



CITY COUNCIL MEETING MINUTES ~ APPROVED

JANUARY 12, 2012 AT 7:00 PM

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded on tape 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 meeting of the Dunes City Council to order at 7:00 pm.

2. ROLL CALL

Roll Call was taken by City Recorder Fred Hilden.

Present: Mayor Rebecca Ruede, Council President Jamie Mills, Councilor Duke Wells, Councilor Troy Sathe, Councilor Richard Koehler, Councilor Dick Anderson and Councilor Ed Scarberry.

Also Present: City Recorder Fred Hilden and several citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. CONSENT AGENDA

- A. City Council Meeting Minutes from December 8, 2011
- B. City Council Special Session Meeting Minutes from December 13, 2011
- C. Bills of the Session though January 5, 2012
- D. Receipts of the Session though January 5, 2012

Council President Mills made a motion to approve the Consent Agenda and the Meeting Minutes from December 8, 2011 as amended. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

- A. Mayor Ruede announced that the artist of the month is photographer April McCalmont.
- B. January birthday wishes to Councilor Ed Scarberry on January 19th.

- C. An “Are You Ready?” And Map Your Neighborhood Class is scheduled for January 14, 2012 and a Shelter in Place class is scheduled for February 11, 2012. All classes will be held at Siuslaw Valley Fire and Rescue, 2625 Highway 101, Florence. The classes will start at 9:30 am and end at 12:30 pm. Call 541-997-3212 to sign-up.
- D. A City Council Special Session for Goal Setting has been scheduled for January 25, 2012 from 9:00 am – 4:00 pm in the Council Chambers. Please contact one of your Councilors to make input before the meeting as there will not be an opportunity to do so at the meeting.

7. CITIZEN INPUT

Mayor Ruede explained that we allow each citizen 3 minutes for their comments.

April Dumas, Dunes City Resident:

April noticed a reference in the newspaper and questioned Council on what was happening with the LUBA case.

City Recorder Fred Hilden stated that on December 8, 2011 the City received information from two organizations and a Dunes City resident that they intended to file a LUBA appeal regarding the newly adopted Ordinance 211A. Dunes City staff filed the record on December 23, 2011. The petitioners had 21 days to file an appeal of the record and provide their petitioners brief. The petitioners appealed the record and the City’s attorney is in the process of evaluating their response.

8. Unfinished / Old Business

A. Lane Council of Governments Invoice

City Recorder Fred Hilden stated that he had reconciled the invoice received from Lane Council of Governments (LCOG) and per a previous Council meeting the discussion was to settle on a 50% reduction on the bill. He further stated that his recommendation is to settle on the bill and set up a 24 month payment plan, beginning in June of 2012. LCOG is in agreement with these terms. Councilor Koehler asked the City Recorder if he followed-up on interviewing the past Council members in regards to the City’s dealings with LCOG. City Recorder Hilden stated that he had contacted the previous Mayor Eric Hauptman via the telephone. He further stated that Eric expressed that there were disagreements with LCOG but the City continued to use these services and once the agreement was terminated the services were no longer used. Councilor Koehler asked if he interviewed the other five members. The City Recorder stated that he felt he would find the same information. Councilor Sathe stated that he would like to just pay it off instead of having a 24-month payment plan. Council President Mills disagreed for she feels that the budget cannot sustain having a \$7000 hit in one year. Councilor Anderson stated that since LCOG is willing to work with us and not charging the City interest that the City should take advantage of this and get it taken care of. Councilor Scarberry stated he agrees with Councilor Sathe but that if our budget won’t allow it then the City should take advantage of the 24 month plan. Councilor Wells stated that this was hanging over the City’s head but that this is getting it taken care of and LCOG is being very gracious in cutting the bill and allowing for the 24 month plan. Councilor Koehler stated that he

is in agreement with the 24-month plan but still feels that there is a need to review history in regards to why the withholding took place. City Recorder Fred Hilden stated that the Council has agreed to re-enter into an agreement with LCOG and understands Councilor Koehler's position but that the history has no bearing on the decision before Council. He further stated that if the history is that important those persons can address the Council in a future meeting during the Citizen Input.

Council President Mills made a motion to accept the offer from LCOG at a 50% reduction with a 24-month payment plan and to add this bill to the budget for this year and the coming year. Councilor Anderson seconded the motion. The motion passed by 4 ayes and 2 nays. (Councilor Sathe and Councilor Koehler).

B. Resolution Series 2012, No. 1 (1/12-2012)

City Recorder Fred Hilden stated that the Charter and the Resolution is attached and since the Council approved re-entering into an agreement with LCOG that this is formality and would need a motion to approve.

Councilor Sathe made a motion to approve Resolution Series 2012, No. 1. Councilor Wells seconded the motion. The motion passed by unanimous vote.

C. Code Enforcement Ordinance

Council President Mills stated that this Ordinance was remanded back to the Ordinance Review Committee and was placed on the December 12th Agenda. However, one of the members had a family emergency and was unable to attend. Since there are only three members on the Committee they decided that they would table this for the next Agenda. The Code Enforcement Ordinance will be on the February City Council Agenda. Councilor Sathe stated that he is worried that since the contract is due to be re-signed with The Building Department, can the City still have the ability to assign a Code Enforcement Officer since the Ordinance is not ready. City Recorder Hilden stated that this would not be a problem.

D. City Council Meeting Minutes from November 10, 2011

City Recorder Fred Hilden stated that there is an attachment from Councilor Koehler regarding what he would like to see in the November 10th minutes. The minutes before you contain Councilor Koehler's section verbatim. City Recorder Hilden stated that he was going to suggest amending the minutes with Councilor Koehler's handout but has changed his mind and recommends tabling the minutes one more time to include all of the 1300 words Councilor Koehler suggested making the November minutes all verbatim. Councilor Sathe stated this is being drawn out and feels that as he stated before the procedure is not to do verbatim minutes for everyone. He further stated that he does not want to read 60 pages of meeting minutes and that this is taking up a lot of staff time. Councilor Sathe would like the Council to agree on not doing verbatim minutes and that if any one particular Councilor feels that they have an important statement to be added that they can bring that before the staff. Mayor Ruede queried the City Recorder on his recommendation to Council and whether or not this was a one time exception. City Recorder Hilden stated this was a meeting that was in regards to the Septic Ordinance and felt it was an important meeting to have these minutes be verbatim and

this would be an exception. Councilor Koehler stated he is agreement with the City Recorder and that from his view point he was mostly viewing it from a legislative stand point.

Councilor Koehler made a motion to table the November 10th minutes until the February City Council meeting. Council President Mills seconded the motion. Council President Mills stated her concern is that these minutes are part of the LUBA record and since they are not approved does that mean they are not part of the record yet. City Recorder Hilden stated that is not technically true. He further stated that the record includes the draft November 10th minutes but that also, LUBA has the tapes from that meeting and can listen to them therefore, they have a complete record. Councilor Anderson would like to make sure this doesn't become a precedent in future so that we get bogged down with the minutes. Councilor Scarberry stated that this is taking up time and would like to just see it off the table. Councilor Sathe stated he will vote to put this in the minutes but that he doesn't want to see it come up again. Councilor Wells stated he could see the reason for it and can see the exception therefore, get it done. **The motion passed by unanimous vote.**

9. NEW BUSINESS

A. Commission / Committee Chair Appointments
Ordinance Review Committee Chairperson

Councilor Koehler made a motion to appoint Council President Mills as the Chairperson of the Ordinance Review Committee. Councilor Sathe seconded the motion. The motion passed by 5 ayes and 1 abstain (Council President Mills).

Parks and Recreation Commission Chairperson

Councilor Sathe made a motion to appoint Councilor Wells as the Chairperson of the Parks and Recreation Commission. Councilor Scarberry seconded the motion. The Council discussed and considered alternatives and options regarding the Commission. **The vote on the motion was tied with 3 ayes and 3 nays (Councilor Koehler, Council President Mills, and Councilor Anderson), was broken by Mayor Ruede. The motion did not pass.**

Council President Mills made a motion to table this subject until the next City Council meeting. Councilor Koehler seconded the motion. The motion passed with 5 ayes and 1 nay (Councilor Sathe).

B. Committee Appointments
Conservation Committee: 1 Applicant and 1 Opening (12/31/2014)

Councilor Koehler made a motion to approve Mr. Dumas for the Conservation Committee. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Water Quality Committee: 4 Applicants and 3 Openings (All 12/31/2014)

Councilor Koehler made a motion to approve Mr. Dumas, Mr. Pesnell, and Mr. Gosselin for the Water Quality Committee. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

10. REPORTS

A. Mayor's Report

Mayor Ruede read a proverb to inspire everyone to a better life.

B. Communication & Education Report

Councilor Anderson reported that they have two Committee meetings this month and will report further next month. He further stated his Committee members had a lot of good ideas and were very inspirational. Councilor Anderson stated that as a handout the Council has a copy of one of the meeting minutes for his Committee.

C. Community Center Report

Councilor Wells wanted to thank the Staff for the nice new sign the Council has behind the dais. He further stated that he had been asked to move the Council mailboxes to the Road room and that he could probably get that done this weekend. Mayor Ruede stated that was a suggestion for security reasons. Councilor Mills asked Councilor Wells if he could look into what the cost of carpeting would be for the Council Chambers for the reasoning of echoing and difficulty hearing. Councilor Anderson asked if there are any other uses for this building that would require the use of a hard floor. City Recorder Hilden stated that he didn't think so, especially if it's commercial grade carpet. He would be mindful of the placement of the carpet in front of the fireplace.

D. Conservation Committee Report

Councilor Anderson asked if April Dumas could thank her husband for applying again for the Conservation Committee. He added that he had no report.

E. Ordinance Review Committee Report

Council President Mills read her report into the record. She also announced that the next meeting is Monday, January 16, 2012 at 9:00 am at Dunes City Hall. This is a re-scheduled meeting from January 24, 2012 due to a conflict with the WLEOG meeting.

F. Parks and Recreation Commission Report

Councilor Koehler stated they continued discussions at their January 9th meeting, two members were present and no action was taken. Since that was only three days ago there was not enough time to have this in the packets. However, to let the Council know the discussions were in regards to the kiosk additions and the Commission discussed the pictures taken of the sign on highway 101 and Pacific Ave. and may request two additional signs on highway 101. With the Road Commissions help the Overlook will see changes in 2012 with the survey supplied and they would like to thank the Road Commission. There was no action taken and he hopes to attract a new member for the Council approval in the February Council meeting.

He will schedule a meeting after the next City Council meeting. During the year 2011 the Commission met for 10 months and four times they had a quorum.

G. Revenue Committee Report

Councilor Scarberry stated that the report in the packet is what he reported on the last Council meeting and the Committee has canceled the January 19th meeting because they no longer have a quorum and are in need of three Committee members now, but need at least one before they can continue to have meetings. At the last meeting one of the citizens asked the Committee on the options of obtaining grants and that it was not being addressed. Councilor Scarberry stated that he did some research on the matter and is in need of a Committee member that has some experience in grant writing. Council President Mills stated that she has written a number of grants but since they were not approved they did not feel a need to bring it before the Council but that it is being done. City Recorder Fred Hilden stated that in the last calendar year the City has received around \$45,000 in grants and there has been a lot of effort in obtaining those. Mayor Ruede asked Councilor Scarberry if he felt it would help if the City advertised in the newspaper. Councilor Scarberry felt it would help.

H. Road Commission Report & December RC Draft Minutes

Councilor Sathe stated the Road Commission met on December 19, 2011. Gary Baker gave a presentation of some Master Road Plan issues, and the street inventory and will have a draft for the City soon. The Commission discussed projects for the upcoming year and will have some decisions by the next Road Commission meeting. Vice-Chairman Curran has been proofing the Road Commission minutes and has been doing a great job. The Commission has had two Special Session meetings with the Planning Commission regarding changes to the Code 155 and will have two more meetings to complete the road section of the Code. Many of the Commission members have been working hard to clear the tree on Cloud Nine Road and the project is almost complete. Councilor Sathe announced the next Road Commission meeting is on Monday, January 16, 2012 at 6:30 at Dunes City Hall. The next Road Commission Special Session is on Wednesday, January 18, 2012 pm at 5:30 pm at Dunes City Hall. The Road Commission invites all to come join in on the fun. Council President Mills stated when she looked over the Road Commission minutes and there was a comment on writing a letter to Defazio and Roblan regarding the Timber Funds and she felt that kind of letter should come from the Council. Councilor Sathe said there was a discussion regarding that and since the money was for Roads they moved forward on that. They also communicated with the City Recorder and he felt that it was ok since it was for Roads and the Road Commission did not want to wait another month to get it to City Council for they would miss the deadline. Council President Mills would like to discuss this issue in the Goal Setting meeting for she states that it is policy that we all bring our letters forward to the Council.

I. Septic Ad Hoc Committee Report

Councilor Wells stated that he got an Ad Hoc meeting together and had their first meeting today and gave them some homework to look over prior to the meeting. Members include Roy Donaghey and Tim Walls. The Committee began work on a Septic Education Program and the three important issues are 1. the basic concept, 2. the sources and 3. how the Committee would like to present it to Dunes City residents. The most important part of the concept is to make sure the education is ongoing. The Committee is sorting through the vast ar-

ray of information out there and they have looked into some Outreach Programs and the Environmental Services of Lane County to help bring their knowledge and education to the meetings. The Committee is working on putting a packet of information together and when complete would like to present it to the Communications and Education Committee to have at one of their regular scheduled meetings. No decisions were made at the meeting. Councilor Wells announced the next meeting is scheduled for Thursday, January 19, 2012 at 2:00 pm at Dunes City Hall.

J. Site Review Committee Report

Councilor Wells stated that he would like to apologize to Susie Navetta for letting the complaint for Wright Road drag on for another 30 days. The Committee wrote a report on that issue last month and has not followed up on that yet and would like to request Council to direct staff to write a letter of abatement for that complaint. Councilor Wells started to read his report into the record but was interrupted due to questions on procedure. He further reiterated that he had two complaints and will follow-up on those. Councilor Sathe stated that if there is a complaint regarding anything in the road right-of-way that the staff needs to give a copy of that complaint to the Road Commission as well.

K. Water Quality Committee Report

Council President Jamie Mills read her report into the record. The next meeting is scheduled for January 18, 2012 at 3:00 pm at Dunes City Hall.

L. Weir Task Force Report

Council President Mills read her report into the record.

M. Emergency Services Report

City Recorder Fred Hilden read his report into the record. He further stated that in addition to the regular WLEOG meeting on January 23rd, an additional meeting with Federal, State and County representatives has been scheduled for the same date at 1:30 pm. City Recorder Hilden stated he has attached the minutes from the last meeting for the Council's review.

N. November Planning Commission Minutes

City Recorder Hilden asked the Council if there were any questions or concerns with the minutes that were provided. He further stated that the code revisions happen during the meeting, creating a red-lined version and any and all motions are documented in the minutes. When the Code review is finished Council will receive the entire Code in a red-lined version for review.

O. City Recorder / Planning Staff Report

City Recorder Hilden read his report into the record. He further stated that he renegotiated with The Building Department on fees and has the document ready for the Mayor's signature. Council discussed options on timing to review the document and decided to review it at possibly the Goal Setting Session or the Executive Session. City Recorder Hilden announced the Budget Committee meeting on January 31, 2012 at 6:00pm and the City Council Goal Setting Work Session on January 25, 2012 at 9:00 am. Mayor Brubaker, from the City of Florence, will be helping to facilitate the Goal Setting Work Session. He would also like to

thank Theresa Baer from the Siuslaw News for putting the Goal Setting Press Release on the front page of the newspaper.

11. FOR THE GOOD OF THE ORDER

Councilor Anderson asked the City Recorder if he wrote the letter to Oregon Department of State Lands for relief on the dam portage. City Recorder Hilden stated that he emailed everyone a copy of that letter earlier today. He further stated that instead of the letter going under his signature that it should rather go under the Mayor and the City Council's signature. City Recorder Hilden read the letter into the record. The letter was passed around to receive all signatures.

Councilor Scarberry would like to reiterate that the signage behind the dais is a great addition and looks better than what was there before.

Councilor Sathe expressed his concerns about email protocol so that there is no violation of the Public Meeting Laws. He further stated that if there is a bulk email he will not read it for the procedure is to reply only to the respondent. Mayor Ruede stated that if you have any questions regarding this procedure you can call the City Recorder.

Council President Mills apologized for tasking staff without going through the City Recorder. She sent out an email of apology. The procedure is to go through the City Recorder who then tasks staff.

Councilor Wells stated that he wants everyone to realize how much time the Road Commission and its volunteers took to handle the tree on Cloud Nine Road and how much money they saved the City, so good job. Mayor Ruede thanked Councilor Sathe for organizing that project.

12. ADJOURNMENT

There being no further business to come before the City Council, Councilor Koehler made a motion to adjourn the meeting. The motion was not seconded and no vote was taken.

Mayor Ruede adjourned the meeting of the Dunes City Council at 8:45 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 9th DAY OF FEBRUARY 2012.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder

DUNES CITY ORDINANCE REVIEW COMMITTEE
REPORT TO CITY COUNCIL
JANUARY, 2012

The Ordinance Review Committee met on December 12th and December 19th, however, Steve Burton was unable to attend the December 12th meeting, so only discussion occurred and no formal action was taken.

The focus of the committee has been to complete the language for the committee and commission creation and continuation documents. All draft committee language has been submitted to the individual committees for consideration at this time. Once the final amendments to the commission language have been incorporated, the draft language for the Road and Planning Commissions will be submitted to those commissions for consideration.

Discussion and consideration began with regarding the amending the Comprehensive Plan to bring the Concerned Citizen Involvement Program into compliance with Oregon law. Discussion of the issue will continue at our next committee meeting.

The next meeting of the committee is scheduled for January 23, 2012, at 9:00 a.m. at Dunes City Hall.

Revenue Committee
Report to Council
January 12, 2012

The Revenue Committee met Dec. 1, 2011. This was a late November meeting due to the Holiday. Members present were: David Bellemore, April Dumas, John Stead, and Ed Scarberry.

Items of discussion:

Under old business

1. The topic of a franchise fee for a privately owned water company was discussed again. The Recorder will attend the Jan. 19 meeting to address the Committee's questions.
2. Chairman Scarberry brought the Committee up to date about the Judge and Compliance Officer issue.
3. Committee was informed that talks are still underway concerning a possible Triathlon sponsored by Dunes City.

New Business: No new business was discussed.

Meeting adjourned at 4:35 p.m.

The next Revenue Committee meeting is Jan. 19, 2012 at 3:30 p.m. at Dunes City Hall

Ed Scarberry, Chair

DUNES CITY WATER QUALITY COMMITTEE
REPORT TO CITY COUNCIL
JANUARY 2012

The Water Quality Committee met on December 21, 2011. Water testers report that water quality at Woahink Lake is good, but that samples at Darlings showed some anabaena present, although the new tests kits that were donated by the Siuslaw Watershed Council which could better identify toxicity are missing. **The committee recommends that Dunes City purchase test kits to replace the missing test kits that were donated by the Watershed Council.**

ODOT is to be commended for their quick response to the oil leak that occurred in the turn out on Highway 101 by the Myrtlewood Factory on the shores of Woahink Lake. The mess was contained and cleaned up by the next day. Thank you, ODOT, for the prompt action!

The committee discussed the actions and responsibilities they would like to see Lane County have under an IGA and what responsibilities and actions Dunes City should have under the terms of an IGA with Lane County.

The committee reiterates its recommendation to the Planning Commission and City Council that Ordinance No. 203 be reinstated to continue beyond the original compliance deadline, at which time the committee urges that a comprehensive evaluation of the effectiveness of 203 be completed.

The Water Quality Committee draft formation ordinance was discussed briefly and was tabled for further consideration at the next meeting, which will be January 18, 2011, at 3:00 p.m. at City Hall.

**DUNES CITY
WEIR TASK FORCE REPORT
JANUARY, 2012**

The Weir Task Force Committee met on Wednesday, December 21, 2011. A conversation took place between committee members, interested individuals present and Councilor Dick Anderson, who attended the meeting as a private citizen. Mr. Anderson clarified his position on access to the outlet structure emphasizing that only access by water would be allowed. Other concerns regarding the outlet structure re-configuration, operations, and maintenance were discussed by all individuals present. John Stead identified several key points of concern. One such concern is that the Division of Water Resources website lists Permit 54405 as being expired and not extended. The water master and the fish and game representative will be invited to the next meeting of the task force. When the date is set, notice will be posted.

Emergency Services Report to City Council
January 12, 2012 ~ Prepared by Fred Hilden

I attended the West Lane Emergency Operations Group meeting on Monday, December 12, 2011. One of the main discussion items was the outcome of the planning meeting to mitigate a failure of the Siuslaw River Bridge in the event of a catastrophe. It was decided to proceed with preparation of the Oregon Department of Transportation (ODOT) Access Permit that will be required to make the old ferry road at the southwest corner of the bridge accessible to the south side of the Siuslaw River.

During December, I began work on the project plan and schedule to revise and update the Dunes City Emergency Plan. This task should be completed in January so it can be presented to the City Council for approval at the February 2012 Council meeting.

In addition to the regular WLEOG meeting on January 23rd, an additional meeting with Federal, State and County representatives has been scheduled for the same date at 1:30 pm to continue work on ensuring our local efforts for disaster preparedness are in sync with Federal Emergency Management Agency objectives.

The approved minutes of the WLEOG meeting from November are attached for your review.

Respectfully submitted,

Fred Hilden
City Recorder

City Recorder / Planning Report to City Council
January 12, 2012 ~ Prepared by Fred Hilden

December picked up a bit for building permit issuance with six permits being issued, including one for a new home on Chittum Loop. Copies of permits to Lane County and Lane Council of Governments are caught up and on schedule.

During December Staff gained approval from Department of Land Conservation and Development (DLCD) to amend our Technical Assistance grant, TA-306-11-007. Doing so allowed us to closeout the grant by submitting the draft code amendments that have been completed by the Planning Commission through December of 2011. The closeout report and request for reimbursement for \$3,800 were completed and sent to DLCD on December 23rd. The Planning Commission continued their work on Chapter 155, Zoning and Development, in two special sessions during December. A Road Commission special session is scheduled for Monday, January 9, 2012 at 5:30 pm to begin work on Chapter 155, Sections 155.3.1 – Access & Circulation, 155.3.3 – Vehicle & Bicycle Parking and 155.3.4 – Public Facilities Standards (Transportation). Staff also assisted the Planning Commission in preparation of the materials to begin the process of amending our Comprehensive Plan relative to Goal 1 and our Buildable Lands Inventory.

Also during December, Staff prepared the record and submitted it to the City Attorney in response to the LUBA “Intent to Appeal” the City’s decision to adopt Ordinance #211A, Septic System Maintenance. This was a substantial effort requiring approximately 30 hours of Staff time. The record was filed with LUBA on December 23rd and received by them on December 27th. At this point, the petitioners have 14 days to appeal the record or 21 days to file their brief detailing the reason(s) for the appeal.

Our Road Secretary completed extensive research on the deeds and surveys for the right-of-ways on which Petersdorf, Byrd and Overlook Parks are located. She also researched the .05-acre lot owned by Dunes City adjacent to the Westlake boat ramp. We expect to have the monuments located for this lot and Overlook Park by the middle of January. I submitted the description of these areas to Lane County Parks and Lane Council of Governments to have them properly recognized as Dunes City parks. Once I receive the GIS data for these parks, that information will be available to anyone who prepares maps of the area.

January will be focused on preparing the financial statements for the first half of fiscal year 2011-2012 for the Budget Committee meeting on January 31, 2012 at 6:00 pm and preparing for the City Council Goal Setting Work Session on January 25, 2012 at 9:00 am.

Respectfully submitted,

Fred Hilden
City Recorder