



**CITY COUNCIL MEETING MINUTES ~ APPROVED  
JULY 10, 2014 AT 7:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at [www.DunesCity.com](http://www.DunesCity.com)

**1. CALL TO ORDER**

Mayor Rebecca Ruede called the meeting of the Dunes City Council to order at 7:00 pm.

**2. ROLL CALL**

Roll Call was taken by City 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/Excused:** Councilor Duke Wells.

**Also Present:** City Administrator/Recorder Fred Hilden, Administrative Assistant Renee Green, Administrative Assistant Rapunzel Oberholtzer, Planning Commission Chairman George Burke with his wife Laura, and several other citizens.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

**Councilor Sanders made a motion to approve the Agenda. Councilor Anderson seconded the motion. The motion passed by unanimous vote.**

**5. CONSENT AGENDA**

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

**6. ANNOUNCEMENTS / CORRESPONDENCE**

Mayor Ruede read aloud the list of announcements from the meeting Agenda.

- A. Darlene Beckman, Planning Commissioner and retired active member of several committees passed away on Saturday, June 28<sup>th</sup>. Her memorial service will be held at City Hall on Saturday, July 12<sup>th</sup>, at 1:00 pm.

- B. During its July 24<sup>th</sup> Regular Session, the Planning Commission will make appointments to a Citizen Advisory Committee for review of Ordinance No. 203, which regulates Septic System Maintenance.
- C. During the August 14<sup>th</sup> City Council meeting, Ross Peizer, our University of Oregon intern, will present the results of the Bicycle and Pedestrian Path Needs Assessment Survey.
- D. Volunteers are needed to fill three Budget Committee openings, one Parks and Recreation Committee opening and one Water Tester for Siltcoos Lake.
- E. Dunes City Artists of the Month are Students from Siuslaw High School.

**7. CITIZEN INPUT – None**

**8. PRESENTATION**

- A. 3<sup>rd</sup> Annual Volunteer of the Year Award – Mr. George Burke

Mayor Ruede thanked absent Councilor Duke Wells for suggesting that Dunes City initiate a Citizen of the Year award program to specially honor the City’s dedicated volunteers who give countless hours in service to the City. She asked that this year’s recipient of the award, Planning Commissioner George Burke, approach the dais. Mayor Ruede read aloud her presentation:

*“George Burke epitomizes the true image of what it means to be a volunteer. When he signs up for a task, he doesn’t ask, “What is it going to cost me, or how much time will it take?” He simply digs in, gets his hands dirty and tirelessly keeps a smile on his face while he gets the job done.*

*“Mr. Burke has been a member of the Planning Commission for a total of nine years. As a Planning Commissioner, he has served as both the Chairman and the Vice-Chairman of the Commission and, as such, has been a long-standing representative to the Road Commission. His service also extends to the Budget Committee for a total of three years. George has spent hundreds of hours, assisting with the update and modification of Dunes City Code, including the recently updated Master Transportation Plan, and as a member of the Ordinance Review Committee, working diligently to make sure our Code is clear, objective and defensible.*

*“In addition to his time on City commissions and committees, George has volunteered many hours to City informational and fundraising events, including Christmas events, Festival of the Lakes, the Paddle Only Poker Run and, most notably and recently, the Oregon Dunes Triathlon and Duathlon.”*

*“It is residents like Mr. Burke who make Dunes City ‘a nice place to live!’ It is both an honor and a privilege to present this award for being selected the Citizen of the Year 2014.”*

Mr. Burke thanked the Mayor and went on to note that he has done volunteer work for as long as he can remember but could not have done it without the support of his wife. He went on to say that one of his motivations for volunteering is the good people who have stepped up year after year to help Dunes City become a better place. He thanked the Council, the Planning Commission and all of the other Committees and Commissions for working so hard to make the City better. Mayor Ruede added a special thank you to Laura Burke.

Everyone present stood to applaud Mr. Burke.

## **9. UNFINISHED/OLD BUSINESS**

### **A. Ad Hoc Committee – Septic Education Program**

Mayor Ruede asked City Administrator/Recorder Hilden whether or not Councilor Wells provided a report to present in his absence. City Administrator/Recorder Hilden replied that he had spoken with Councilor Wells and a report was prepared but he suggested that the Agenda item be deferred to another meeting so that Councilor Wells could present it, and/or the Ad Hoc Committee recommendations, to the Council in person. Mayor Ruede agreed.

### **B. Ordinance No. 203 – Citizen Advisory Committee (Septic System Maintenance)**

Mayor Ruede asked City Administrator/Recorder Hilden to provide an update. City Administrator/Recorder Hilden reported that during the Planning Commission’s regular meeting on June 26<sup>th</sup>, the Commissioners reviewed and discussed the City Council’s June 12<sup>th</sup> instructions (via a motion made, seconded and unanimously voted upon) to appoint a Citizen Advisory Committee (CAC) to review Ordinance No. 203. Following a discussion of the Council instructions, the Planning Commissioners thoroughly reviewed the Citizen Involvement Program Policy and CAC appointment process to make sure that all of the Commissioners clearly understood the process for appointing a CAC and the roles of the CAC and the Planning Commission after the appointment of the CAC.

City Administrator/Recorder Hilden went on to report that the Planning Commission instructed City Staff to post a public notice announcing the formation and appointment of a CAC, which Staff has done via newspaper publication scheduled for July 9<sup>th</sup> and July 12<sup>th</sup> and by posting at City Hall and the Westlake Post Office. He explained that the public notice states that appointments to the CAC will be made during the regular Planning Commission meeting on July 24<sup>th</sup>. He went on to explain that instructions for applying were included in the public notice and Applications for Appointive Office are available online at the City’s website or can be picked up at City Hall.

Councilor Sanders clarified that the process was for Dunes City residents to submit applications and then the Planning Commission will review the applications received and make the appointments at its July 24<sup>th</sup> meeting. City Administrator/Recorder Hilden noted that applicants to the CAC are not required to be residents or landowners in Dunes City.

Councilor Scarberry noted that since CAC members are not required to be residents or landowners in Dunes City, there was the potential that the CAC could be comprised of individuals from other cities and counties; he asked whether that stipulation was per Statewide Planning Goal 1. City Administrator/Recorder Hilden replied that the non-residency requirement was State law.

Mayor Ruede recognized Planning Commission Chairman Burke in the audience. Chairman Burke explained that the non-residency requirement for membership on the CAC was part of Statewide Planning Goal 1 and intended to allow for and encourage outside experts to participate on a CAC. Mayor Ruede noted that Dunes City residents should apply to the CAC.

#### C. Medical Marijuana Dispensary Moratorium

Councilor Sanders presented a booklet from the League of Oregon Cities (LOC) that each Councilor also received and explained that it contained an extensive and detailed amount of information about Oregon's Medical Marijuana Program from its beginning to where it stands now. He went on to explain that after reading the booklet and talking to others he has come to the conclusion that cities will be at risk for lawsuits whether they ban medical marijuana facilities or allow them because of the conflicting State and Federal law about the legality of marijuana.

Councilor Sanders went on to note that he did not want the City to expend any tax dollars defending itself in any lawsuit. He also noted that the intent of the law is to protect children and families with children. After further consideration, Councilor Sanders requested City Staff to provide a list of properties that, under current law, could become licensed medical marijuana dispensaries. He distributed the list prepared by City Staff and read it aloud for the Councilors, noting that he has personally seen children at the resort and boat areas.

Councilor Sanders then read from language he drafted that would extend the 1,000 foot buffer zone mandated by current law around school areas to 1,000 feet of "any place where children may reasonably congregate," and "where children would reasonably expect to be lodged." Included in the draft language is also a provision for any medical marijuana dispensaries to pay a quarterly tax to Dunes City. Councilor Sanders distributed copies of the draft language, noting that the Council could consider taking proactive action now to amend Dunes City Chapter 120 by including a subchapter defining medical marijuana and dispensaries and imposing 1,000 foot limitations around the sites he listed. He added that by doing this now, the City could lift the moratorium and have Code in place that would protect Dunes City. He noted that the only public location on his list was the

Siuslaw Valley Fire and Rescue station on Clear Lake Road, unlikely to be abandoned by SVFD and therefore not likely to be a candidate for growing or dispensing.

Councilor Sanders finished his remarks by noting that it is the City's responsibility to protect its children and families; in addition, creating new code would eliminate any confusion about current law, future changes to it, and uncertainty about conflicts between State and Federal law. He went on to suggest that the Councilors discuss his notes and come to a consensus for action, perhaps sending the draft language to the Ordinance Review Committee.

Mayor Ruede thanked Councilor Sanders for putting so much time and thought into this presentation for the Council and asked Councilors for their comments on the matter.

Councilor Scarberry noted that Councilor Sanders put a considerable amount of effort and thought into his notes. He went on to express concern about Federal marijuana regulations and their conflict with State law noting that while the current administration in Washington DC has not made efforts to enforce Federal law, a new administration might take a harder stance. He also noted that Councilors take an oath to uphold State and Federal laws, which are now in conflict. He agreed that a year-long moratorium was unnecessary if Dunes City could create code to prohibit dispensaries. He went on to add that Councilor Sanders' notes provided a good start for the City to begin work.

Councilor Anderson suggested looking into what other cities are doing, if anything, to get some ideas.

Council President Mills agreed that the City had a responsibility to protect its children and added that the suggestions made by Councilor Sanders could strengthen City Code. She pointed out that restrictions on dispensaries written now would not necessarily mean that they would be prohibited forever if they could comply with the City Code.

Councilor Meyer agreed with the ideas presented by Councilor Sanders and the notion of moving forward along the lines that he suggested.

Mayor Ruede pointed out that the 1,000 foot guideline in place now, could be expanded under Dunes City Code. She went on to ask if the consensus was to forward Councilor Sanders' notes to the Ordinance Review Committee.

**Councilor Sanders made a motion to forward his written suggestions to the Ordinance Review Committee for it to review and draft a recommended Ordinance. Councilor Anderson seconded the motion The motion passed by unanimous vote.**

## 10. NEW BUSINESS

### A. Grant from The Oregon Community Foundation – Possible Uses

Mayor Ruede read aloud The Oregon Community Foundation letter that accompanied last month's \$5,000 grant to Dunes City, and she asked whether Councilors had any ideas for using the grant money.

Council President Mills suggested using the funds to resolve the weir issue and get that done.

Councilor Sanders suggested that the money go into unallocated funds and then allocation would be decided during the next budget cycle. City Administrator/Recorder Hilden pointed out that the money should be left in the General Fund until next year's budget process and appropriations are made by the Budget Committee and the City Council.

Mayor Ruede agreed with Council President Mills that the weir issue could benefit from using the funds.

Councilor Anderson suggested making good use of the funds to accomplish a specific goal rather than distributing small amounts across several uses.

Mayor Ruede suggested that the City not delay the special presentation occasion suggested by The Oregon Community Foundation to acknowledge receipt of the grant. City Administrator/Recorder Hilden noted that he had been in contact with the OCF grant representative to inform her that Dunes City would like a presentation ceremony at a future City Council meeting. The exact date will be determined by the OCF representative's availability.

Councilor Meyer expressed interest in using the money to help in the purchase of property for the City or for the weir. He went on to note that there were several months for everyone to think about how to use the funds.

Mayor Ruede noted that Roger McCorkle, of Florence, is a member of the OCF. She went on to suggest that staff try to schedule a presentation for August, if the OCF representative is available.

### B. League of Oregon Cities Legislative Priorities

Mayor Ruede introduced this Agenda item by explaining that Dunes City is being asked to decide on recommendations to the League of Oregon Cities (LOC) Legislative Priorities for 2015. Councilors were asked to select four topics from a list of twenty-two spread across eight categories. Councilors agreed to announce their choices publicly and submit their written list of recommendations to City Administrator/Recorder Hilden to compile and submit to LOC.

- Councilor Meyer chose:
1. Community Development: D
  2. General Government: J
  3. Water/Wastewater: U
  4. Water/Wastewater: V
- Councilor Sanders chose:
1. Community Development: D
  2. Finance & Taxation: I
  3. General Government: J
  4. Water/Wastewater: V
- Mayor Ruede chose:
1. Water/Wastewater: V
  2. Telecommunications: Q
  3. Human Resources: P
  4. Community Development: C
- Council President Mills chose:
1. Community Development: C
  2. Telecommunications: R
  3. Water/Wastewater: V
  4. Transportation: S (with caveat that any package would be fair to all communities regardless of size)
- Councilor Anderson chose:
1. Community Development: C
  2. Finance & Taxation: I
  3. General Government: L
  4. Water/Wastewater: V
- Councilor Scarberry chose:
1. Community Development: C
  2. Finance & Taxation: H
  3. Finance & Taxation: I
  4. General Government: L

City Administrator/Recorder Hilden explained that he would tally the results of choices and provide a summary of the final top four recommendations to the LOC Policy Committee and to Councilors. He thanked the Councilors for taking the time to read all of the choices and respond.

Mayor Ruede noted that in February 2015 there will be a City Day at the Capitol that Councilors can attend and get a first-hand legislative update from the Governor.

*Following are descriptions of the recommendations the Council chose:*

*Community Development:*

- C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCDC's general grant funds to \$2 million.*

*D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.*

*Finance & Taxation:*

*H. Improve the fairness of how new and improved property is added to the tax roll.*

*I. Improve clarity and certainty around transient lodging tax statute.*

*General Government:*

*J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.*

*L. Clarify and enhance medical marijuana dispensary regulations.*

*Human Resources:*

*P. Require earlier submission of last best offer.*

*Telecommunications:*

*Q. Support the reintroduction of legislation that repeals ORS 221.515.*

*R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW.*

*Transportation:*

*S. Pass a comprehensive transportation funding and policy package.*

*Water/Wastewater:*

*U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning.*

*V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.*

## **11. REPORTS**

Mayor's Report: Mayor Ruede explained, "CQ, CQ, CQ" in the language of ham radio operators around the world means, "We are seeking someone to reply to our broadcast message." It is a derivative of Morse Code. She followed by noting that she and City Administrator/Recorder Hilden attended the annual Field Day hosted by the local ham radio group, Central Coast Amateur Radio Club. She added that the event was very informative and she was impressed by how well it was planned and by the display of the technology available now that could allow Dunes City to communicate with the outside world in the event of a disaster.

Mayor Ruede informed the Council that she has requested City Administrator Hilden to provide unaudited ending Fund Balances at future City Council meetings beginning with the August meeting—this is something that has been requested by Councilors. Mayor Ruede went on to congratulate Councilor Meyer for his first published cartoon, which appeared recently in the *Register Guard*.

Communication and Education Committee Report: Councilor Meyer reported that his first newsletter went out to the public. Included in the newsletter was a flyer about eradicating Scotchbroom. Councilor Meyer added that he would like to see Dunes City become a Scotchbroom-free zone and he will promote further education in that area.

Ordinance Review Committee Report: Council President Mills reported that there had not been a meeting.

Water Quality Committee Report: Council President Mills reported that the Committee met on June 18<sup>th</sup> and water testers reported that water quality on both lakes is good. Discussion about boat flushing on Woahink Lake continued and several ideas were in the mix, including having volunteers actually stationed at the boat launch to watch for suspected flushing activity, obtaining license plate numbers of offenders and reporting those to the State Police. If the number of violators warrants, the information could be used to obtain grant funding that could be used for other means of deterring boat flushing on the lake. Boat safety training continues. Work continues to get water test results on the City's website. Committee members have been encouraged to start thinking about recommendations for changes to the City's Natural Resources section of the Comprehensive Plan, possibly using the Albany Plan as a model. The Siuslaw Watershed Council will purchase a Winkler Oxygen Tester for the City.

Community Center Report: Councilor Wells was absent from the meeting, there was no report.

Conservation Committee Report: Councilor Anderson reported that there were no complaints on any conservation issues.

Parks and Recreation Committee: Councilor Scarberry reported that there was no meeting last month but he visited Overlook Park and determined that the deck needs cleaning and the entire area is in need of maintenance. He suggested installing a spigot to provide a water source and perhaps providing a waste can for debris that is left there. He also noted that there were some hazardous tree branches that should be removed. City Administrator/Recorder Hilden added that most of the cleanup work could be done by volunteers. He went on to add that the City will need to spend a little money to upgrade the pump house—there is money in the budget for that and a spigot could be installed while the upgrades are being done. Councilor Sanders asked whether it would be practical to insulate the pump house or provide an electric light that could be left on during cold weather to keep the pump from freezing. City Administrator/Recorder Hilden noted that work would include some kind of freeze prevention upgrade. Councilor Anderson pointed out that the local Boy Scout troupe might do the cleanup work; he will provide City Administrator/Recorder Hilden with the name of a contact.

Road Commission Report and June Draft Minutes: Councilor Sanders presented the minutes from the June meeting and noted that there will be a July 21<sup>st</sup> meeting. He asked City Administrator/Recorder Hilden to provide an update on the 2014 street maintenance project. City Administrator/Recorder Hilden explained that patch work started this week following a press release announcement and work is progressing well. He went on to add that the City received the slurry seal schedule from the contractor for work scheduled to start in August; City Staff will go door-to-door to alert residents whose streets will be affected. In response to an inquiry from the Mayor, City Administrator/Recorder Hilden explained that the slurry seal that will be used in Dunes City will be a durable asphalt/fine gravel sealant that keeps moisture out of the asphalt and helps to extend the life of the pavement.

Emergency Services Report: City Administrator/Recorder Hilden reported on the June 16<sup>th</sup> meeting, noting that SVFR Chief Langborg continues to be focused on training staff for Emergency Operations Centers. The next meeting of WLEOG will be July 21<sup>st</sup> at 10:00 am at the fire station.

City Administrator/Recorder/Planning Staff Report: City Administrator/Recorder Hilden reported that the City's permit activity increased again during the month of May but no new home permits were issued. He went on to note that City Staff continues to field calls from residents about bears and cougars in the area. The Planning Commission will most likely review the final plat applications for the Puzzle Forest development at its July meeting and will likely sign off on the applications. The Planning Commission has also published an announcement of its intent to appoint a Citizen Advisory Committee to review Ordinance No. 203 and will likely make the appointments during its July meeting. The winning bid for the street maintenance work was from Johnson Rock Products at \$39,318, which was about \$6,000 under the City Engineer's estimate. This year is the 100<sup>th</sup> anniversary of the original Westlake plat and the establishment of the Post Office; if anyone has suggestions for celebrating they are asked to contact City Hall. City Staff is in the process of updating permit fees and working on a draft ordinance that could be ready for Council review in September. Councilor Sanders suggested that City Administrator/Recorder Hilden notify the two local waste management companies about the slurry seal schedule so that they could adjust their collection service, if necessary.

## **12. FOR THE GOOD OF THE ORDER**

Councilor Anderson noted that Planning Commission Chairman George Burke truly deserved the Citizen of the Year award for all of his work on behalf of Dunes City.

Council President Mills expressed thanks to the anonymous volunteer who mowed and trimmed Byrd Park, noting that it looks good. She also noted that residents who live on streets scheduled for slurry seal should allow plenty of time for the road to dry before driving on it.

Councilor Sanders suggested residents pay attention to the notices about slurry sealing so that it has time to dry and they don't get the product on their vehicles because it is difficult to remove. He suggested that Mayor Ruede take a leading role in helping to promote next year's Oregon Dunes Triathlon and Duathlon. Mayor Ruede noted that she was already working on ideas and would be delegating tasks to other Councilors.

Councilor Meyer also extended thanks to Planning Commissioner Chairman George Burke for his dedication to Dunes City.

### **13. ADJOURNMENT**

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

Mayor Ruede adjourned the meeting at 8:20 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 14<sup>th</sup> DAY OF AUGUST 2014.**

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

ATTEST:

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