



**CITY COUNCIL MEETING MINUTES ~ APPROVED
DECEMBER 13, 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 Fred Hilden, City Recorder.

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

Absent and Excused: Councilor Richard Koehler.

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

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

5. CONSENT AGENDA

Councilor Sathe made a motion to approve the Consent Agenda as amended. Councilor Wells seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

- A. Dunes City Artist of the Month is Mel Vincent with prints provided by Roberta Dalbeck. Additional prints of the local area are also provided by Mrs. Dalbeck.
- B. All Dunes City residents are invited to a Mayor's Holiday Potluck on Friday, December 21st at 5:30 pm at Dunes City Hall. Bring a dish and come join us for the fun!
- C. Dunes City Hall will be closed on Monday and Tuesday, December 24th & 25th and December 31st & January 1st, 2013 for the Christmas and New Year Holidays.
- D. December Birthday Wishes to Councilor Duke Wells on the 30th.

E. City Recorder Hilden introduced Renee Green as a staff member joining us tonight.

7. CITIZEN INPUT

Mr. David Bellemore, Dunes City Resident

Mr. Bellemore stated that upon hearing from citizens that Council is going to go forward with an attempt to dump the septic ordinance and go to a no septic ordinance education program he stated he felt that was a really bad idea. He went on to point out that for those who think that it's an imposition on individual citizens' rights to have a law that says that they have to take care of their own sewage systems so they don't pollute the lake that their neighbors drink out of, to him that has all the sense of doing away with, for example, drunk driving laws, or doing away with laws against child rape because someone should have the right to do that if they want. Mayor Ruede asked Mr. Bellemore to please keep his comments civil. Mr. Bellemore stated that he thought he was keeping it civil and realistic. It makes as much sense as what he had brought up. He went on to say that to allow someone not to take care of their own sewage system and pollute everybody's water source. He stated that he has a well, but since it's connected to Woahink Lake, he essentially drinks Woahink Lake water because of the aquifer connected to the lake. He further stated that the water he has to drink may have someone else's sewage and it affects me and just about everybody else in this town. He asked that the Council reconsider and maybe pass a more user friendly ordinance regarding septic maintenance and went on to say we need something to make sure that everybody takes care of their sewage systems for the good of everybody.

April Dumas, Dunes City Resident

April Dumas read her letter as follows:

I am delighted that the Dunes City Council has decided to start a community education program. My husband and I miss the semi-annual festivals that we used to hold in Dunes City.

We bought our house on Woahink Lake 10 years ago. We were delighted to live on one of Oregon's cleanest and most beautiful lakes. We bought the best water filtration system available, repaired the septic system, removed the lawn because it was too close to the lake, and re-planted using a more natural landscape. We purchased a spotting scope to watch the wildlife and settled in to enjoy our new life.

We signed up to volunteer at the local history museum and on several Committees in Dunes City. We spent countless hours with our new neighbors planning how best to preserve this wonderful place. We worked with a lot of other residents to create erosion and septic maintenance plans that would help preserve our clean drinking water.

Last year I was diagnosed with an autoimmune rash, with burning and itching all over. When I spoke with one of our neighbors about it, she told me she had also suffered from a rash but when she stopped drinking the water from Woahink Lake, it went away. Well, I had to try that, and three months later, my rash was completely gone. After suffering for a year, that was good news. My concern is that we are old and getting older. I now have the choice

of filling, and carrying many bottles of water home from a source outside of the City or living with a constant rash. I have a bad back and I don't know how much longer I will be able to lift and carry those heavy bottles.

During the last big storm, I couldn't get out to get water, so I drank once again from our state-of-the-art water treatment system, and the itching returned. I'd like to know if there is something in our drinking water that causes me to itch. I know that Dunes City tests the water every month, and I wonder if any pollutants other than phosphorus and bacteria are included in that testing.

I urge the Council to maintain the Septic System Ordinance currently in place and to support measures that will continue to improve and protect the quality of our drinking water sources.

I would also like to know when the City archives will be available on the new website. I can't find anything over one year old.

Dr. Peter Howison, Dunes City Resident

Dr. Howison stated that he thought it was great that we are headed into a direction where education is directed toward septic maintenance. He also stated he thinks there are good aspects of the current septic ordinance and we have 70 or more percent of our citizens to have their teeth flossed, brushed, and make sure they don't have cavities and they don't have to have their teeth pulled out because they are not monitoring their septic system enough. He went on to say that he thought there was a lot of leeway for some constructive changes in addition to education and he hopes that the Council and the people of Dunes City will consider having some of those things including inspections and some kind of interval that is appropriate for your septic system such as the number of people, size of the tank; the things that would be reasonable and that there would be an appeal process if someone doesn't like the inspector's determination. He stated that he thought throwing out all of the some kind of required septic inspections is not in the best interest of our people. We have lakes that are not like the lakes back east; they are still somewhat pristine. The inevitability of the experience of them will be our failure too, and we will end up with a sewer system that will cost us millions and millions of dollars and it will also result in changes in our one-acre build. At any rate I wish the Council the best of luck in making the best decision regarding our future water quality.

8. Guest Speaker

A. Peter & Lina Howison's Visit to Sister City Dunes, France - - - Presentation.

Peter and Linda Howison visited our Sister City of Dunes, France three years ago and again in September and tonight they presented an update with slides of their recent visit.

9. Executive Session

- A. Held pursuant to ORS 192.660(2)(f), to consider information or records exempt by law from public inspection.

Mayor Ruede adjourned the Regular Session for the Executive Session at 7:45 pm.

Mayor Ruede called the Regular Session back to order at 9:04 pm.

10. UNFINISHED / OLD BUSINESS

- A. Ordinance No. 218 Septic Maintenance (F. Hilden)
Repealing Ordinance No. 203 & Establishing a Voluntary Septic Maintenance Education Program

Recorder Fred Hilden provided an update from the last Council meeting where the Council directed Staff to move ahead with putting Ordinance No. 218 on the ballot. He stated that part of that process involved meeting with the City Attorney and that the blue and redline copy of the ordinance in the packets tonight reflect the City Attorney's recommended changes. He then inquired as to what the pleasure of the Council was in regards to Ordinance No. 218. **Councilor Troy Sathe made a motion to table Ordinance 218 Septic Maintenance Program indefinitely until we have the rest of the issues completed first. Councilor Dick Anderson seconded the motion. The motion passed by unanimous vote.** Mayor Ruede asked for further discussion from the Councilors and Council President Mills commented that she felt it was premature to move forward with the ordinance and possibly there were other avenues to be examined before we move on; she felt it was a good idea to put it on hold for a while.

- B. Ordinance No. 219 Chapter 36, Code Enforcement (J. Mills)
First Reading

Council President Mills stated that the Ordinance Review Committee makes the following recommendation to the Dunes City Council regarding Chapter 36, Code Enforcement Ordinance. The Ordinance Review Committee recommends the adoption of the proposed Code Enforcement Ordinance.

Background: After a teleconference with the City Attorney, the Ordinance Review Committee was advised that it is in the best interests of the City if no volunteers, other than elected officials, were in a position to make a determination as to whether violations of code have occurred. Consequently, the Committee believes the appointment of the City Recorder as the Code Enforcement Officer for the City is the best way to proceed. Flexibility is given for the City Recorder or the City Council to appoint someone to serve as the investigator of alleged complaints. This will allow the freedom of the City Recorder to ask either another Council member, such as the Chairman of the Road Commission, to conduct an investigation.

The City Attorney also stated that the City Council can assess penalties and fines, and can collect those penalties and fines to the extent that court action is not necessary to do so.

The proposed ordinance does not specifically set any penalties; however, other provisions of Code set forth penalties for violations of specific actions. The Council may wish to consider adding language at a later date that sets penalties of some kind.

Outcome: If this ordinance is adopted, only the City Recorder, in the Recorder's duty as Code Enforcement Officer, will make a determination as to whether code has been violated. The City Recorder can ask for help in the investigation process. The City Recorder determines if a violation has occurred, chooses a course of action, implements the action, and assesses and collects fees, penalties and fines. The only time complaints come to the City Council is if someone appeals the City Recorder / Code Enforcement Officer's findings.

Council President Mills made a motion to read Ordinance No. 219 an Ordinance amending Title 3, Chapter 36 of the Dunes City Code of Ordinances by title only. Councilor Wells seconded the motion. The motion passed by unanimous vote.

City Recorder Fred Hilden read the following written Ordinance No. 219 by title only. An Ordinance amending Title 3, Chapter 36 of the Dunes City Code of Ordinances entitled "Code Enforcement", repealing Section 91.25 through and including Section 91.99 of the Dunes City Code of Ordinances as found in Ordinance No. 176; repealing Section 10.99 of the Dunes City Code of Ordinances; repealing Sections 154.01, 154.08 and 154.99 of the Dunes City Code of Ordinances; repealing Ordinance Nos. 177, 179, 195, 198, and 201; repealing Sections 2 and 3 of Ordinance No. 200; and other matters relating thereto.

Recorder Hilden stated that in a discussion with the Mayor earlier this week, on page 5 of 7 of Section 36.090, under Item E at the bottom of the page, the last paragraph, it was his perception that any violation that we would be interested in processing would take place in Lane County, within Dunes City limits. And therefore, since all of Dunes City is in Lane County, he thought it would be appropriate to change the very last line of the three-line paragraph to (starting with the last word of the second line) "docket of city liens and will constitute a lien on the property in Lane County and be recorded and filed with Lane County Deeds and Records" or some language like that which is very specific about what action will be taken. More discussion ensued including Councilor Sathe's statement regarding a concern for the lien against the real property if not paid within 30 days. After more discussion, it was discussed and agreed as Council President Mills stated that there is flexibility within the Ordinance and they can enter into an agreement, which can be done by the City Recorder or other arrangements can be made.

Discussion was opened to the public by Mayor Ruede and Councilor-Elect Maurice Sanders suggested that on page 3 of 7 under Section 36.070 Code of Ordinances Violations to use the following language with "A" being replaced with: A. Seek voluntary compliance to abate the violation without any further action taken. After this, the current "A" would be re-lettered "B" and so on. The revision idea was accepted with great enthusiasm by all and deemed worthy to be added to the Ordinance. City Recorder Hilden stated that a revision for the second reading will be prepared.

Councilor Duke Wells stated he is not comfortable with the Ordinance right now with penalties, and changes being made.

Councilor Sathe made a comment that Council can choose not to enforce any ordinance that is on the books and this gives the Council flexibility.

Councilor President Mills commented there are provisions in 203 regarding penalties already and she understands Councilor Wells' concern.

City Recorder Hilden stated that the second reading will be in January.

C. Dunes City Web Site Email Addresses (F. Hilden)

City Recorder Fred Hilden stated that we have had minor technical issues, and one glitch should be resolved by next week. He also stated that history on the website needs to be discussed further to establish how much history is adequate, file naming conventions, organization, and other technical issues. Council President Mills mentioned the grant for National Humanities for archiving is being offered again and maybe we could revisit that and City Recorder Hilden agreed.

11. NEW BUSINESS

A. Proclamation and Certification of Election Results (F. Hilden)

City Recorder Hilden stated that as a result of the November general election held November 6, 2012 in the State of Oregon, County of Lane, City of Dunes City, the proclamation that the Mayor has made states: I, Rebecca Ruede, Mayor of the City of Dunes City, Oregon, do hereby certify that in accordance with the laws of the State of Oregon, that the City Recorder has canvassed the votes cast at the General Election held on November 6, 2012; and that the following votes were cast for the office of Mayor and City Councilor. Be it certified that the total number of votes cast for office of Mayor were Rebecca Ruede – 586, and WriteIn candidate – 114. Be it further certified that the total number of votes cast for three positions for the office of City Councilor: Maurice K. Sanders – 547; Ed D. Scarberry – 521; Jamie L. Mills - 519 and WriteIn 158. A copy of the Official Lane County Abstract of Votes summarizing votes cast for the City of Dunes City Mayor and City of Dunes City Councilors is attached hereto. The original Abstract of Votes is on file in the office of the City Recorder. Dated and signed this 7th day of December 2012. Signed by the Mayor and I attest her signature.

Mayor Ruede made a note that the elected Councilors will serve a 4-year term. City Recorder Hilden stated that the Councilors will be sworn in at our January City Council Meeting.

B. Commission and Committee Appointments

City Recorder Hilden announced that none of the appointments will be effective until January 1, 2013, and in one case (the Ordinance Review Committee), that nomination for appointment will not become effective until January 15, 2013.

Mayor Ruede read the following list of Commission Committee vacancies as of December 31, 2012, which includes applicants for the positions received through December 6, 2012. Appointments to these openings will be effective January 1, 2013 with the exception of the Ordinance Review Committee appointment will be January 15, 2013.

Applicants are listed alphabetically:

- 1) Planning Commission: 2 openings (two terms ending 12/31/2015); 2 applicants: Darlene Beckman and Ken Henderson
- 2) Road Commission: 1 opening (one term ending 12/31/2015); 1 applicant: Bill Harris
- 3) Budget Committee: 2 openings (three terms ending 6/30/2015) No applicants
- 4) Communication & Education Committee: 1 opening (one term ending 12/31/2015) 1 applicant: Darlene Beckman
- 5) Conservation Committee: 2 openings (two terms ending 12/31/2015); 1 applicant: Lee Riechel
- 6) Ordinance Review Committee: 1 opening (one term ending 1/14/2016); 1 applicant: George Burke
- 7) Parks & Recreation Commission: No openings
- 8) Revenue Committee: 4 openings (two terms ending 12/31/2014 & two terms ending 12/31/2015) with no applicants
- 9) Site Review Committee: 1 opening (one term ending 12/31/2015); 1 verbal application from Ken Platt (He will be submitting his written application as soon as possible)
- 10) Water Quality Committee
 - a) Members: three openings (one term ending 12/31/2013 & two terms ending 12/31/2015); no applicants
 - b) Volunteer Water Tester: two openings (no term ending date); no applicants

Councilor President Mills made a motion to appoint all of the applicants including the verbal applicant to the Committees as indicated in Attachment "A" of the Dunes City Council Amended Agenda. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

C. Contract Planner: Planning Commission Recommendation (F. Hilden)

City Recorder Hilden stated that responses for the Request for Proposal (RFP) for a Contract Planner have been received and reviewed by the Planning Commission and Staff. The applicants, Lane Council of Governments (LCOG) and Shoji Planning both received phone interviews of approximately 40 minutes each. After much discussion and debate, the Planning Commission made a motion to accept LCOG as Contract Planner for the City of Dunes City.

Councilor Sathe made a motion to select Lane Council of Governments (LCOG) as the new Contract Planner as recommended by the Planning Commission and the City Recorder. Councilor Anderson seconded the motion. The motion passed by unanimous vote.

Councilor Sathe noted that LCOG is a good choice because we are already involved with them and we have some redeemable free hours. City Recorder Hilden made a statement that the majority of the hours that we will be billed for the planning services we incur are 100 percent recoverable from the applicant because of how our fee structure is set up. Recorder Hilden agreed with the Mayor to notify both applicants as soon as he can.

12. REPORTS

Mayor's Report: Mayor Ruede gave her ideas regarding appointments for the adoption of the Council with the intent of letting the citizens know what is going on and what we are thinking. Her list is as follows:

Council President: Elected in January by new Council
Planning Commission: Elected by Commission
Road Commission: Councilor-elect Maurice Sanders
Communications & Education Committee: Councilor Jamie Mills
Conservation Committee: Councilor Dick Anderson
Ordinance Review Committee: Councilor Jamie Mills
Parks & Recreation Commission: Councilor Dick Anderson
Revenue Committee: Councilor Ed Scarberry
Site Review Committee: Councilor Duke Wells
Water Quality Committee: Undecided
Weir Ad-hoc Committee: Move to Ordinance Review Committee
City Hall (Community Center): Councilor Duke Wells
Police Commissioner: None at recommendation of City Attorney
Fire Commissioner: None at recommendation of City Attorney

Communication & Education Committee Report: Councilor Anderson is working on the website and will continue; looking at a newsletter for the Council in the January meeting.

Conservation Committee Report: Councilor Anderson had one request for a review, and referred it back to Planning Commission for action.

Community Center Report: Councilor Wells is working on funding for generator system.

Site Review Committee Report: Thanks to members of the Site Review Committee.

Ordinance Review Committee Report: Council President Mills reported they met on November 12, finished Code Enforcement and made recommendations, reviewed Chapter 32, made changes to comply with the Master Road Plan, Ordinance 155 recommendations, codification and development of shared domestic water supply divisions.

Water Quality Committee Report: Council President Mills stated that the Water Quality Committee did not meet.

Weir Ad Hoc Committee Report: Council President Mills stated that Ad Hoc Committee did not meet. Mayor Ruede asked for a conclusion from the Committee to close. Council President Jamie Mills requested referring the issue of drafting the emergency preparedness plan to the Ordinance Review Committee if the Council agrees.

Parks and Recreation Commission Report: No report.

Revenue Committee Report: Councilor Ed Scarberry reported no quorum, no meeting.

Road Commission Report & November Road Commission Draft Minutes: Councilor Sathe stated the highlight of the November 26th meeting was introducing Councilor-elect Maurice Sanders to the Commission. Right-of-way issues were discussed and planning to take these issues to the Ordinance Review Committee; and next years' projects for each Road Commissioner. Two thirds of the 2012 road work is done and by next meeting all will be completed.

Emergency Services Report: City Recorder Fred Hilden explained that he did not attend the November meeting of the West Lane Emergency Operations Group and the meeting lacked a quorum so no business was conducted. The next meeting is December 17th and he will be attending.

City Recorder/Planning Staff Report: City Recorder Fred Hilden stated that the Planning Commission and approved vegetation and tree removal permit for property on Woahink Lake. Staff completed final version of 155 Zoning and Development, and will be going to City Attorney for review., The CCI process for amendments to the Comprehensive Plan needs to be started. Work was completed on the RFP for the Contract Planner. The Budget Committee met in November and the City is modestly under budget in personal services and materials services. Materials have been completed for our financial review of last fiscal year. I attended Lane Area Commission on Transportation meeting in Springfield in November, attended December meeting last night, where ODOT is prioritizing the award of 30M dollars in road repair projects for 2015-2018 in Lane County. Councilor Sathe commended the Staff for their hard work.

13. FOR THE GOOD OF THE ORDER

Mayor Ruede: invited everyone to enjoy strawberry shortcake for Councilor Wells' birthday.

Councilor Wells wished everyone a "Merry Christmas!"

Councilor Sathe commented that he is excited about Maurice Sanders coming onboard.

Councilor Anderson said he is curious about the response of the Smith Rock Race Group. He reminded everyone that this next year is the City's 50th anniversary (semi-centennial); it's a pleasure serving on the Council.

Councilor Mills reminded all that the Mayor's Holiday Potluck is Friday, December 21st at 5:30. She also thanked Councilor Koehler for time served to Dunes City.

Councilor Scarberry asked if he should grow half a beard for the semi-centennial?

14. ADJOURNMENT

Mayor Ruede asked for a motion to adjourn. Councilor Scarberry made a motion to adjourn. The motion was not seconded and no vote was taken. Mayor Ruede adjourned the meeting at 10:04 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 10th DAY OF JANUARY 2013.

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

ATTEST:

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