations in the County.

A copy of Mr. Vobora's complete presentation is on file at City Hall.

There was some discussion about how Travel Lane County and the Sports Commission could help promote Dunes City events such as the Oregon Dunes Triathlon. Councilors thanked Mr. Vobora for his interesting presentation.

D. 2017 Oregon Dunes Triathlon

City Administrator/Recorder Mills explained that one of the 2017 goals set by the City Council was to try to get a better contract with Best in the West Events. She went on to explain that the name of the event, Oregon Dunes Triathlon, was at one time registered to Dunes City; however, the name registration expired in March 2015 and Dunes City did not renew the registration. Best in the West Events owner, Blair Bronson, subsequently registered the event under his name in 2016.

City Administrator/Recorder Mills pointed out that the event generated about \$3,000 in revenue for Dunes City last year, but that amount did not take into consideration the cost of City Staff's work in the office prior the event; if that cost is considered, the City does

not make money on the event. Since Dunes City no longer owns the name of the event, City Administrator/Recorder Mills asked Councilors for direction on moving forward—should Staff continue to solicit sponsors and continue to work on making the event more successful?

There was some discussion about the matter. It was noted that there is no written contract between Dunes City and Best in the West Events. Under the current “handshake” agreement, Dunes City receives 50% of the revenue from sponsors it commits to the event. City Administrator/Recorder Mills pointed out that during the last Staff meeting, Staff suggested the possibility of resurrecting the Paddle Only Poker Run event as a fundraiser. During discussion questions were raised about what the Tri/Du means to Dunes City, whether it is a business generating revenue or name recognition for Dunes City and the Florence area.

Following discussion, it was agreed that more conversation was needed and Councilors agreed to meet again in Special Session at a time to be determined within the next few days.

- E. Authorization for City Administrator to enter into an IGA with Lane Council of Governments for Oregon Water Resources Department Grant Application Prep

City Administrator/Recorder Mills explained that Dunes City has an opportunity for grant funding from the Oregon Water Resources Department for activities related to perfecting the City’s water right on Woahink Lake, including installing water measuring devices. She went on to explain that the grant funding is of such importance that she was reluctant to undertake writing the grant application herself and noted that Lane Council of Governments has a team of experts whose job is to assist with grant applications. She noted that there is a maximum cost to the City of \$5,000 for the service, and there is money in the City budget to cover the cost. She asked Councilors for permission to enter into the IGA.

Councilor Mallen made a motion to authorize the City Administrator to enter into an IGA with Lane Council of Governments for an Oregon Water Resources Department grant application. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

- F. Resolution Series 2017, No. 4 (2-9-2017) Approving Goals for Dunes City for the Year 2017

Acting Council President Wells introduced the Agenda item, noting that the Resolution was to adopt and approve the goals agreed upon in the January goal setting session of the City Council. He opened the Agenda item for public comment at 8:13 pm and asked if there was anyone in the audience who wished to comment on the Resolution. No one did, and Acting Council President Wells closed the public comment period at 8:14 pm.

Councilor Mallen made a motion to adopt Resolution Series 2017, No. 4 (2-9-2017). Councilor Forsythe seconded the motion. The motion passed by unanimous vote.

G. Ordinance No. 241-A – Repeal of Animal Control Code

City Administrator/Recorder Mills explained that the Council meeting officiator should ask for a motion to read the ordinance by title only and, if seconded, the vote on the motion would have to be unanimous. Following a unanimous vote, the Council meeting officiator would proceed to read the title of the ordinance.

Councilor Mallen made a motion to read by title only Ordinance 241-A. Councilor Orr seconded the motion. The motion passed by unanimous vote.

Acting Council President Wells read the title of Ordinance No. 241-A:

“An Ordinance repealing Title IX, Chapter 92 of the Dunes City Code of Ordinances; Repealing Ordinance Number 178, adopted June 9, 2005; and other matters properly relating thereto.”

Acting Council President Wells called for a short break in the meeting at 8:20 pm to allow City Administrator/Recorder Mills time to prepare the script for conducting the remainder of the ordinance consideration process. He reconvened the meeting at 8:24 pm and went on to announce, “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 Council member and all requirements for posting and advertisement have been met.”

Acting Council President Wells opened the Agenda item for public hearing at 8:24 pm and asked if there was anyone present who wished to comment on the ordinance. No one did, and he closed the public comment period at 8:24 pm. He went on to announce that he would entertain a motion to continue the matter until the next meeting to allow more time for consideration, if desired. There was no such motion.

Acting Council President Wells announced that he would entertain a motion to amend the language of Ordinance 241-A as presented, if any.

Councilor Mallen made the motion to amend the language of Ordinance 241-A.

Councilor Orr asked if there was any discussion allowed. Acting Council President Wells agreed to discussion. Councilor Mallen withdrew his motion.

Councilor Mallen made a motion for the second reading of Ordinance 241-A by title only. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

Acting Council President Wells read the title of Ordinance No. 241-A 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; and other matters properly relating thereto.”

Acting Council President Wells opened the meeting to discussion of the Ordinance. City Administrator/Recorder Mills clarified that Dunes City’s Charter outlines a specific process for adopting ordinances and ordinances cannot be adopted by a motion only. She went on to explain that the City Attorney suggested that the motion to repeal Ordinance No. 178 made in the January Council meeting should be intended to be direction for City Staff to prepare an ordinance to repeal Ordinance No. 178, which is what Ordinance No. 241-A does.

Councilor Orr asked to clarify whether by repealing Ordinance No. 178 the City would no longer have any animal control code on its books. City Administrator/Recorder Mills said that was the case. There was some discussion about the possible adverse effects of having no animal control code in Dunes City, during which City Administrator/Recorder Mills noted that City Staff does receive complaints about animals at large, animals attacking people and animals killing deer and pets. She noted that if there is no animal control code and an unlicensed dog bites someone, there is no City enforcement process or procedure for the dog to be caught and tested for rabies. She also noted that the City Attorney suggested that Dunes City could notify Lane County authorities about any such instances and they might step in, but that is not what Lane County Code states.

In further discussion, Councilor Orr noted that if the Council votes to repeal the current Code there should be other Code to replace it even if its simpler or, at the least the Council should feel comfortable not having any animal control code on its books, and he is not. He noted that while dog owners should take personal responsibility for their pets, they don’t always do so. Acting Council President Wells suggested that in a future meeting the Council could look at creating a simplified animal control ordinance.

There was some discussion about Lane County’s animal control code, whether Lane County would assume responsibility and what ramifications there could be if Dunes City had no animal control code. City Administrator/Recorder Mills explained that the language in the new ordinance that was proposed for animal control code was, in fact, Lane County’s code. She further explained that Ordinance No. 178 allowed Dunes City to enter into an IGA with Lane County for control and licensing but the IGA expired years ago and the City had no enforcement power until the proposed replacement ordinance was crafted. It was noted that the City is not staffed or equipped to act as animal control officers. It was also noted that layering Lane County’s code in Dunes City Code was duplicating law enforcement efforts where Lane County has oversight.

City Administrator/Recorder Mills pointed out that in most complaint situations, she sends a courtesy letter to the alleged Code violator and the letter usually results in action that resolves the problem, but that is not always the case. The proposed new Code, along with the Code Enforcement process in Chapter 36, would have allowed her to pursue additional enforcement action, particularly where dangerous animals are involved. There was some

discussion about the possibility that Dunes City could enter into an IGA with Florence for animal control. City Administrator/Recorder Mills reported that Florence is looking into an IGA with Lane County, but the County will not enter into an IGA with Dunes City.

There was no further discussion of the issue.

Councilor Montgomery made a motion to adopt the language of Ordinance No. 241-A as presented and to adopt and pass Ordinance No. 241-A. Councilor Mallen seconded the motion. In a roll call vote, Councilors Orr and Forsythe voted in opposition and Councilors Mallen and Montgomery voted in favor. Acting Council President Wells cast the tie-breaking vote in favor of the motion. The motion passed with three votes in favor and two opposed. There were no abstentions or vacancies and Mayor Ruede was absent.

Acting Council President Wells declared Ordinance No. 241-A adopted and effective immediately.

9. UNFINISHED/OLD BUSINESS

A. Noxious Odor Code

City Administrator/Recorder Mills referred Councilors to copies of Dunes City Code Section 91.03 (Nuisances Affecting Public Health) and reminded them that Staff was asked to determine whether or not Dunes City Code regulated offensive odors, especially with regard to marijuana grow facilities. The applicable Section is 91.03(A)(5) "Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition." She noted that no action is required by the Council at this time.

10. REPORTS

A. Mayor's Report: There was no report.

B. Community Center Report: Acting Council President Wells reported that there was no new news or activity.

C. Site Review Report: There was no report.

D. Water Quality Report: The January water quality report was included in the Councilors' meeting packets.

E. Ad Hoc Committee on Tsiltcoos Lake Club Roads: City Administrator/Recorder Mills reported that she met with Councilor Orr to review the roadways that were vacated by Lane County and the meeting went very well. Of note, during the roadway review the Ad Hoc Committee will evaluate the possibility of using some of the roadways, or portions thereof, for emergency supply storage and City Administrator/Recorder Mills has contacted the Red Cross to talk about the possibility of using some of the land for emergency camp

sites. Councilor Orr noted that the Committee made no formal recommendations and plans to evaluate the roads to determine whether or not the land could be of some use to the City before offering the land to adjoining neighbors.

- F. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that Mr. Richard Palmer is set to begin brushing projects but will delay work until the weather improves.
- G. Emergency Services Report: City Administrator/Recorder Mills reported that she and Councilor Orr attended the January 23rd WLEOG meeting at SVFR in Florence. She also reported: CERT will have a booth at the health fair on April 7th at the FEC; Bob Pine of ARES reported to the group that they will be installing radio equipment at Dunes City Hall; and, she continues to research how the propane tanks can be installed to meet the designated essential facility standards. The next WLEOG meeting will be February 27th at Dunes City Hall.
- H. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that permits issued in January included three electrical, two mechanical, four structural, and three plumbing. She also reported that: neither the Planning Commission nor the CAC met in January; a "closed" sign has been posted of the Siltcoos River Trail sign at City Hall but other signs in the area need to be removed and replaced with closed signs; and, she will meet with the new owner of the IP property and discuss the portage sometime next week. She went on to report that: the Marine Board recommended that the River Trail be closed until the snags are cleared—from that discussion she learned that the Coast Guard has jurisdiction over the river below the dam so she will follow up with the Guard about clearing the debris; and, she and Councilor Orr and Rapunzel all attended the first annual Oregon Sports Summit where some great information about running events was learned; she has been in talks with an engineer who may be able to help with installing measuring devices at the outlet control structure and the confluence of Woahink Creek with Siltcoos Lake; the City has purchased a stand-alone desk for the ARES group to use as their emergency station in Dunes City; talks continue with the Dimons about property line adjustments so the issue of emergency propane tank installation can be resolved; and, she is working with area banks and credit unions on a pricing for a credit card machine and will report on the best options at a future meeting.

11. FOR THE GOOD OF THE ORDER

City Administrator/Recorder Mills suggested that the City consider offering meter reading services to residents. She noted that some meters are difficult to reach, especially if they are located under a house, and there are some people who cannot get to the meters to read them. By offering the service, the City could help to ensure that those meters are read on a monthly basis as required by the Shared Domestic Water Right ordinance, at least until the meters can be relocated. She offered to prepare a proposal for presentation to the Council. There was no objection.

City Administrator/Recorder Mills noted that League of Oregon Cities is encouraging cities to pass recreational immunity resolutions and to ask their legislators to restore recreational immunity to cities. LOC provided a sample resolution that she will present to the Council during its next meeting.

City Administrator/Recorder Mills announced that the Supreme Court has rendered a ruling about City Councilors who violate labor laws and reminded Dunes City Councilors to be careful that they do not.

13. ADJOURNMENT

Councilor Mallen made a motion to adjourn. Councilor Montgomery seconded the motion. There was no vote taken.

Acting Council President Wells adjourned the meeting at 8:55 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 9th DAY OF MARCH 2017.

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

ATTEST:

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