



**CITY COUNCIL SPECIAL SESSION MEETING MINUTES ~ APPROVED  
FEBRUARY 21, 2017 AT 3:00 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 Meyer called the February 21<sup>st</sup>, 2017, special session of the Dunes City Council to order at 3:00 pm.

**2. ROLL CALL**

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

**Present:** Council President Sheldon Meyer, Councilor Robert Forsythe, Councilor Alan Montgomery, and Councilor Duke Wells. Mayor Rebecca Ruede was present via telephone.

**Absent and Excused:** Councilors Robert Orr and Tom Mallen.

**Also Present:** City Administrator/Recorder Jamie Mills and Administrative Assistant Rapunzel Oberholtzer, as well as Dunes City resident Janellen Montgomery.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

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

**5. ANNOUNCEMENTS / CORRESPONDENCE**

Council President Meyer read aloud from the list of announcements on the Agenda.

A. Reminders to City Councilors and Planning Commission Members: Your Annual Statement of Economic Interest must be filed online with the State Ethics Commission. The site will open to filing near the end of March.

Council President Meyer noted that the deadline for filing is the middle of April.

## 6. CITIZEN INPUT

There was none.

## 7. NEW BUSINESS

### A. Resolution Series 2017, No. 5 (2-21-2017) – Recommending Restoring Recreational Immunity

Council President Meyer referred Councilors to their copies of the Resolution included in their meeting packets. City Administrator/Recorder Mills explained that in *Johnson vs. Gibson* the Oregon Supreme Court ruled that while a city has recreational immunity from liability, the city's employees, agents and volunteers do not. She went on to explain that, as a result of that decision, several Oregon cities have closed, or have been advised to close, their parks and other recreational facilities to the public—Dunes City's insurance agent has advised the City to likewise close its public facilities. She noted that under current interpretation of the law, if anyone is injured in a Dunes City park there is a possibility that, as a City employee, she herself could be sued. While Dunes City has not closed its parks, the City has, as advised by its insurance carrier, posted signage warning that use of the parks is at users' own risk but that still may not protect City employees from a lawsuit.

City Administrator/Recorder Mills explained that the proposed Resolution language was provided by the League of Oregon Cities and LOC is asking cities to adopt the Resolution in a show of support for urging the 2017 Legislative Assembly to restore recreational immunity to landowners, their officers, employees, agents and volunteers.

**Councilor Forsythe made a motion to accept Resolution Series 2017 No. 5 (2-21-2017) as written. Councilor Montgomery seconded the motion. The motion passed with four votes in favor, none opposed, and no abstentions. There were two Councilors absent and there were no vacancies on the Council.**

### B. Credit Card Machine for City Hall

City Administrator/Recorder Mills explained that City residents who pay their permit, water fees, etc. at City Hall have been requesting to make their payments by credit card and City Staff have been looking into the costs for a machine for a long time. She referred Councilors to a spread sheet included in their meeting packets illustrating estimated credit card revenue per month and the costs for processing the charges by various local financial institutions. She noted that the Council should decide whether or not the City could accept credit card payments and, if it would do so, which financial institution to use. She noted that, not listed on the spreadsheet, was a quote from US Bank.

It was generally agreed that the City should accept credit card payments and Staff should pursue acquisition of a machine.

City Administrator/Recorder Mills noted that businesses that call in or key in credit card payments are the highest risk so their rates are higher. She went on to review the fee schedule and noted that US Bank's rate was 2.99% with a \$.19 per swipe charge. She also explained that the summer months bring in higher revenue because that's the time that more building is going on and that is also about the time that the annual water administration fees are being paid; during those months the City's credit card fees would be higher because the fees are based on volume. She noted that the City could switch to billing the administration fee at another time so that the payments are received during a slow revenue period in order to avoid paying higher volume fees.

City Administrator/Recorder Mills noted that the City should open a separate account for managing credit card payments and would do so at the financial institution chosen to provide the credit card processing service. There was a discussion about the FDIC Insurance limits and whether or Dunes City's accounts at Oregon Pacific Bank were sufficiently covered, especially if the credit card payment account was opened at OPB. Mayor Ruede offered to look into what the FDIC insurance limits were for business-related accounts.

City Administrator/Recorder Mills explained that as a city, Dunes City is required to recoup expenses incurred with processing credit card payments. She went on to explain that she and Staff had discussed the issue and suggested that since most of the payments would be for permits and water administration fees, the City could slightly increase its building surcharge and increase the water administration fees to cover the costs.

Mayor Ruede asked what the initial charges were. City Administrator/Recorder Mills referred to the spreadsheet line item "Initial Charges" and noted that the initial charge quote from US Bank was \$575. She also noted that the fees would be higher if the City opted to purchase a machine that could be used away from the office, such as at an offsite event.

Councilors generally agreed that City Administrator/Recorder Mills be authorized to make a decision, making sure that the City would be protected. Mayor Ruede reminded everyone that the usage and the costs could be reviewed annually. It was also agreed that the machine should work both in and out of the office.

## **8. UNFINISHED/OLD BUSINESS**

### **A. Oregon Dunes Triathlon and Duathlon**

City Administrator/Recorder Mills requested guidance from the Council about how to proceed this year.

There was some discussion about changing the name of the event and whether changing it to something like Central Coast Triathlon would help Dunes City acquire more sponsors. In discussion, it was mentioned that this would be a separate event from the Oregon Dunes Triathlon but it could be held at about the same time as the ODT.

Councilor Wells pointed out that running an event like the triathlon was not easy, there is a lot of logistics and equipment involved. He suggested that the City wind up its handshake agreement with Best in the West Events this year and come up with another, different kind of event, such as a kayak event, that the City could feasibly run by itself or with help from an entity like Travel Lane County and retain all of the benefits. He went on to note that he was not in favor of Staff spending any more time on the ODT; Staff time could be better spent on an event that is Dunes City's own.

Mayor Ruede suggested that this year be the fifth and final year of the ODT and reminded everyone that the Council initially agreed that it would give the event a five-year trial period. She noted that even though the City has not had a contract with Best in the West Events, the City and the race director have worked together on the event. She went on to say that she would like to see the City support the event this year with a positive attitude and, if necessary, sever ties with Best in the West in the future. She supported the idea of Dunes City holding its own event of some kind and noted that Dunes City could possibly partner with the City of Florence on an event.

In other discussion, Council President Meyer noted that since the event is held in Dunes City, the City should profit from it in some way and have some say in the event. City Administrator/Recorder Mills agreed but noted also that the roadways are County roads and the park and Woahink Lake do not belong to Dunes City. She went on to note that Best in the West Events does use City Hall for race packet pickup and orientation meetings, and suggested that the City could require Best in the West Events to sign a lease agreement and pay for renting the building.

City Administrator/Recorder Mills explained that she had met with Joey Jewell from the Oregon Sports Commission and discussed the issues that Dunes City had had with Best in the West Events. Mr. Jewell's recommendation was that Dunes City continue to work with BWE and perhaps try to work out an agreement where BWE pays for volunteers, which is not unusual.

Councilors generally agreed that the City should continue to work with Best in the West Events this year and try to negotiate a better arrangement next year, or walk away from the Tri/Du and find another event to support. Councilor Forsythe pointed out that the City of Florence charges a fee and issues a permit to the organizers of the Rhododendron Parade for using the portion of Highway 101 that runs through Florence even though the highway is a state-owned roadway.

Council President Meyer recognized Jonellen Montgomery who was present in the audience. Mrs. Montgomery voiced support for the idea of holding a canoe/kayak-related event, noting that it could attract disabled people to participate. Council President Meyer thanked Mrs. Montgomery for her comments.

Councilor Montgomery suggested that the City could provide a description of the new event to this year's race participants so they will know what will be available in the future. Councilor Wells suggested that Staff just talk to participants and volunteers to inform

them that there would be a new and different event next year. Councilor Forsythe suggested that Staff could find out from the race participants what kind of event they might like to see in the future. Councilor Wells noted that the success of the Oregon Dunes Triathlon was due in large part to the venue, Woahink Lake and the dunes, which will be the backdrop for any future event in Dunes City. City Administrator/Recorder Mills pointed out that in the past if Dunes City wanted to insert anything into the race participants' bags, Blair Bronson would have to first approve the insert.

Council President Meyer summarized the discussion by noting that everyone was agreed that the City would carry on with the event this year and then either renegotiate or come up with something better next year.

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

There were no comments.

#### **10. ADJOURNMENT**

Council President Meyer adjourned the meeting at 3:42 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 9<sup>th</sup> 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