



**CITY COUNCIL MEETING MINUTES ~ APPROVED
FEBRUARY 13, 2014 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 City Administrator/Recorder Fred Hilden.

Present: Mayor Rebecca Ruede, Council President Jamie Mills, Councilor Dick Anderson, Councilor Ed Scarberry, Councilor Maurice Sanders, and Councilor Sheldon Meyer.

Absent and Excused: Councilor Duke Wells.

Also Present: City Administrator/Recorder Fred Hilden, Administrative Assistant Renee Green, Administrative Assistant Rapunzel Oberholtzer, Planning Commission Chairman George Burke, Keith Garvey, Bonnie Allen, Suzie Navetta, and other citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Meyer made a motion to approve the Agenda as amended. Councilor Anderson seconded the motion. The motion passed by unanimous vote.

5. CONSENT AGENDA

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

6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Ruede went on to read and discuss the list of announcements from the meeting agenda.

A. Dunes City Road Commissioner Richard Palmer has been nominated as the Lane Council of Governments' Outstanding Citizen for 2013 for his volunteer efforts in maintaining the

City's streets. The Outstanding Citizen will be selected from all Lane County nominations.

City Administrator Hilden noted that, for logistical reasons, LCOG cancelled the dinner originally intended to honor the 2013 award winners but will make appropriate arrangements to announce the winners and make presentations in the near future.

- B. Ross Peizer, from the University of Oregon, has been chosen to fill the Dunes City intern position tasked with performing a needs assessment and development plan for Bicycle and Pedestrian Paths in Dunes City.

Mayor Ruede noted that a meeting with Ross was scheduled for Saturday, February 15th, in Dunes City, where she, the City Administrator and Councilors will be available to get acquainted with Ross, provide an orientation session and give him a tour of Dunes City.

- C. City Council will hold a Special Session on February 25th from 2:00–4:00 pm to review and approve the minutes from the 2013 Comprehensive Plan review meetings.
- D. The Dunes City Budget Committee will meet on Tuesday, February 25th at 4:00 pm to review Budget vs. Actual for the first half of Fiscal Year 2013–2014.
- E. Volunteers are needed to fill one Road Commission opening, three Budget Committee openings, one Parks and Recreation Commission opening, and one Water Tester for Siltcoos Lake.
- F. Dunes City Artist of the Month is Dunes City resident and artist Kenny Henson.

In other announcements, City Administrator Hilden announced that both he and Councilor Sanders received Certificates of Completion for their participation in a course in emergency preparedness offered by the Oregon Department of Transportation last year. He presented Councilor Sanders' certificate.

7. CITIZEN INPUT

City Administrator Hilden informed the Council that two citizens signed up to speak during the meeting. Mayor Ruede recognized Planning Commission Chairman George Burke who requested to delay speaking until the Council was in discussion of its agenda item 9G (Planning Commission to Appoint Citizen Advisory Committee to Review Comprehensive Plan Policy E6). The Mayor agreed and called upon Keith Garvey who stated that he was present to hear more about the Oregon Dunes Triathlon and Duathlon and preferred to comment or ask questions when the Councilors were discussing the event.

8. UNFINISHED / OLD BUSINESS

A. Oregon Dunes Triathlon and Duathlon

Mayor Ruede asked City Administrator Hilden to provide an update on the event. City Administrator Hilden pointed out that the Councilors each had a copy of the Personal Services contract between Dunes City and Best in the West Events in hand, and noted that it had been through a final review by the City Attorney and the Mayor had also read it. City Administrator Hilden explained that he hoped the Council would move to accept the contract and its exhibits and authorize the City Administrator to execute the contract.

Councilor Sanders clarified that the contract would automatically renew every year unless one of the parties wished to terminate the agreement. City Administrator Hilden explained that the termination clause in the contract provided that either party could terminate the agreement with thirty (30) days written notice to the other party between June 1st and September 30th of each year, or with nine (9) months' notice between October 1st and May 31st so that both parties were held to their commitments during the most crucial time period for planning and hosting the event.

Councilor Sanders asked whether intellectual property was addressed in the contract. City Administrator Hilden explained that intellectual property was not included and went on to note that the City currently owns the event and, although Best in the West Events has expressed interest in owning the event, it would be in the City's best interests for now to continue owning it. Mayor Ruede commented that as the event matures it may, at some point in the future, be too big for the City to continue to manage. City Administrator Hilden noted that the contract could be easily amended to transfer ownership to another party.

City Administrator Hilden further noted that there were 53 participants in last year's event and there are 48 already registered for this year. City Administrator Hilden also noted that there were about 60 volunteers at last year's event and Blair Bronson of Best in the West Events is recommending 80 to 90 volunteers this year.

Mayor Ruede recognized Keith Garvey and asked if he had comments to add to the discussion. Mr. Garvey suggested that the City consider approaching the Siuslaw Valley Fire and Rescue with a request for volunteers, noting that SVFR often provides volunteers for events in the area. City Administrator Hilden pointed out that SVFR and Western Lane Ambulance were already fully committed to providing support for the event.

Councilor Anderson asked if the City was expected to provide a specific number of volunteers and what would happen if there were not enough volunteers. City Administrator Hilden pointed out that there is no contractual requirement for the City to provide a specific number of volunteers but every effort would be made to find volunteers. Mayor Ruede added that as the event date nears, the City could also use contacts at local organizations to solicit volunteers. There was a brief discussion about approaching local youth groups for volunteers, but it was noted that volunteers must be 18 years old or older.

Councilor Sanders made a motion for the City Council to authorize the City Administrator to execute the Personal Services contract for event production services for the Oregon Dunes Triathlon and Duathlon as presented. Council President Mills seconded the motion. The motion passed by unanimous vote.

Mayor Ruede encouraged anyone who wanted to volunteer or to find out more about the event, this year's or last year's, to contact Administrative Assistant Renee Green at City Hall. Mayor Ruede also pointed out that more information and a volunteer sign-up page are available at the website www.oregondunestriathlon.com.

B. City Administrator/City Recorder Oath of Office

Mayor Ruede administered the Oath of Office for the combined offices of City Administrator and City Recorder to Fred Hilden.

C. City Council Electronic Packet Technology Update

Mayor Ruede noted that she, the City Administrator and Councilor Sanders have been researching the technology for delivering Council packets electronically. The Mayor went on to note that this month's meeting packets were distributed electronically for the first time and, although there were a few small issues, the overall delivery was successful and convenient. Mayor Ruede asked City Administrator Hilden to provide an update on his research.

City Administrator Hilden remarked that assembling the PDF documents for this meeting did not require significantly more time than a paper packet. He went on to note that, should the Council agree to use electronic packets, the packets could also be pushed up to the City's website, which some citizens have requested. City Administrator Hilden explained that some of the technical issues the Mayor referenced—file size and navigation within documents—were not major issues and would be addressed in the electronic packets for the March City Council meeting.

City Administrator Hilden went on to explain that the cost for providing Councilors with tablet devices and related hardware would be approximately \$3,000 to \$4,000 but the City would not need to purchase additional office hardware or software to put the tablets to use. He noted that there was not a line item in the budget to purchase the devices this year.

There was discussion about the differences among popular brands of tablets with comments about convenience, apps that make it easy to add comments in documents, detachable keyboards, etc. There was also some discussion about the ORS regulations for public documents and use of electronic devices by public officials, with Mayor Ruede noting that public disclosure laws require that devices used by public officials are subject to public scrutiny—something that Councilors should keep in mind if they decide to start using the devices. The Mayor also noted that because of ORS regulations the City might want to

consider asking Councilors to sign a contract or agreement that clarifies or limits the kinds of uses for the devices. Both Mayor Ruede and City Administrator Hilden explained that they have talked with officials in other cities and, as a result, have some good insight about potentially problematic issues (such as ORS regulations) associated with using electronic devices.

Mayor Ruede suggested that the funding issue be discussed at a future Budget Committee meeting. City Administrator Hilden asked the Councilors if they objected to staff posting the City Council information e-packets on the website. There were no objections, but there was a comment that there could be no confidential material included.

9. NEW BUSINESS

A. Committee Chair Appointment (Communication and Education Committee)

Mayor Ruede thanked Council President Mills for all of her hard work and her service to the Communication and Education Committee, as well as several other committees, over the years. The Mayor explained that she contacted Councilor Meyer about taking over as Chairman of the Communication and Education Committee and he agreed to do so. Mayor Ruede went on to say that she would like to appoint Sheldon Meyer as Chairman of the Communication and Education Committee.

Councilor Sanders made a motion to appoint Councilor Meyer as Chairman of the Communication and Education Committee. Council President Mills seconded the motion. The motion passed by unanimous vote.

Council President Mills and Councilor Meyer agreed to schedule some time to meet to transfer leadership of the Committee and publishing the *Dunes City Newsletter*.

B. Copier Lease Konica Minolta 454

Mayor Ruede asked City Administrator Hilden to provide an update on the status of the expiring copy machine lease agreement. City Administrator Hilden explained that the Konica Minolta 450 copy machine leased from National Photocopy Corporation has been in use at City Hall for five years and has been a valuable tool; however, the lease will expire in April. City Administrator Hilden presented his report to the Council in which he noted that a new model of the machine retained the same functionality as the old one but also included several new features.

City Administrator Hilden went on to note that maintenance and supply costs have increased as the machine has aged; a new machine would save the City those increasing costs. Quotes from National Photocopy (the current vendor) and Pacific Office Automation have been received and are \$3,656.00 and \$3,008.00 respectively. City Administrator Hilden noted that National Photocopy has provided excellent customer service to the City and went on to note that both vendors are located in the Springfield/Eugene area but that

Beaverton-based Pacific Office Automation also has a service representative located on the coast, which could shorten service response time.

There was a brief discussion about the quote detail, cost differences, the service response time, and advantages/disadvantages of both vendors. There was a question about whether or not the dollar amount of either lease requires Council approval—the amount does not require Council approval.

Following the discussion, the Mayor asked the Council whether or not it should direct the City Administrator to decide which lease to execute.

Council President Mills made a motion to allow the City Administrator to decide which vendor to use, based on his best judgment. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

C. Ad Hoc Committee Appointment—Oregon Dunes Triathlon and Duathlon Merchandising

Mayor Ruede reminded Councilors that the idea for looking into merchandising opportunities for the Triathlon and Duathlon event came out of the discussions at the City Council's January 24th Special Session for goal setting. Council President Mills recommended Councilor Sanders for Chairman of the Committee, noting that she and her committee members would be happy to help.

Councilor Sanders made a motion to appoint an ad hoc committee to explore merchandising opportunities for the Oregon Dunes Triathlon and Duathlon. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

Councilor Sanders agreed to chair the Committee and invited Councilor Meyer to participate. Councilor Meyer agreed to do so. Mayor Ruede requested that the Committee report back to the City Council.

D. Ad Hoc Committee Appointment—Property Disposition and/or Acquisition

Mayor Ruede reminded Councilors that the idea for this Committee also came as a result of the City Council's goal setting meeting. The purpose of the Committee would be to investigate opportunities for the City to dispose of property it owns and to acquire appropriate new property.

Councilor Anderson made a motion to appoint an ad hoc committee to explore the disposition of City-owned property and possible acquisition of new property for the benefit of the City. Councilor Sanders seconded the motion.

There was a brief discussion about whether or not there was City funding available for acquisition of property and, since funding is not currently available, alternative options to acquire property such as grants and/or land swaps. Mayor Ruede noted that the Committee, if appointed, would explore options but may determine that there are no viable opportunities.

The motion passed by unanimous vote.

Councilor Anderson volunteered to act as Chairman of the Committee. Council President Mills volunteered to assist.

E. Ad Hoc Committee Appointment–Private Funding Options to Assist Residents with Ordinance 203 Compliance

Mayor Ruede opened the dialog by noting that this matter was also the result of conversation during the goal setting meeting in January. During the discussion, several Councilors expressed concern about the City’s involvement in seeking or establishing private funding sources to aid residents who cannot afford to comply with Ordinance No. 203. There was a dialog about existing non-profits who might offer funding, such as the Western Lane Community Foundation, and private donors followed by a discussion about how to contact them to determine a level of interest in providing funds to needy citizens.

After the discussions, Councilor Anderson volunteered to look into the organizations that were mentioned, and others. Consensus among Councilors was not to appoint an ad hoc committee.

F. Ad Hoc Committee Appointment–Septic Education Program

Mayor Ruede noted that this subject had been discussed during the goal setting session. City Administrator Hilden informed Councilors that he received an email from Councilor Wells prior to today’s meeting in which Councilor Wells expressed interest in acting as Chairman if the Council decided to appoint this committee. City Administrator Hilden reminded Councilors that the purpose of the committee would be to organize informational and educational seminars to help familiarize people with septic systems in general and specifically the Dunes City Ordinance requirements. As discussed during the goal setting sessions, the Dunes City citizens, local realtors and other professionals would be invited to attend the seminars. Councilor Scarberry offered to help.

Council President Mills made a motion to appoint an ad hoc committee to organize septic education programs. Councilor Sanders seconded the motion.

Councilor Meyer offered to provide his expertise to the Committee, as did Council President Mills. Councilor Anderson reminded everyone that during the goal setting discussions about these seminars it was agreed that the seminars would also cover topics such as tsunami preparedness and fire protection and that experts in those other areas would be invited to attend, hopefully attracting larger local audiences. It was agreed by all that the Chairman of the Committee could solicit resources from the local area as needed.

The motion passed by unanimous vote.

Mayor Ruede appointed Councilor Wells as Chairman and Councilor Scarberry as Co-Chairman. Administrative Assistant Renee Green distributed copies of citizen applications to the Committee received after today's meeting agenda was prepared. Staff will forward the applications from Bonnie Allen and Suzie Navetta to Chairman Wells. Councilors had no questions for either applicant, both of whom were present at the meeting.

Council President Mills requested an explanation of the ad hoc committee rules. Mayor Ruede explained that the ad hoc committees were formed for a specific purpose and reported to the City Council, with membership determined by the Chairman. City Administrator Hilden added that these ad hoc committees are required to follow public meeting laws and staff would be available for assistance.

G. Planning Commission to Appoint Citizen Advisory Committee to Review Comprehensive Plan Policy E6

Mayor Ruede recognized Planning Commission Chairman George Burke who was present to discuss this agenda item with the Council. City Administrator Hilden reminded Councilors that this agenda item also came out of discussions during the goal setting session and asked Chairman Burke to read aloud Policy E6 from the Comprehensive Plan, "The city shall adopt a program to improve maintenance of septic systems for the benefit of all residents."

Chairman Burke requested clarification from the Council about what specific task the Planning Commission would assign to the Citizen Advisory Committee. Chairman Burke and the Councilors discussed for several minutes the City's Ordinance No. 203, Policy E6, the City's compliance with E6, and agenda item 9F. Following the discussion, the consensus among Councilors was that no action needed to be taken on this item by either the Council or the Planning Commission at this time.

H. Road Commission Request to Repeal Ordinance No. 168

Mayor Ruede called upon Councilor Sanders to address this agenda item. Councilor Sanders, who is also Chairman of the Road Commission, explained that in a recent Road Commission meeting the Commissioners voted unanimously to recommend that the City Council repeal Ordinance No. 168 (an Ordinance establishing a no brushing plan for property owners abutting the City right-of-way).

Council President Mills made a motion to instruct staff to draft an Ordinance to repeal Ordinance No. 168.

Councilor Sanders requested additional discussion of the item and suggested that the City first send letters to the holders of No Brushing Permits. City Administrator Hilden noted that there were currently about ten (10) permits issued and there was already some question about the validity of Ordinance No. 168 because it lacks the “Ordaining” clause required by the City’s Charter. City Administrator Hilden went on to explain historical and administrative background on the Ordinance.

Mayor Ruede recognized citizen Suzie Navetta who was present. Ms. Navetta explained that she paid her permit fee last year and no brushing was done.

Mayor Ruede noted that it may be time to revisit the Ordinance, its administrative effects and its usefulness, but reminded Councilors that a motion requiring action had been made.

Council President Mills withdrew her motion.

Mayor Ruede returned to discussion of the Road Commission’s recommendation to repeal Ordinance No. 168 and asked Councilors whether the Council should send the Ordinance to the Ordinance Review Committee for review. Council President Mills requested that Councilor Sanders, as Road Commission Chairman, further expound upon the Commission’s request to repeal the Ordinance.

Councilor Sanders noted that the decision to recommend repeal of the Ordinance was made by the Commissioners without his input. He went on to explain that there were issues with administering the permits, with owners’ lack of adherence to the specifications of their no brushing agreements and with damage to the City’s right-of-way when the brushing specifications are not met.

Council President Mills provided additional background on the history of Ordinance No. 168. She explained that the Ordinance Review Committee reviewed No. 168 a few years ago, held a public hearing for input and then brought an Ordinance to repeal it to the City Council, which voted against it. She suggested that the Ordinance Review Committee could hold another public hearing on Ordinance No. 168, if the Council so desired.

There was further discussion among the Councilors about the original intent of the Ordinance, the language of the Ordinance and the road damage caused by not brushing.

Mayor Ruede recognized Planning Commissioner Chairman George Burke. Chairman Burke, as a representative of both the Planning Commission and the Ordinance Review Committee, expressed support for the Road Commission’s recommendation to repeal Ordinance No. 168.

Council President Mills made a motion to direct staff to prepare an Ordinance to repeal Ordinance No. 168. Councilor Anderson seconded the motion.

Councilor Sanders requested that there be another public hearing on the repeal of Ordinance No. 168 and requested that, in addition to publishing a public notice of the hearing, staff send letters to permit holders asking them to attend the hearing. He suggested that the Road Commissioners also testify at the hearing and noted that he would recuse himself as a member of the Road Commission to provide his own testimony.

The motion passed by unanimous vote.

Mayor Ruede called for a recess at 8:38 pm and reconvened the meeting at 8:47 pm.

10. REPORTS

Mayor's Report: Mayor Ruede reported that she had a lengthy conversation with the Mayor of Florence about that city's use of technology that Dunes City Council has been discussing.

Communication & Education Committee Report: Council President Mills suggested that she and Councilor Meyer, the new Chairman of the Communication and Education Committee, set up a meeting for transitioning to the new leadership. Chairman Meyer agreed and noted that he had already begun to recruit Committee members.

Ordinance Review Committee Report: Council President Mills reported that the next meeting would be on Tuesday, February 18th at 10:00 to discuss Chapter 32 and the shared domestic water supply program.

Water Quality Committee Report: Council President Mills reported the following: Woahink Lake's test results are back to normal and water testers will begin a new test for conductivity to learn more about reduced conductivity and water quality. Tests on the water in Siltcoos Lake in October and November determined that the green matter was non-toxic. Total Maximum Daily Loads (TMDL) work continues. The Water Quality Committee determined its goals for 2014 which are finding a new water testing project manager; installation of a barrier on Highway 101 near the Myrtlewood Factory; seeking stronger enforcement of no boat washing on Woahink Lake; installation of grass pavers at various locations around Woahink Lake; continuation of the water testing program and posting those results on the City's website; finalizing the water testing database; and, establishing ongoing database maintenance programs. Council President Mills went on to report that the Committee has submitted a budget request in the amount of \$3,000, is discussing renaming the Committee to the Water Resources Committee, and the next meeting will be February 19th at 3:00 pm during which the new manager of Honeyman State Park will be present.

Community Center Report: Councilor Wells was absent, but City Administrator Hilden reported that Community Center electrical upgrades are in the works. Mayor Ruede reported that she had not been able to find information about a dais recognition system as discussed during the goal setting session. City Administrator Hilden noted that he was still researching.

Conservation Committee Report: Councilor Anderson reported that there had been just one report of a downed tree in the past month, likely due to wind.

Parks & Recreation Commission Report: Councilor Scarberry reported that the next meeting was scheduled for February 20th.

Road Commission Report: Councilor Sanders noted that the bulk of the Commission's recent activity was about the repeal of Ordinance No. 168, already discussed. Councilor Sanders went on to note that easements are being sought in the Alder Drive private property issue and the Drainage Basin and Culvert Inventory Project has been started.

Emergency Services Report: City Administrator Hilden read his report and submitted it for the record, along with minutes from the December 16th WLEOG meeting. Mr. Hilden noted that one of the issues discussed was school and public shootings, which are no longer considered just a public safety issue. A work session will be held on February 24th to further discuss that issue. He also noted that the WLEOG meeting attendees watched a video for their Incident Command System refresher training and agreed that the video format could be used each month.

City Administrator/Recorder/Planning Staff Report: City Recorder/City Administrator Hilden reviewed the staff report for the Council noting that January permit activity increased three fold over December. In other activities involving staff: the Planning Commission did not have any applicants for the Citizen Advisory Committee to review the draft amendments to the Master Road Plan; work continues in the Planning Commission on revisions to stormwater management code; the City received notification that the LUBA case for the Conditional Use Permit that was denied by the City Council has been withdrawn; Paul Floto completed the water meter readings in January and Administrative Assistant Renee Green has submitted the report to the state; and, there are some grant opportunities that should be of interest to the City. Mr. Hilden's complete report is on file with a copy of these minutes.

12. FOR THE GOOD OF THE ORDER

Mayor Ruede reported that she was visited by the Mayor from Lakeside this past week and discussed water quality issues and Dunes City Ordinances to protect water quality.

There were no other comments.

14. ADJOURNMENT

Mayor Ruede requested a motion for adjournment. Councilor Scarberry made a motion to adjourn. Councilor Anderson seconded the motion. There was no vote taken.

Mayor Ruede adjourned the meeting at 9:05 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 13th DAY OF MARCH 2014

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder