



**CITY COUNCIL MEETING MINUTES ~ APPROVED
APRIL 11, 2013 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 Maurice Sanders, Councilor Dick Anderson and Councilor Ed Scarberry.

Absent and Excused: None

Also Present: City Recorder Fred Hilden, Road Secretary Laurale Lorentzen, Administrative Assistant Renee Green, Planning Chairman Lee Riechel, Guest Rand Dawson 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 Agenda. Councilor Sanders seconded the motion. The motion passed by unanimous vote.

5. CONSENT AGENDA

Councilor Anderson noted that he would like to add a statement to the March 14 minutes under the section: For the Good of the Order on page 6 of 7 concerning the invasive scotch broom plant where he mentioned that the "Siuslaw Watershed Council employs 2 individuals who can help people eradicate the plant." It is here that he would like to add - - *conditioned upon the plant being within 200 feet of the body of water.*

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

6. ANNOUNCEMENTS / CORRESPONDENCE

- A. There will be a City Council Special Session on Tuesday, April 16th from 2-5 pm to continue the review the City's Comprehensive Plan.
- B. Our first Budget Committee meeting is scheduled for April 23rd at 3:00 pm.
- C. A Tsunami Readiness Rally for Dunes City and Florence is scheduled for Tuesday, May 14, 2013 at the Florence Events Center. Doors open at 6:30 pm and the presentation begins at 7:00 pm. This is in preparation for a Tsunami Evacuation Drill on May 30th at 10:00 am. Hopefully, everyone in the near tsunami inundation zone will participate.
- D. Dunes City Artist of the Month is local photographer Michael Gibbons.
- E. April Birthday Wishes to Administrative Assistant Renee Green on the 18th.

7. CITIZEN INPUT - NONE

8. GUEST SPEAKER

- A. Rand Dawson – KXCR Community Radio

Mr. Dawson, a longtime resident of the area, stated that he is here on behalf of West Lane Translator, the Federal Communications Commission (FCC) license holder of the new non-commercial, educational radio station KXCR. Mr. Dawson announced the status of the radio station, stating they expect to be on the air in 120-180 days. He stated they have a studio for the radio station, and the station is moving along quite rapidly. Mr. Dawson provided some historical background and stated that they were the only local station that wanted a main studio for local control, local participation and local opportunities, not revenue flow, but a non-commercial, educational station that does not advertise. He stated that he would leave handouts for the community and wanted everyone to know that they are open for programming ideas.

9. UNFINISHED / OLD BUSINESS

- A. Ordinance No. 222 & Resolution 2013-01 (M. Sanders)
Repealing Ordinance No. 171 & Amending the Dunes City Master Road Plan
First Reading and Public Comment

Council President Mills made a motion to read Ordinance No. 222 by title only. Councilor Wells seconded the motion. The motion passed by unanimous vote.

There being no discussion from the public or City Council, City Recorder Hilden read the following first reading of Ordinance No. 222 by title only. An Ordinance repealing Ordinance No. 171 that established the Master Road Plan for Dunes City, Oregon.

City Recorder Hilden gave an overview of how the process of this Ordinance No. 222 needs to work. He provided some background information stating that the original Master Road Plan (MRP) was adopted by Ordinance No. 171 in 2004 and probably should have been adopted by resolution at that time. City Recorder Hilden thought it was

adopted by Ordinance because there was a phrase in it that when there is a discrepancy between the MRP adopted in 2004 and City Code; that the MRP took precedence. The process at this point is to do the first reading, and receive public input on the new Ordinance No. 222 to repeal the current Master Road Plan. Next month, the second reading will be read and open for public comment on the repeal of Ordinance No. 171 (the original Master Road Plan). If the new Ordinance No. 222 is adopted at the May 2013 City Council meeting, it will be effective after 30 days. By not having to wait for the June council meeting, City Recorder Hilden stated this is the cleanest way to do this, and it will prevent a lapse in the Master Road Plan.

Councilor Sanders mentioned that the MRP is required by the Comprehensive Plan under Section F that stating that the City will develop a Master Road Plan that includes an inventory of streets, bike and pedestrian ways and their condition, priorities, needed improvement and estimated cost. Mayor Ruede pointed out that it is obvious that a lot of time was expended on the very efficient 84-page document. Councilor Sanders agreed to thank his Road Commissioners and the Director of Roads for their excellent work on this document.

Council President Mills recommended that on page 31 of the MRP, where it discusses the appeals process and says, "all decisions of the road commission may be appealed to the City Council," she suggested adding *pursuant to Chapter 32*. Councilor Sanders agreed. City Recorder Hilden confirmed that what Council President Mills was referring to is Appendix C (not part of the main document), and he suggested doing nothing at this point, but as soon as it is adopted, make a resolution to modify Appendix C, which is the simplest way to deal with this. The Council agreed to handle the matter as recommended by City Recorder Hilden.

Councilor Anderson agreed that a lot of work has been done on the MRP, but schools, sidewalks, pathways are mentioned even though the city does not use these and inquired if the document should be changed to reflect this fact. Councilor Sanders stated that it is harmless the way it is now, and if we leave it the way it is, it opens it up to add to it without having to go back in and amend it later. He also stated that we are not committing ourselves to anything by leaving it as it is.

Mayor Ruede went on to point out that leaving the document as it is and making necessary changes when it becomes a Resolution makes it much easier for Council at that time.

City Recorder Hilden added that the Planning Commission has added a lot of information, reviewed and approved this document. Planning Vice-Chairman Riechel stated that before an adoption takes place by City Council, it has to come before the Planning Commission. Planning Vice-Chairman Riechel added that the work the Planning Commission has done has been to keep track of the process by him attending the Road Commission meetings, and at the completion of the document, he attended some long joint meetings, and made sure that all the requirements and objectives were transferred in agreement between the two in the development code. He stated that the Planning Commission has reviewed the MRP and has agreed with the plan.

There was no public comment on the MRP.

B. Septic Maintenance Ordinance No. 203 (J. Mills/F. Hilden)

Council President Mills stated that Mr. Ehlers, Lane County Sanitation, submitted the database with information containing the alternative systems. City Recorder Hilden informed the Council that staff has entered the data into the system and has continued to reconcile the discrepancies.

After a considerable amount of discussion between all the Councilors regarding the feedback they received from citizens regarding this issue and concerns of their own, the following conclusions were reached. Obtaining maps and records of inspection missing from Dunes City files should be a high priority; compliance of lakefront property should be a main concern; Ordinance 203 is too broad; incorrect information in the files takes more time to resolve; by not having a vote, the Council is not recognizing the opinion of the community; Ordinance 203 is not the answer to the problem; an effective resolution with the government takes a long time; March 31st was the deadline.

Councilor Scarberry wrote a statement that he felt best explains the problem at hand and a possible solution for the time being. He read his statement into the record and then followed with the following motion.

Councilor Scarberry made a motion that Council direct Staff not to implement a plan for the imposition of fines and / or placement of liens against a residence with regards to the current Septic Ordinance No. 203. Councilor Wells seconded the motion. The motion passed by roll call vote of 4 ayes and one nay (Councilor Sanders).

More discussion ensued between Councilors regarding this motion, the issues raised and comments were as follows; the motion approved doesn't mean not to enforce the Ordinance, but not to place liens and fines on the properties and also to not send threatening letters. The Council needs time and opportunity to explore options; for approximately 30 properties not in compliance. A time limit needs to be set; there are numerous laws that we have to comply with whether we like it or not and there are consequences for not abiding by them. The majority of people want to be treated like the rest of the people in Lane County. The Council was blackmailed not to put this on the ballot to put it to a vote. Most people want to go back to Ordinance No. 211; the Comprehensive Plan update is taking so long and needs to be put on a fast track. Citizens can file an appeal after a lien has been put on the property and the Council is open to hearing why a property could not comply with Ordinance 203. Staff is pursuing the non-compliant properties on the waterfront first; the tools available after a no response to comply is to not threaten penalties but by talking through issues with property owners which would be more successful than sending threatening letters. Every time there has been a failing septic system brought before Lane County Sanitarian, they have enforced compliance with Oregon DEQ requirements to have a functioning septic system.

C. Oregon Dunes Triathlon & Duathlon (F. Hilden)

City Recorder Hilden announced that Lane County approved the Permit for the Triathlon/Duathlon access to all Lane County roads and he distributed a 24-page Bike Course Operations and Safety Plan, which was supplemental information to the Permit and describes how the course will be handled. This document was the last detail that stood in the way of Honeyman's approval of the permit for the use of the park. City Recorder Hilden stated that he is very pleased with the progress and support of all the parties involved in the event. Administrative Assistant Renee Green gave a report on the number of volunteers still needed for the event (approximately 40), but also mentioned that many have not yet signed up such as Council Members, Road Commissioners and fire protection crew. She also mentioned that if a Community Emergency Response Team (CERT) member wished to volunteer, they will need to contact City Hall and sign up in order to be covered under the City's insurance.

10. New Business

A. Carpet for Council Chambers:

Carpet samples were displayed in the council chambers and discussions ensued relevant to sound quality, estimates and whether to go forward with the purchase. City Recorder Hilden explained that \$6,000 has been set aside by the Budget Committee for the carpet.

Councilor Scarberry made a motion to authorize the City Recorder to spend up to \$5,300 for carpeting the council chambers. Councilor Wells seconded the motion. The motion passed by unanimous vote.

For acoustical enhancement, Planning Vice-Chairman Riechel suggested that a portion of the walls also be covered with carpet and possibly panels of carpet, especially in the back of the room to prevent the deflection of sound waves. After subsequent discussions, City Recorder Hilden agreed to talk to the supplier regarding the pros and cons of this recommendation.

11. REPORTS

Mayor's Report: Mayor Ruede thanked Councilor Wells for providing (without cost) the planters for the front of city hall; she thanked Councilor Sanders for all his hard work and efficiency in completing the 84-page Master Road Plan document; she extended her condolences for loss of Council President Mills' mother-in-law; she thanked Councilor Anderson for always being a leader in thought, word and deed; she thanked Councilor Scarberry for expressing his opinion so eloquently; she thanked the staff, the audience and Vice-Chairman Lee Riechel.

Communication & Education Committee Report: Council President Mills explained that the meetings were cancelled because she was out of town.

Ordinance Review Committee Report: Council President Mills explained that the meetings were cancelled because she was out of town.

Water Quality Committee Report: Council President Mills explained that the meetings were cancelled because she was out of town.

Community Center Report: Councilor Wells reported that he would have city hall looking nice for the triathlon.

Conservation Committee Report: Councilor Anderson stated there are no complaints around the lakeshore at this time.

Parks & Recreation Commission Report: Councilor Anderson reported that the meeting was cancelled because they did not have a quorum, and they meet the 1st Monday of the month at 4:00 pm.

Road Commission Report and March Road Commission Draft Minutes: Councilor Sanders read his written report into the record.

Emergency Services Report: City Recorder Hilden read his written report into the record.

City Recorder/Planning Staff Report: City Recorder Hilden read his written report into the record.

12. FOR THE GOOD OF THE ORDER

Councilor Wells commented that he is looking forward to the Triathlon event.

Councilor Sanders questioned if the Budget Committee is short one member. He also questioned if there has been any discussion regarding the current Council vacancy. He is looking forward to serving on the Budget Committee.

Mayor Ruede gave a commercial to entice a new Council member.

Council President Mills explained there is a group of people on Hilltop and Parkway that are planning a yard sale on April 26th, 27th and possibly the 28th.

Councilor Anderson stated that the condition of Highway 101 is atrocious and he suggested writing a letter to ODOT. Councilor Sanders commented that he attended the Lane ACT meeting, spoke to Franny (Brindle) from ODOT and received new information that Highway 58 will be resurfaced and they can use part of the money left over for highway 101. He stated that our Director of Roads wrote a letter of rebuttal to the Siuslaw News, and suggested that the Council write a letter since we are on the radar screen. Mayor Ruede suggested putting this item on next month's agenda.

Planning Vice-Chairman Riechel complimented Council President Mills for the jewel she put in the newsletter regarding COSTCO.

13. ADJOURNMENT

Mayor Ruede asked for a motion for adjournment. Councilor Scarberry made a motion for adjournment. Council President Mills seconded the motion and no vote was taken. Mayor Ruede adjourned the meeting at 8:52 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 9th DAY OF MAY 2013.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder