



**CITY COUNCIL MINUTES ~ APPROVED
JUNE 14, 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 7:01 pm.

2. ROLL CALL

Roll Call was taken by Fred Hilden, City Recorder.

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

5. CONSENT AGENDA

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

6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Rebecca Ruede announced that the artist of the month is Carl Jaynes.

The City Council held a work session on staff job titles and pay scale on June 12, 2012. Additional information regarding staff pay scale will be included in the July Council packets and the job title issue was postponed until August 2012.

George Kloeppel, the Executive Director of Lane Council Of Governments for over 20 years, will have a retirement party on Friday, June 29, from 4 to 6:30 pm. LCOG has elected a new Executive Director, who was introduced at the Mayor's meeting a couple of weeks ago.

7. CITIZEN INPUT

Del Risenhuber, Dunes City resident: I am here on behalf of myself and as secretary of the Woahink Lake Association. As you know, when you adopted 211, I addressed the Council then and said that the Woahink Lake Association would file a LUBA appeal. We did and the City got it kicked back and said you can't do that, so as far as I understand it, and the Siuslaw News has reported it, that we now have 203 back in effect again, as required by LUBA. We had many offers to the City that the Woahink Lake Association would compromise the issue and the City refused to do that. We will still make the same offer now. There are some things in 203 that aren't palatable and we've got to work those out. The whole thing is about water quality with the Association and we think most of the residents in Dunes City would hope that we could maintain good water quality. Some of the things that were argued about when you were arguing about whether or not to maintain 203 is that certain things hadn't been established. There were people claiming there is no correlation between septic effluent and water quality. During the LUBA hearing, it was brought out that that was not the case, that there is a definite correlation between septic effluent and water quality. We think it is very significant and we are glad that that came out. Everybody knows about all these issues, I just want to make sure we don't lose sight of where we are and what we want to do. Again, maintaining the water quality is important. Anything that the City Council tries to do that goes against the Comprehensive Plan, which was written with the emphasis that improving water quality and maintaining water quality was the most important stand. That's why we thought 211 was in direct conflict with the Comprehensive Plan and LUBA agreed with us. So, we would like to kiss and make up and hopefully we can go forward and get back on line. The saddest part about it was during this period while this controversy was going on, we stopped doing the septic inspections, I believe, and we lost a lot of time for the City to get those non-complying septic tanks inspected and back under control.

Dave Gosselin, Dunes City resident: I am on the Board of the Woahink Lake Association and I am on the Water Quality Committee that is chaired by Council President Jamie Mills. I want to read directly from the letter that was sent by Sean Malone to the City Council. Mr. Gosselin read portions of the letter from Sean Malone, Attorney at Law, to the City Council. [A copy was provided in the Council packets.] If the City moves forward with an education program instead of ordinance 203, then the City can expect litigation again to determine whether the education program will improve septic maintenance as required in section E6 of the Comprehensive Plan. The City is to develop an educational component with a mandatory septic maintenance program under 203. Mr. Gosselin asked that the letter be placed in the record. Mayor Ruede assured him that it already was.

Mary Joe Leach, Dunes City resident: I have two things I wanted to touch on. One, at another meeting, April Dumas asked why there wasn't a Council vote on the LUBA. At that meeting the Recorder said that it is his sole decision to go ahead with LUBA. The City's lawyer must have made a written opinion on how that was to take place because from my stance, I don't have recourse as a private individual in the City. I only have recourse with elected officials. I would

like to see a written opinion of how the lawyer determined that that would be an okay thing to do.

The next thing I want to say is I did attend the LUBA hearing and, for people who don't know, their findings are very far-reaching in the State and they are going to narrow everything as narrow as they can. They're going to pick and choose and find something that they can decide on that they can either say is black or white or they aren't going to decide. In their opinion, there were all kinds of things that they didn't decide on and if they did, in my opinion, they would rule against the City then.

In the meantime, according to the Siuslaw News, we've got \$23,000 that I don't know where it came from or where we even have funds like that to even proceed with this. And this is after the petitioners who filed the LUBA appeal and I don't know how many letters there were, two or three, I don't know whether they went to you or to the Recorder or whose decision it is, to please sit down and let's figure this out before the City goes to heck. I think that would have been in the best interests of the citizens. And I still think it is best for the City. Unfortunately, in private life I've taken part in many, many lawsuits and what happens there is if you felt screwed when you got there, you're only going to get half unscrewed. You're never going to be all right. So discussing and reaching some compromise is the only way to go. It is disturbing to me and I'd like to know how the Recorder had the authority to go ahead and spend this money. Thank you.

John Stead, Dunes City resident: I want to talk about money this evening. I noticed in the notice of the budget hearing that was published that the City has an approved budget of \$369,000 that they are planning on receiving from gifts, allocations, donations and grants. I understand that this is a good-faith estimate and I want to compliment the City staff for being able to find that kind of money for us to spend next year. The adopted budget the year previously was \$40,000 and the year before that was only \$3,000. I think that's terrific. The City has got to know before June 30th, to know or anticipate this is coming, so I feel that this is a good, solid dollar amount and I want to congratulate the City staff efforts to find that. I sit on the Revenue Committee and we haven't been able to find anything like that, so kudos to the City staff for coming up with that.

The next thing I want to talk about is the General Fund. The General Fund Budget is what the City's operation is based upon, so what I did, I took a look at the audit reports, because we're getting good, solid numbers that we can use, so I looked at the audit reports from 2001 through 2011 and I charted them for you as you can see on the chart [Mr. Stead provided copies of the chart to all Councilors]. What is interesting to note is that in 2002, the City had over \$180,000 as a fund end balance. The balance at the end of the year in reserve was \$180,000. Now, in 2011, we have slightly over \$40,000 left. In other words, it has been lowered by \$140,000 between 2002 and 2011. I don't know where it is in 2012 because I'm only looking at the audit reports, but I wanted to bring this matter to your attention. People are saying where is the money coming from? It is coming from reserves and soon the reserves are going to be gone and we're going to be talking about the need for a property tax, even though Dick Anderson has assured that we are not going to have one.

One other thing, then I'm going to stop. I noticed tonight you're going to be talking about repealing the Animal Control Ordinance and a big whereas is the City can no longer afford to have it. We're going to let all our animals run loose. People who have dogs lost are not going to have any help from the City in finding them. All that is going to go away. You know what has happened to the County as far as their care of animals go, so I'm really concerned about that. It seems to me that with the reserves going down like they are going down, we ought to be able to find enough money to keep that animal control ordinance in place. Thank you very much.

8. PUBLIC HEARING

Resolution Series 2012, No. 5, Adopting the Dunes City Fiscal Year Budget 2012-2013.

Mayor Ruede explained that the Council will be holding a public hearing on the Dunes City 2012-2013 Fiscal Year Budget. She further explained that notice was published in the Siuslaw News on June 2, 2012, consistent with State budget law and that a copy of the Budget as approved by the Dunes City Budget Committee on May 24, 2012 has been available at City Hall since that date. Mayor Ruede opened the Public Hearing on the 2012-2013 Fiscal Year Budget at 7:23 pm. She invited citizen input at this time.

Mary Jo Leach, Dunes City resident: I have a question. My pet peeve is the fee that is charged regarding the specific water rights that Dunes City holds that 130 of us are drawing from and I'm one of them. Do we have an account that we can see that money, see the disbursements, see the fees coming in. I'd like to see it isolated. Budget numbers are not very important. I have a feeling that based upon what was in the paper that somehow funds – it said \$55,000 and \$57,000, it doesn't tell you what the disbursements were. I would like to see what exactly those disbursements are and what is the revenue coming in. That should be readily available. You couldn't do anything else without having that. I would like to see this over a period of years. I'm going to probably request them.

Mayor Ruede explained there are procedures to request the information. City Recorder Fred Hilden explained that what Mrs. Leach was requesting was in the budget packet she was holding in her hand.

Mayor Ruede asked if there were any other public comments. Hearing none, she asked the Councilors for their comments.

Councilor Koehler stated he wouldn't mind having the Recorder delineate what the additional funds are that are anticipated and where the \$310,000 is coming from – especially the State Street Fund so that the public can probably get a better idea of allocations and spending for the money and not be left in the dark.

City Recorder Fred Hilden suggested that Councilor Sathe, as Chairman of the Road Commission, provide the details.

Councilor Sathe explained that each year the Commission determines “shovel ready” projects that they will seek grants for. Those dollars have to be included in the budget so if the City gets the grant, we can spend it. If it isn't in the budget, we can't spend it. The projects won't be done

if the City doesn't get the grant. Ocean Boulevard, to re-build the street so we don't lose it into the river, is going to cost \$228,000. We put together the shovel ready project and gave it to Gary Baker. The Dyer Partnership has some hours to work with him. I've also talked with Byron Vanderpool at the LaneACT meeting last night. We're going to give him the information so that if Gary can't get us the grant money, they are willing to look at it for free for us – not charge any of our hours to LCOG – and if they think they can get us a grant, then they will let us know how much it would cost to proceed with that. The Dyer Partnership estimates that we could lose this street within two years. If we lose the street into the river, it could cost up to \$400,000 to fix it. Hopefully we can get this grant money.

Councilor Koehler asked if we already expended \$5,000 or \$6,000 for engineering, what happens if we don't get the grant, what happens with the investment of engineering that we've already put into it?

Councilor Sathe stated that every project that has been engineered so far we have gotten a grant for. That's 100%. The only way you can get the grants is if you have it engineered ahead of time. 100% is a very good percentage. We've done well with this procedure.

Council President Mills stated that the document Mr. Stead presented points out something very important. We, of course, are fully aware of the depletion of the carry over and the contingency. If you will look, you will see that we have worked very hard to make sure that our expected expenses do not exceed our expected revenue income. Something different from what was done in the past is to make sure that if we are anticipating grant funds, then we put it in a contingency so it is a carry through – on both income and expenses so that it is easily identifiable as grant funds that don't effect everything else. Also, we looked at the bottom line. We said, okay, we are not going to accept a budget where we are spending more than what we are bringing in. We stayed firm on that position, much to the chagrin of office staff. She stated she is proud of the Council and is proud of the Budget Committee for working so hard to do that. She thinks this is an excellent budget this year and stated now we're going to have to tighten our belts and maybe do some bake sales or something to make sure we can get water testing done. She added that we are going to come through this okay.

Mayor Ruede added that at the Lane County Mayor's meeting that the depletion in carry over is prevalent in all cities throughout Lane County. Dunes City's cuts are minimal compared to other cities or the full county. They are making cuts that are just unbelievable. She, too, is proud of the entire Council and the entire Budget Committee. She stated she had almost 100% attendance and had many meetings. She, too, stated we have an excellent product and we are very proud of it.

Mayor Ruede closed the public hearing at 7:30 pm and asked for a motion from the Council.

Council President Jamie Mills made a motion that the City approve Resolution Series 2012, No. 5, adopting the Dunes City Fiscal Year 2012-2013 Budget. Councilor Anderson seconded the motion. The motion passed by unanimous vote.

9. UNFINISHED/OLD BUSINESS

Siltcoos River Dam Portage. Councilor Scarberry reported that he sent out the press release to the kayak and canoe clubs and the media in the immediate area. The following day he had a call from KVAL and took a convoy out to the portage with a camera crew and reporters. It was on the news. It was an interesting story, but unfortunately, the main gist of it kind of got lost because what we were looking for is someone to take this off our hands. He stated how much he appreciated that the TV station came over and did the story. He went on to report that he hasn't gotten any other call backs from any other media or from kayak and canoe clubs. He said he has a feeling no one wants to take this thing in the state of disrepair it is in. He said he thinks we need to get it fixed. Whether tourist dollars or volunteer help is used, it needs to get it fixed before this summer gets too far along, and then that gives the City breathing room until 2015 rolls around when the agreement expires or the City has to take it out. He asked the City Recorder to report on the status of the bids.

City Recorder Fred Hilden reported that the City will be having three bids coming in, but he does not have them yet. He asked Councilor Mills to report on her conversations with the State regarding permits.

Council President Mills stated that the repairs, since it is covered by the license agreement, would not require a permit. To remove the portage would require a permit, but if the reason for removal is to enhance wildlife, the fees may be waived. We need to write a letter requesting permission to make the repairs without a permit.

Discussion took place regarding the next steps to take and the need to get something done before we get too far into the summer. Councilor Koehler reported that the Parks Commission voted to recommend that the RTMP funds be spent on making the portage repairs. **Based on that recommendation, Councilor Koehler made a motion to make the repairs to the portage using RTMP funds. Council President Mills seconded the motion.** Discussion followed regarding putting a cap on the cost. **Councilor Koehler amended the motion to include a cap of \$2,500. Council President Mills agreed to amend her second as well.** Councilor Sathe stated that the motion must also include instruction to the City Recorder to accept the lowest bid, or we have to come back for a special meeting. Mayor Ruede stated she did not mind coming back for another meeting. **Council President Mills called for the question. The motion passed upon the following roll call vote: Aye: Councilors Wells, Koehler, Mills, Anderson and Scarberry. Nay: Councilor Sathe.**

Resolution Series 2012, No. 6 regarding Workers' Compensation Coverage for Volunteers. City Recorder Fred Hilden explained his findings after investigation regarding the minimum monthly wage in paragraph 1 of the resolution. **Council President Mills made a motion to approve Resolution Series 2012, No. 6 dated June 13, 2012, a Resolution Extending Dunes City's Workers' Compensation Coverage to Volunteers of Dunes City. Councilor Sathe seconded the motion. The motion passed by unanimous vote.**

Draft Ordinance to Amend Chapter 10. **Council President Mills made a motion to read the Draft Ordinance to Amend Chapter 10 by title only. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.**

City Recorder Fred Hilden read the Draft Ordinance to Amend Chapter 10 of the Dunes City Code by title only. The matter will be on the Agenda for the next regularly scheduled Council meeting for second reading.

Mayor Ruede opened the meeting for public comment on this Draft Ordinance. No comments were offered.

Draft Ordinance to Repeal Chapter 92 entitled “Animal Control Code”. **Council President Mills made a motion to read the Draft Ordinance to Repeal Chapter 92 by title only. Councilor Anderson seconded the motion. Discussion followed.**

Councilor Sathe stated he wants the ordinance read in full.

The motion failed upon a vote of 4 to 2, with Councilors Sathe and Wells voting no. Councilor Sathe read the Ordinance in full.

Mayor Ruede opened the meeting for public comment on this Draft Ordinance.

Jerry Wasserburg, Dunes City resident: I would like to ask Councilor Troy to explain his reasoning for his consideration.

Councilor Sathe stated that from the people he has talked to there are a lot of people that still want an animal control ordinance in the City, so he just wanted people to hear, when they watch on TV, what this ordinance was.

Mary Jo Leach, Dunes City resident: I would be opposed to abandoning this. Our neighborhood is overrun with dogs. It is a problem. But, a bigger problem is the whereases talk about we don't have money. I understand that. It says we don't have a way to enforce this and yet we are spending lots of time and money in the City to codify ordinances that will need to be enforced. Is that not true? Are there no ordinances that are being written that will require enforcement? Are there any rules that we will have to enforce in some way? There is clear conflict here in this language to say that this ordinance presents a problem because it is not enforceable. It is only true if there are no ordinances that contain enforcement. If you're anticipating an enforcement procedure its not a fair thing. It goes back to a very basic problem, you don't need any rules if you're not going to enforce them.

Susie Navetta, Dunes City resident: Going back a few years, whenever we had a dog problem, Dunes City staff or myself would go out there and discuss it with the neighbors and many times we would get it resolved. That went on for several years and at some point we decided to protect our citizens from dog bites. Just a few weeks later, someone was walking on the Siltcoos dock and was bitten by a dog. Lane County came out and found the dog, tested the dog and, of course, he did not have to undergo the series of shots. I think we need to keep this ordinance. It is a

very important thing. We have a leash law problem in the City and it would be terrible to abandon it.

John Stead, Dunes City resident: You heard my comment earlier, but I'd like to add to it. One of the things that Dunes City does not do is require that people who have dogs have their dogs licensed. If all the animals were licensed in Dunes City, that would be a source of revenue to help offset the costs of operating this measure.

George Burke, Dunes City resident: As was stated, we have no way to enforce the ordinance, and as far as who takes care of it now, the County is responsible. The County requires licenses. The County has been in this area knocking on doors requiring people to buy a license. That would be just multiplying the license fee for your animal to have to pay for a County license fee and a City license. The cost of enforcing as named in the ordinance would be more than the whole City budget. We cannot afford it. We have never been able to afford it and we have never enforced it, as a City. Having ordinances on the books that we can't afford doesn't make any sense.

There was no further public comment. Mayor Ruede called for Councilor comment.

Council President Mills stated Ordinance No. 178, which this ordinance proposes to repeal, establishes a requirement for a license for a dog in Dunes City. It has been on the books since 2005 and we've never done that. The scary part, when that person got bit by the dog on Siltcoos Lake, if this law was in effect and we had not done it and ensured that that dog was properly vaccinated, the City may well have been liable for that. That is my concern. We cannot afford to go out and monitor the dogs. The nuisances are covered. We can add vicious dogs to the nuisances if its not already there, and I think it is. Annoying dogs, dogs running wild, all that stuff is covered under the nuisances provisions and yes, we can enforce that with abatement. To me and the Ordinance Review Committee, we just felt like this was a burden on Dunes City staff that they don't need another burden to do. Therefore, they are recommending repeal.

Councilor Scarberry asked about the last "whereas" paragraph where it talks about liability. Has this been run by our insurance provider and its been his recommendation that we repeal? Both Councilor Mills and City Recorder Fred Hilden responded no, it had not. Councilor Scarberry went on to state that he agrees that if we have something on the books that doesn't pertain to what is happening now, we need to clean it up to protect ourselves.

Councilor Anderson stated that he thinks by having this in force, we're liable when we haven't had it enforced and we don't have an Animal Control Officer, a municipal judge, and so forth. If we have it in our rule and don't enforce it, then I think we'd be liable.

Councilor Koehler stated he looked up Ordinance No, 178 and it contains 22 pages that seem quite adequate to the City. It seems to escape costs. There aren't that many costs because we had an MOU (memorandum of understanding) with Lane County that takes on most of the liability. The only liability is the ability to talk with the folks in order to have them cooperate. He stated that if that's a liability, he needs a different dictionary. There are no costs in 178 because they define animal regulation authority as the Lane County animal regulation authority. Then

the animal control officer is a city employee or a person employed by the Lane County animal regulation. Now maybe we could adjust 178, but to repeal 22 pages of valid information seems to be a bit premature. He recommends that the Ordinance Review Committee look over 178 and see how that could be abridged, perhaps, if that. To have a police commissioner be able to negotiate with people in town seems to be something that indicates a lot of cooperation potential and something we could do.

The matter will be placed on the agenda for the next Council meeting for its second reading and potential action at that time.

Councilor Koehler made a motion to table this Draft Ordinance until another time. The motion died for lack of a second.

Draft Ordinance to Amend Chapter 32 entitled “Boards and Commissions”. Council President Mills stated that based upon the conversation we had at our last Council meeting, she has a number of amendments to present, but she believes we have to read it first, correct? Therefore, **Council President Mills made a motion to read the draft Ordinance Amending Chapter 32 by title only. Ed Scarberry seconded the motion. The motion failed upon a vote of 4 to 2, with Councilor Sathe and Councilor Koehler voting no.**

Councilor Sathe read the Draft Ordinance to Amend Chapter 32 entitled “Boards and Commissions” into the record, but did not read Exhibit A.

Mayor Ruede opened the meeting for public comment.

John Stead, Dunes City resident: Given that the Ordinance proposes to do away with so many old ordinances and resolutions, I am concerned that the City’s legal counsel has blessed it, and if it has not, it should be. I am wondering if this has gone before each of the committees. In addition, I would like to have the time to review it and make comment at the next reading. Mayor Ruede said the next reading would be a public hearing and yes, of course he will have opportunity to comment.

Susie Navetta, Dunes City resident: I am confused about what happened to the Parks and Recreation Committee and the Education Committee. It looks like the Communication and Education Committee has moved into the Parks and Recreation Committee, who has no duties at all. Do I have a bad copy or something? After discussion, it was discovered that a copy error had occurred and that two of the pages had been inadvertently reversed, thus causing the confusion.

George Burke, Dunes City resident and Ordinance Review Committee member and Planning Commission Member: This Ordinance went before all Committees and Commissions in Dunes City. All were given the opportunity to give input. This is the final draft after all of the input from the Committees and Commissions.

Mayor Ruede closed the public comment period and asked for comments from the Council.

Councilor Sathe said that he did not ask that it be read in full because he did not like the Ordinance, he just thought it was important for all the citizens to hear what was going on.

Councilor Koehler asked that in the future could we please have draft ordinances publically available to post on the website.

Council President Mills made a motion to amend the draft Ordinance to amend Chapter 32 by correcting the typo in the title where it should read Ordinance No. 187, rather than 1987, and to add an 's' on the word "Board" in Section 1; and correct the numbering of the sections. City Recorder Fred Hilden requested one more typographical error be corrected and that is in the second line, the second Ordinance referred to in Section 5 should be 208, not 203. Council President Mills added that correction to her motion for amendments and went through each of the written proposed amendments. Councilor Scarberry seconded the motion. Discussion followed. Councilor Koehler expressed his desire to wait for another meeting before considering these amendments or this Ordinance since the first few pages had not been included in the packets. Council President Mills stated that her thought was to be able to incorporate the changes into the document so it can be posted with those corrections before the next meeting when there will be a public hearing. Councilor Sathe stated he thought the amendments proposed by Council President Mills were all good and that if Councilor Koehler has amendments he wants to make, he can make a motion after we consider this one. The question was called. **The motion passed by a vote of 5 to 1 with Councilor Koehler voting no.**

LUBA expenditures to date. City Recorder Fred Hilden explained the handout presented which is a quickbooks report on expenditures made in association with the LUBA appeal. That number is \$22,856.

10. NEW BUSINESS

Mayor's Conference. Mayor Ruede stated the Mayor's Conference is scheduled for July 26 through 28, 2012 in Florence. She asked the Council to approve her attendance at this conference and payment of fees and costs associated with her attendance. City Recorder Fred Hilden stated the fees associated with this would be \$260. Councilor Sathe asked for a breakdown of the costs. The costs would be \$150 for member registration for one person, \$20 Heceta Lighthouse lunch, \$20 for a secondary luncheon on Saturday for one person, and then the annual banquet at Three Rivers Casino and she would like two people to attend at a cost of \$70 (\$35 each), so the total is \$260. There is no lodging associated with this because it is in Florence.

Councilor Sathe made a motion to approve the Mayor's request to attend the Mayor's Conference as presented. Councilor Wells seconded the motion. Discussion followed. Councilor Koehler expressed his opinion that he does not see much benefit for the Mayor to attend and prefers to see expenditures kept local to Dunes City and asked the Mayor to explain how Dunes City would gain from her attendance. Mayor Ruede responded that she thinks that it is appropriate and prudent for her to attend the annual Mayor's conference when it is in the adjacent town. If it is the pleasure of the Council for her not to attend, she will give her regrets to Mayor Brubaker. Council President Mills expressed concern about using City funds to pay for Rick to go to the annual banquet. The City Recorder stated it is only \$35 and it is acceptable for the City to pay for the

Mayor's spouse to attend the annual event. Councilor Anderson expressed his opinion that our Mayor mixing with mayors of other cities and getting the Mayor of Dunes City out there as representing Dunes City is a good thing for us to do. Councilor Scarberry stated he agreed with Councilor Anderson and stated that he thought it would look real strange for the Dunes City Mayor not to drive five miles for the Mayor's Conference and maybe we should offer to host next year in Dunes City. **The motion passed by a vote of 5 to 1 with Councilor Koehler voting no.**

Annual Volunteer of the Year Award. **Councilor Wells made a motion to name Bob Read as the First Annual Volunteer of the Year Award winner for 2012. Councilor Sathe seconded the motion.** Discussion followed. Councilor Sathe asked if we were going to have a cake or something. The Mayor suggested a little reception. Councilor Wells would like to see a presentation of a certificate or a plaque and have a tag on a piece of burl or something that we can annually put the names on there. **The motion passed by unanimous vote.**

Resolution Series 2012, No. 7 dated June 14, 2012. City Recorder Fred Hilden explained the necessity of transferring funds from the General Fund Contingency to the General Fund Legal Expenses and read the resolution into the record.

Councilor Scarberry moved to approve Resolution Series 2012, No. 7 dated June 14, 2012 to move \$6,000 from the General Fund Operating Contingency to the General Fund Materials and Services Legal line item. Councilor Anderson seconded the motion. The motion passed by unanimous vote.

LUBA Decision on Ordinance No. 211A – Septic. City Recorder Fred Hilden explained that the Land Use Board of Appeals had denied the majority of the petitioners' assignments of error finding in favor of the City, but upheld one in part which effectively overturned the City's decision to enact Ordinance No. 211A, therefore, Ordinance No. 203 is in effect. Councilor Wells requested that we have a work session next week to hash out what we want to do next and have it as a true work session with no public comment period to let us work this out. **Councilor Wells made a motion to hold a work session sometime next week to have deliberations about the LUBA decision. Councilor Sathe seconded the motion.** Discussion followed. Councilor Koehler questioned whether we have good service from the contract planner or if we should try to locate a new contract planner who would be sure these situations do not occur and cost the City the \$23,000 that it did. That is one of the basic things that has to be looked at in the work session or the special session. I concur with the Mayor in the need to bring people together to remove divisiveness. One of the problems that we have is the ability, similar to what is stated in the Mr. Malone letter, and that is that they would prefer to work with the City. We would be more efficient to work with the City, not just from the economic standpoint, but the ability to enable the citizens to converse and be able to get things out in the open. I do not agree with Councilor Wells that a special session should have public input. Councilor Koehler stated that the word "better" is critical to all decisions regarding septic maintenance, as well as the abridgement of 203. To have public input eliminated would be a sacrifice to the information that would be so valuable to receive.

Mayor Ruede explained that a work session does not, as a rule, allow for public comment. Special sessions do.

Council President Mills stated that she does not feel comfortable relying on her own interpretation of the LUBA decision. She would prefer to have an Executive Session to hear the attorney's explanation and what our options are.

Mayor Ruede stated that the City is way over budget in that arena right now and we would have to wait until next fiscal year, after June 30, so we could get some legal counsel.

Councilor Sathe stated we are on a 10-day time line and we need to do it next week.

Council President Mills stated, first of all, this letter from Sean Malone is the first letter we've received that asks for us to meet with them without threatening us at the same time. All of the prior letters have had negative threats in them. She does not see a problem with going ahead and sitting down with them and talking with them to see what they have in mind.

Councilor Wells disagreed. He believes we need to have either a work session or an executive session where we can discuss it without interruption to figure out what we want to do.

Councilor Anderson stated he was sure Mr. Malone would extend that 14 days. Mr. Hilden stated that they requested we respond in 14 days, not necessarily meet with them in the next 14 days. Mr. Hilden suggested that the Council should contact Mr. Malone and invite them to a Council meeting where there can be citizen input and public involvement. It would be recorded on DVD. Mr. Hilden agreed with Councilor Mills' concerns and agrees that the Council should meet with the City Attorney to understand what the City's options are at this point.

Councilor Koehler suggested that the Secretary of State's rules regarding work sessions may prohibit the Council from making decisions during what is called a work session.

Councilor Scarberry stated that he thought it was understood that in a work session no decisions are made. We are working on something, not making a decision. On the other topic brought up by Council President Mills, he, too, would like to know what the options are and that it shouldn't take that long.

Discussion continued. **The motion failed upon the following roll call vote, Aye: Council President Mills and Councilor Wells, Nay: Councilors Sathe, Koehler, Anderson and Scarberry.**

Council President Mills moved that the Council schedule an Executive Session as soon as possible, perhaps next week, to talk to our City Attorney regarding our options. Councilor Wells seconded the motion.

Discussion followed. Councilor Sathe would like the Agenda for that meeting to allow for the Council to make a decision on how to move forward. City Recorder Hilden clarified that the meeting would have to be a Special Session that incorporates an Executive Session and allows a decision to be made in open session. **The motion passed by unanimous vote.**

Council President Mills stated that since we are, at this time, operating under the terms of Ordinance No. 203, she moved to instruct staff to notify those individuals who have not complied with 203 that they need to comply with the terms of 203 before the end of September. Councilor Koehler seconded the motion.

Councilor Sathe suggested that we stretch it out until next March because this is something that we need to give them some time to comply. Discussion followed. **Both Council President Mills and Councilor Koehler agreed to amend the motion to extend the compliance deadline to March 1st of 2013.** Councilor Scarberry inquired if there was going to be a vote on this on the November ballot. City Recorder Fred Hilden explained the status of the initiative petition and that it will be on the November ballot, barring it not getting enough signatures or it being withdrawn. **The motion passed upon a vote of five in favor, with Councilor Scarberry abstaining.**

The Mayor called for a seven-minute break and announced the Council will reconvene at 9:23 pm.

The Mayor recalled the meeting to order at 9:33 pm.

Ordinance Amending Chapter 91, Nuisances. Council President Mills explained the history of the changes to the proposed Ordinance based upon discussion had at City Council and a remand back to the Ordinance Review Committee for further changes in hopes that it addresses some of the concerns that were raised by the Council at that meeting.

Councilor Anderson moved to table discussion of this Ordinance to the July meeting. Councilor Koehler seconded the motion. Councilor Koehler suggested there be an amendment to ensure art was not included as junk. Discussion followed. Councilor Koehler agreed to provide suggested language for the amendment for consideration at the next Council meeting. **The motion passed by unanimous vote.**

Ordinance Review Committee Recommendation regarding Chapter 130, Hunting and Trapping. **Council President Mills moved to read this draft Ordinance by title only. Councilor Scarberry seconded the motion.** Councilor Sathe stated he would be reading another one because, in his opinion, this Ordinance is not even close to being ready. He has several issues with this. Mayor Ruede suggested that the Council remand this back to the Ordinance Review Committee with suggestions for revisions. **Council President Mills agreed to withdraw her motion and Councilor Scarberry agreed to withdraw his second.**

Councilor Koehler stated this ordinance only addresses firearms and he is concerned about other projectiles, such as crossbows, which have the same range as some other short-range weapons and that could be included.

Councilor Sathe is willing to go to the Ordinance Review Committee and talk to them about his concerns.

The City Recorder suggested that there seems to be a lot of interest in this subject and there may be members of the public who wish to comment. The Mayor asked if there was any public comment.

Mary Jo Leach, Dunes City resident: How do you know where the ordinary high water mark is? The Recorder explained that there is actually a definition by the Division of State Lands and that it is 39.8 feet above sea level for Woahink and 12 feet above sea level for Siltcoos Lake.

George Burke, Dunes City resident: The bed and banks of the lakes below the high water mark are under the jurisdiction of the State and the City cannot regulate State lands.

Bill Sathe, Dunes City resident: We have a problem with deer. The City could have a deer season for bow or shotgun. I can understand not using a rifle because of the amount of people, but if you have a shotgun or a bow, they do not go that far.

Councilor Sathe stated that is why on the sand dunes up at County Line, they allow bow and shotgun only and not rifle and they have more density with the people in the summer time than we ever do in Dunes City. The State has found that it is fine to do it that way with shotgun and bow. What if a bear comes in and starts tearing up your house?

Council President Mills explained there are exceptions for protection of self and property. She stated she does not want anyone shooting anything at her house and as of right now, if someone wanted to come kill the deer in her front yard, they could.

George Burke, Dunes City resident and Ordinance Review Committee member clarified that the language of this Ordinance is state law and all the Committee was doing was trying to comply with state law and clarify where hunting could occur.

Ordinance Review Committee Recommendation regarding City Boundaries Correction. Council President Mills explained that the City's boundaries appear to include state lands within our boundaries and under our jurisdiction. The Committee believes the State would disagree with that, so the Ordinance Review Committee recommends that we ask the City Recorder to determine the process to correct the boundary to exclude the State owned lands.

Councilor Koehler stated he believes there may be major problems as it touches into the Comprehensive Plan and how the water resources work with Dunes City. There is a reason that demarcation is there. What hazard is it to Dunes City? Council President Mills explained that the EPA is currently in the process of establishing TMDLs. Lakes are going to be the last on the list to get to, but should they develop TMDLs and Best Management Practices to meet those TMDLs, they can mandate that the entity that claims jurisdiction have to take those actions and pay for them. She expressed her concern over that issue.

Council President Mills made a motion to table this matter for discussion at a future meeting. Councilor Koehler seconded the motion. The motion passed by unanimous vote.

Ordinance Review Committee Recommendation Regarding Shared Domestic Water Program. Council President Mills explained that when the Dunes City Council adopted the language creating the Dunes City Shared Domestic Water Program they neglected to put where it should be located in the Code. It never said where it should go. The Ordinance Review Committee is suggesting that the language of those two Ordinances, 165 and 192, be put into Title 5, as Chapter 51, and be codified in that manner.

Council President Mills made a motion that the Ordinance Review Committee create an Ordinance that takes the language from Ordinances 165 and 192 and puts it into Title 5, Chapter 51. Councilor Sathe seconded the motion. Councilor Sathe asked if there was any language in that as to where they place the meters. Council President Mills stated no and that it probably should have been on the Agenda as a separate issue. She stated that the Committee was not suggesting any kind of language changes to the existing Ordinances 165 and 192. **The motion passed by unanimous vote.**

Ordinance Review Committee Recommendation regarding the placement of electric and water meters on newly developed properties. Council President Mills explained the problems with the current location of water meters, which are oftentimes in basements, garages, under houses, etc., which makes it difficult to read and since we approved their location, we cannot go back now and so, well, you have to pay to move it. The same holds true for electric meters, which appear to be in the Dunes City's right of ways.

Councilor Sathe stated that is an issue that has been discussed by the Road Commission. We are not supposed to have anything in the City's right of ways, so we need to make sure that we get some kind of language in our franchise agreement that they have to keep the meter for the house out of the right of way. Their boxes can be there, because that is why they pay the franchise fee for, but not the house meters.

Councilor Koehler would like to include, in future discussions of this issue, a discussion on water pipelines located on Dunes City's right of ways.

Council President Mills made a motion to table discussion of this issue to a future Agenda. Councilor Sathe seconded the motion. The motion passed upon a vote of five Ayes, with Councilor Koehler abstaining.

11. Reports

Mayor Ruede asked what the pleasure of the Council was with regard to Reports.

Councilor Sathe moved to go straight to the Good of the Order. Councilor Wells seconded the motion. Council President Mills said she would like to move to approve the recommendations of the Parks and Recreation Commission. Mayor Ruede said that could be done under the For the Good of the Order. **The motion passed by unanimous vote.**

12. For the Good of the Order

Councilor Sathe stated that the Road Commission was able to get a bunch of danger trees cleared last month and we were able to get an area ready for another city park. If anyone is interested, we are going to be working on the Master Road Plan every Monday until July 9th.

Councilor Koehler had four or five motions during the last Parks and Recreation Commission meeting, one of which is including a sign next to the sign by the kiosk. **Councilor Koehler moved to direct staff to prepare a public bid notice for the sign described in the proposal prepared by the Parks and Recreation Commission. Council President Mills seconded the motion.** Discussion followed. **The motion passed by unanimous vote.**

Council President Mills made a motion to ask the Road Commission to contact ODOT to put up signs as described in the Parks and Recreation Commission report. Councilor Sathe indicated that it had already been done. **Council President Mills withdrew the motion.**

Councilor Anderson announced that the Communications and Education Committee is putting together its next newsletter and they are looking for items and articles of interest to include. There have also been a couple of Conservation Committee sight reviews.

Mayor Ruede announced that if her husband decides to attend the banquet at the Mayor's Conference, she would pay his way.

13. ADJOURNMENT

There being no further business to come before the City Council, Council President Mills 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 10:03 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 12th DAY OF JULY 2012.

[Signed copy available at City Hall]
Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]
Fred Hilden, City Recorder

DUNES CITY
Communications & Education Committee
Report to City Council
June 14, 2012

The Communication and Education has been holding regular work sessions to plan for the new web site and the next newsletter. We invite suggestions and articles suitable for these projects.

Thank you,
Councilor Dick Anderson

DUNES CITY
Conservation Committee
Report to City Council
June 14, 2012

Since our last Council meeting the Conservation Committee has made two site reviews at the request of the property owners regarding fallen trees in the shoreland and the lakes. The Conservation Committee recommended approval of the owners requests in each case.

Thank you,
Councilor Dick Anderson

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

The Ordinance Review Committee met on May 9, 2012 and May 21, 2012. The Committee continued its discussion regarding the language for Chapter 91, Nuisances, made minor changes and makes the following recommendation:

THE COMMITTEE RECOMMENDS THAT THE DRAFT ORDINANCE TO AMEND CHAPTER 91, NUISANCES, OF THE DUNES CITY CODE BE PLACED ON THE CITY COUNCIL AGENDA FOR DISCUSSION AND DECISION ON POSSIBLE FUTURE ACTION.

The Committee reviewed the draft language for the ordinance to amend Chapter 130, General Offenses, as it relates to discharge of firearms in the City limits, made minor amendments, and makes the following recommendation:

THE COMMITTEE RECOMMENDS THAT THE DRAFT ORDINANCE TO AMEND CHAPTER 130, GENERAL OFFENSES, AS IT RELATES TO DISCHARGE OF FIREARMS IN THE CITY LIMITS, OF THE DUNES CITY CODE BE PLACED ON THE CITY COUNCIL AGENDA FOR DISCUSSION AND DECISION ON POSSIBLE FUTURE ACTION.

The Committee discussed concerns relating to the Dunes City limits where such limits include land owned by and under the jurisdiction of the State of Oregon. The Committee makes the following recommendation:

THE COMMITTEE RECOMMENDS THE CITY COUNCIL INVESTIGATE THE ACTIONS NECESSARY TO CORRECT THE ERROR MADE IN INCLUDING A PORTION OF THE BED AND BANKS OF WOAHIK LAKE WITHIN THE INCORPORATED BOUNDARIES OF THE CITY OF DUNES CITY, WHEN SAID LAND IS ACTUALLY OWNED AND UNDER THE JURISDICTION OF THE STATE OF OREGON, AND THAT SUCH MATTER BE PLACED ON THE AGENDA OF THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING FOR DISCUSSION AND POSSIBLE ACTION.

The Committee reviewed previously adopted Ordinances that fail to identify where the language is to be included in the Dunes City Code and makes the following recommendation:

THE COMMITTEE RECOMMENDS THAT THE CITY COUNCIL DIRECT STAFF OR THE ORDINANCE REVIEW COMMITTEE TO DRAFT AN ORDINANCE INCORPORATING THE LANGUAGE OF ORDINANCES 165 AND ORDINANCE 192 INTO TITLE 5, CHAPTER 51, OF THE DUNES CITY CODE ENTITLED "DUNES CITY SHARED DOMESTIC WATER PROGRAM".

The Committee discussed concerns and issues raised about the placement of utility meters, including electric meters being located in the City's rights-of-way and the inaccessibility of water

meters under the Dunes City Shared Domestic Water Program and makes the following recommendation:

THE COMMITTEE RECOMMENDS THAT THE CITY COUNCIL DIRECT THE PLANNING COMMISSION TO CRAFT LANGUAGE FOR AN ORDINANCE OR ORDINANCES THAT ADDRESS THE PLACEMENT OF UTILITY METERS ON LANDS IN THE CITY LIMITS UNDERGOING NEW CONSTRUCTION, AND FURTHER, THAT SUCH ORDINANCE OR ORDINANCES ALSO ADDRESS THE REQUIREMENTS AS TO THE TYPE OF WATER METER TO BE INSTALLED UNDER THE SHARED DOMESTIC WATER PROGRAM.

The Committee having completed its review of the Code and Ordinances, the next meeting will not be scheduled until information is received back from the City Attorney.

INSERT P&R Report

June 14, 2012 Revenue Committee Report

Again this month, we are lacking members for a quorum so no meeting last month.

I have made second contacts to the list of those organizations that could be interested in assisting or taking over the Siltcoos River portage.

To this point, I have not had any response other than those resulting from the local press release last month.

Optimism is the name of the game!

Respectfully,

Ed Scarberry
Revenue Chair

DUNES CITY
Site Review Committee
Report to City Council
June 14, 2012

The Site Review committee had a final follow up inspection on the property at 5647 Alder Court.

The original complaint was from November 15, 2011 by Janet Carroll at 5639 Alder Court against the property owner at 5647 Alder Court.

The first site review visit was December 14, 2011 at 11:30 a.m. and the inspection was done by Committee members David Dumas, Milton Farrand and Chairman Duke Wells. The Nuisance Ordinance # 176 violations were recorded by the Site Review in the report prepared January 12, 2012.

The final follow-up site review inspection was done on May 3, 2012 at 11:00 a.m. Site Review members present were Milton Farrand, Ken Platt and Chairman Duke Wells. The findings were that the garbage and demolished trailer debris in back yard was all cleaned up and the grey water issue was abated.

Despite many personal hardships and a couple of serious weather events, the property owner did a good job of abating all nuisance violations and one extra point that should please the neighbors is the owner will be removing the trailer house on the property in the near future.

Thank you,

Duke Wells
Site Review Chairman

May 23, 2012

DUNES CITY WATER QUALITY COMMITTEE
REPORT TO CITY COUNCIL
JUNE, 2012

The Water Quality Committee did not meet in June. The next committee meeting will be held on Wednesday, July 11, 2012, at 3:00 p.m. at City Hall.

Insert WEIR Report

Emergency Services Report to City Council
June 14, 2012 ~ Prepared by Fred Hilden

I attended the West Lane Emergency Operations Group meeting on Monday, May 21, 2012, representing Dunes City.

On Tuesday, May 22nd I met with Aaron Ketch from the Oregon Department of Transportation (ODOT), John Scott from the Port of Siuslaw and Terry Duman to do a site visit at the Old Ferry Road located at the southwest corner of the Siuslaw River Bridge. The purpose of the site visit was to review West Lane Emergency Operations Group's application for an access permit to the Siuslaw River in case of a catastrophic bridge failure. The only issue with ODOT granting approval of this access permit appears to be some large conifer trees that have overgrown the pavement on Old Ferry Road over the last seventy years that are in the shoreland zone. Mr. Ketch plans to review whether these conifers can be removed with his environmental group and advise us of their decision.

A "Post Disaster Recovery" and "Pet Stress Reactions" class is scheduled for Saturday, July 14, 2012. All classes are held at Siuslaw Valley Fire and Rescue, 2625 Highway 101 in Florence. The classes start at 9:30 am and end at 12:30 pm. Call 541-997-3212 to sign-up.

The approved minutes of the WLEOG meeting from April 2012 are attached for your review.

Respectfully submitted,

Fred Hilden
City Recorder

City Recorder / Planning Report to City Council
June 14, 2012 ~ Prepared by Fred Hilden

May permits totaled ten, including a plan review for another new residence in Woahink Ridge Estates. Copies of permits to Lane County and Lane Council of Governments are caught up and on schedule.

During May the Planning Commission continued their work on Chapter 155, Zoning and Development, in two special sessions.

The oral arguments in the Land Use Board of Appeals case on septic Ordinance #211A were held on Thursday, May 10, 2012. As was discussed earlier, the LUBA Final Opinion and Order was received by the City on June 6, 2012, remanding the City's decision on a procedural matter.

We continued working on the required paperwork for the Federal Emergency Management Association reimbursement for January 17th – 21st storm damage. On Monday, June 4th, I met with Dan Rude of FEMA and signed all of the claim certifications. At this time, it appears the City will receive more than my original estimate of \$10,000 to \$15,000. Special recognition goes to Council President Jamie Mills, the Road Commission, Staff and all of the wonderful volunteers that made the tree and debris clean-up and reimbursement to the City possible.

During May, the Fiscal Year 2012-2013 Fiscal Year budget was approved by the Budget Committee at our May 15, 2012 meeting. I would like to thank all of the Budget Committee members for the hard work and assistance in finalizing next year's budget.

It seems the State has been busy modifying all the budget and elections forms and processes. It has certainly complicated my tasks. The City received the revised initiative petition on the septic ballot measure aimed a water quality improvement. Expect to see this on the November general election ballot.

We will have four candidate positions available on the ballot in the November election. The Mayor position is open for a term of two years and three City Councilor positions are open for four year terms.

Sadly, I received the resignation of one of our Staff members. Existing Staff will cover the workload until I decide how best to cover this loss.

Respectfully submitted,

Fred Hilden
City Recorder