



**CITY COUNCIL MEETING MINUTES ~ APPROVED
OCTOBER 9, 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

1. CALL TO ORDER

Mayor Rebecca Ruede called the October 9th 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 Sheldon Meyer, Councilor Maurice Sanders, and Councilor Duke Wells.

Absent and Excused: Councilor Ed Scarberry.

Also Present: City Administrator/Recorder Fred Hilden, Administrative Assistant Renee Green, Administrative Assistant Rapunzel Oberholtzer, State Representative Caddy McKeown, Ms. McKeown's Chief of Staff Courtney Flowers, Ford Family Foundation Fellow Rebecca Goehring, Dunes City residents Susie Navetta and John Stead, George Burke, and several other citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. CONSENT AGENDA

Council President Mills made a motion to approve the Consent Agenda. Councilor Meyer 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. Volunteers are needed to fill one Road Commission opening, three Budget Committee openings, one Parks and Recreation Committee opening, and one Water Tester for Siltcoos Lake.
- B. The 3rd Annual Oregon Dunes Triathlon and Duathlon is Saturday, May 9th, 2015.
- C. Dunes City Artists of the Month are Students from Siuslaw High School and Dunes City resident Don Durland.
- D. October birthday wishes to Councilor Sheldon Meyer on the 21st.

City Administrator/Recorder Hilden pointed out that after this meeting Agenda was published a vacancy on the Planning Commission occurred. Mayor Ruede invited everyone present to join Councilors for birthday cake after the meeting.

Mayor Ruede also announced that ballots will be mailed on October 17th. She reminded everyone that Councilors Duke Wells and Sheldon Meyer are running for reelection and announced that John Scott is running a write-in campaign for Dunes City Councilor. She also reminded everyone that she is running for reelection and went on to encourage everyone to vote.

Mayor Ruede introduced the State Representative from the 9th District, Caddy McKeown, and invited her to speak. Ms. McKeown announced that she was visiting every city in her district to attend a City Council meeting. This is her first visit to Dunes City and she was here to listen and learn about the issues at hand. She wished Councilor Meyer a happy birthday and explained that when she was in high school she was a student of Councilor Meyer's mother who taught Algebra. She went on to add that she was interested in learning more about the Triathlon and Duathlon, noting that in her city there were efforts to do similar events and they are difficult to do. She complimented the Council and the City for having been successful with this event. Ms. McKeown introduced her Chief of Staff, Courtney Flowers, and thanked the Mayor and Councilors for their time on behalf of the City, commending them for their volunteerism.

Mayor Ruede introduced Ford Family Foundation fellow, Rebecca Goehring who was present. Ms. Goehring explained that the Ford Family Foundation has a program called Pathways that grew out of an alumni celebration last April. She went on to explain that Pathways is a four-step program focused on community building, community vitality, and working together to identify and fill needs. In the Siuslaw area, the first step is an online survey that opened October 1st and will remain open until October 24th—she asked the Mayor and the Councilors to help spread the word to get as many people as possible to take the survey. The Siuslaw area, she went on, includes Dunes City, Florence, Mapleton,

Deadwood, and Swisshome. The information gathered from the survey will be shared at a community forum to be held on November 8th at the Catholic Church. Ms. Goehring went on to note that the Dunes City Council could help get word about the survey out to organizations and clubs they work with through email or word-of-mouth, further noting that since the survey opened on October 1st there have been 175 responses, 15-20 or so from Dunes City. She invited Councilors to attend the forum.

Mayor Ruede pointed out that paper copies of the survey are also available at the Siuslaw Public Library in Florence as well as the library in Mapleton. Ms. Goehring noted that there are also links to the survey at www.siuslawpathways.com and more information about Pathways. Councilor Sanders suggested that paper copies of the survey could be available at City Hall. City Administrator/Recorder Hilden remarked that the City has forwarded the Mayor's message about the survey to its "interested parties" email list and would have paper copies of the survey at City Hall.

7. CITIZEN INPUT

Mayor Ruede recognized Mr. Susie Navetta, who signed up to give citizen input. Ms. Navetta requested that Mr. John Stead, who also signed up to give input, speak first. Mayor Ruede invited Mr. Stead to speak.

Mr. Stead proceeded to read aloud from a letter he prepared for the Council about the Citizen Advisory Committee appointment:

Good evening, Mayor Rudy [sic], Councilors and members of the audience. Thank you for the opportunity to share additional information about the appointment of the City's very first Citizens Advisory Committee.

At the Planning Commission meeting, July 24, 2014, CAC members, as part of the appointment process, received information regarding use of a document titled, Citizen Advisory Committee Procedures Responsibilities and Expectations. Exact quotes from that meeting are as follows:

City Administrator/Recorder Hilden, announced, "We have available in tonight's packet not only the five applicants but also the Citizen Advisory Committee Procedures Responsibilities and Expectations approved by the City Council on January 21, 2014..." [7.40] To which I commented, "I'm assuming you have a set of rules for the committee to follow." Chairman Burke responded, "All the rules are written." [10.38]* City Administrator/Recorder Hilden interjected, "Rapunzel is gonna make five copies of the packet for you." [11:42]* Chairman Burke said, "There's a approved CAC..." (25.04)* City Administrator/Recorder Hilden interjected, "Procedures Responsibilities and Expectations, adopted in January by the City Council...It should be in your packet. It's labeled Draft 1, but it's not a draft, it's been approved by the Council." [25.08]* Commissioner Henderson offered, "So this is really the first active use of this, (document) and we're very pleased that you folks have stepped forward to get involved. We'll see how well it works." [26.13]* Chairman Burke added, "Otherwise we'll have to appoint ourselves the CAC and do the work ourselves." [26.24]**

*Mr. Stead said, "I don't see anything that says on it a draft..." Commissioner Henderson explained, "Up in the upper right hand corner." I said, Draft 1, OK,..." [27.16] * City Administrator/Recorder Hilden stated, "That's probably the best starting place... To get intimate with that document." [27.40]**

(Indicates quotes from the audio recording of the Planning Commission Meeting.)*

Following a review of the above described Procedures document, I sent an e-mail on July 29th to George Burke and the City Recorder, with copies to CAC members, requesting help with CAC Processes/Procedures, in part:

"Page 2, item #3 of the CAC Procedures (document) requires that notices be published in the paper at least two weeks prior to a scheduled meeting. This prevents the CAC from meeting as suggested — and makes weekly meetings out of the question."

On July 31st Renee Green, for Fred Hilden, sent an e-mail to all CAC members stating in part:

"The document you are referring to is just that a DRAFT it's just a template for the City to use while it works with new CAC's and it can be refined as CAC's use it and figure out what works and what doesn't work."

On August 6th, Fred Hilden sent an e-mail to the CAC members stating in part:

"The document that was handed out at the PC meeting on July 24th came forward as a 'draft' procedure stemming from the Citizen Involvement Program Policy that City Council adopted on January 9th, 2014, copy attached. While much of the language is crafted from Council's policy, it was not the document as described."

This activity may have prompted CAC members to become more prudent about following procedures that are well documented. It is hoped that the Planning Commission in its CCI role will do more to assist the City with its Citizen Involvement Program.

The CCI (Planning Commission) has a duty to assist the Council with the development of a program that promotes and enhances citizen involvement and assists in the implementation of the citizen involvement program [Ordinance 223, Section 1.B.2 and Resolution 2014, No. 2 (01/09/2014)].

It is hoped that the Council will consider these matters as you deliberate.

Thank you very much.

Mayor Ruede thanked Mr. Stead and asked Ms. Navetta if she wished to offer some comments.

Ms. Navetta stepped up to the microphone and introduced herself. She said she would like to find out what happened with the ad hoc committee on septic education. She explained that the committee had their meetings, committee members thought they had good results and a plan in order but no one has ever contacted the committee members. She added that she hasn't

heard anything from the Communication and Education Committee and she would like to know how that is proceeding.

Mayor Ruede said that the committee was disbanded, as Ms. Navetta knew very well. Ms. Navetta asked how she would have known that the committee was disbanded. Mayor Ruede asked City Administrator/Recorder Hilden if he had any records for reference. He replied that the Chairman of the ad hoc committee, Councilor Wells, made a report to the City Council at its July meeting, however, no action was taken at that Council meeting. He went on to explain that at the August 14th Council meeting, a motion was made by Council President Mills, seconded by Councilor Scarberry and passed by a vote of three in favor and one against to transfer the responsibility for the Septic Education Program to the Communication and Education Committee chaired by Councilor Sheldon Meyer.

Mayor Ruede pointed out that the minutes are available for review. Ms. Navetta clarified her question, saying that her concern is that the ad hoc committee made a recommendation for the Communication and Education Committee to take over community education. An earlier committee, she explained, put septic information in the City newsletter and on the City's website to get the information out but she has not seen anything from the Communication and Education Committee. She went on to say that it seemed a shame that people came to a meeting, gave their expertise and then were "shined on" when something good could come from it. She remarked that if there weren't enough articles for the newsletter, the septic information could go in there. Mayor Ruede agreed, noting that the Council is aware of that and Councilor Meyer is working on the newsletter now.

Mayor Ruede recognized Councilor Wells. Councilor Wells explained that he was Chairman of the ad hoc Septic Education Committee and thought that there were a lot of wonderful people involved who got a lot of good input and filed a comprehensive report. He went on to say that with all of the activity around septic Ordinance No. 203 now, in his opinion, there needs to be a firm septic ordinance in place before educating residents about a septic ordinance and that was his intent all along. Mayor Ruede suggested that there could still be an article in the newsletter about what the Septic Education Committee accomplished.

Ms. Navetta remarked that nothing has been done yet.

8. UNFINISHED/OLD BUSINESS

A. Comprehensive Plan Updates – Alternative Cost Estimates

City Administrator/Recorder Hilden explained that he responded to efforts led by Council President Mills and the Ordinance Review Committee to update the City's Comprehensive Plan by reaching out to Jacob Callister, the City's contract Planner from LCOG. Subsequently, Mr. Callister provided a detailed email discussion of the scope of work and a detailed proposal to use as a starting place for further discussion about the work, both of which were included in the Council packets. City Administrator/Recorder Hilden noted that the proposal should be evaluated by the Council and discussed in terms of which elements could be used to update the Plan in sections, or in entirety, or at all. He went on to

point out that the estimated cost of the proposal, at \$41,000, might seem exorbitant by Dunes City standards but is not unreasonable for a complete, thorough overhaul of a Comprehensive Plan. He further noted that the Council could hold a work session to discuss all of the elements of the proposal and/or authorize him, as City Administrator, to seek grant funding for the project.

Mayor Ruede complimented Mr. Callister's work saying that the proposal and email cover letter were both very comprehensive themselves. She went on to point out that the Councilors had spent hours during several meetings to review the Comprehensive Plan in detail and it was obvious that Mr. Callister had put a great deal of thought into the various elements of the City's current Plan, and the approximate cost to the City.

Council President Mills noted that the current Plan needs updates, as evidenced by all of the notes and change suggestions that Councilors made during their work sessions. She further noted that certain Councilors were anxious to get parts of the Plan updated and out for discussion so the Council could plan future meetings to determine how best to break the updating into manageable pieces. She went on to add that if there was anyone interested in making specific updates to a particular section, they should do so and get those done. When Mayor Ruede asked Council President Mills for clarification of what she meant; Council President Mills explained that suggestions for changes to the Plan could be brought forward in the form of an Ordinance, that would be sent to the CCI which, in turn, would appoint a CAC to look at the proposed changes, with specific directions. The CAC would then make recommendations on those changes to the Planning Commission, which would make recommendations to the Council, and the Council would hold a Public Hearing. There would not be a need to involve LCOG.

Mayor Ruede called on Councilor Sanders. Councilor Sanders suggested that grant opportunities should be explored, but the City should not depend on receiving grant money—Dunes City is too small to compete with larger metropolitan areas for grants. He went on to agree with Council President Mills, suggesting that the Comprehensive Plan be divided into sections and assigned to individuals or committees to work on until it's finished.

Councilor Anderson suggested that the Council review the work that has been done so far, noting that it should not need to be tossed aside.

Council President Mills raised several questions for Councilors: 1) does the Council want to schedule a work session to discuss this matter further, 2) send the Plan to the Ordinance Review Committee with directions to start working on it, or 3) wait until next year. Mayor Ruede suggested the possibility of setting one or two deadline goals for deciding how the Council wants to tackle this project, noting that sending the Plan to the Ordinance Review Committee at this point might be overwhelming for the Committee. She went on to suggest another option in which each Councilor led a subcommittee to do the work.

Mayor Ruede recognized City Administrator/Recorder Hilden who remarked that it would be irresponsible for him not to point out that City Staff is currently overwhelmed with

work for the Planning Commission and other issues, and could not address this project until after the first of the year.

Councilor Sanders asked for clarification about whether the Plan had already been sent to the Ordinance Review Committee to parcel out and monitor. Mayor Ruede explained that was the case, but the Committee subsequently discovered the well-organized Oregon City Comprehensive Plan and brought that format to the Council for discussion, with the question, "Does Dunes City want to change the format of its Comprehensive Plan to follow the format of the Oregon City Plan?" Councilor Sanders asked if it would be possible to follow the Ordinance Review Committees recommendations for dividing the work, getting the work done on the entire Plan and then sending that to a CAC. Mayor Ruede pointed out that the old Plan included technical information, such as maps, that are outdated and need to be replaced, which costs money. City Administrator/Recorder Hilden noted that City Staff is working on getting new maps, but went on to point out that Staff would need to review any draft revisions before the revisions underwent public review and any circumvention of that process would be irresponsible. Mayor Ruede agreed.

Mayor Ruede suggested that Councilors consider tabling further discussion until after the first of the new year, with a possible goal of making a decision about how to proceed by the end of first quarter. Council President Mills pointed out that even with dividing the work among Committees and Commissions, revisions would not likely be complete until next spring. City Administrator/Recorder Hilden mentioned that if the Council wanted to divide the Plan into sections and start on those, he had no objection.

Council President Mills asked if the recommendations made by the Ordinance Review Committee for dividing the work could be discussed at this point or at the next meeting, noting that Councilors did not have the recommendations in hand. Councilor Sanders suggested tabling the discussion until next month to give Councilors time to review the Ordinance Review Committee recommendations.

Council President Mills made a motion to table further discussion until the next Council meeting. Councilor Wells seconded the motion. The motion passed by unanimous vote.

B. Ordinance No. 203 Planning Commission Task Status

Mayor Ruede asked City Administrator/Recorder Hilden to provide an update. He explained that the Planning Commission has been working on its review of Ordinance No. 203 and its task to provide recommendations for changes to the Ordinance to the City Council. In a meeting held earlier in the day, the Commission cancelled its regularly scheduled meeting on October 23rd due to lack of a quorum for that meeting and agreed to hold special sessions on October 30th at 6:00 pm and November 13th at 3:00 pm to gather more citizen input.

City Administrator/Recorder Hilden went on to explain that the Planning Commission/CCI annual report about the Citizen Involvement Program was approved at today's Planning Commission meeting. He distributed copies of the report to Councilors and requested that George Burke, former Planning Commission Chairman, talk about the report. Mayor Ruede welcomed Mr. Burke.

Mr. Burke introduced himself noting that in today's meeting the Planning Commission appointed him as an unpaid consultant to represent the Planning Commission and to help finish the work the Commission is doing on Chapters 155 and 151, among other things. He went on to explain that he and City Staff will meet with the City Attorney to finalize revisions to Chapter 155 and then Staff will assist the Planning Commission to compile changes and prepare a draft of Chapter 155 for Council review. Staff will also help finalize drafts of Chapters 151 and 154. He pointed out that overall there were about 300 pages of City Code the Planning Commission reviewed and, although the number of pages will be reduced by the revisions, Staff needs to assemble that content for the Planning Commission to present to the City Council and then the review would fall to the Council. Mr. Burke noted that these drafts would increase the Council's workload and suggested that the Council consider addressing the Code changes before working on the Comprehensive Plan.

Mr. Burke proceeded to read aloud the Committee for Citizen Involvement Annual Report to City Council:

*DUNES CITY PLANNING COMMISSION
COMMITTEE FOR CITIZEN INVOLVEMENT
ANNUAL REPORT TO CITY COUNCIL
OCTOBER 2014*

In October of 2013, the Dunes City Council adopted Ordinance No. 223 which amended the Citizens Involvement Program (CIP) portion of the City's Comprehensive Plan and established the Dunes City Committee for Citizen Involvement (CCI) as required by Oregon State Land Use Planning Goal 1. Ordinance No. 223 also appointed the Dunes City Planning Commission to serve as the City's CCI. The primary objectives of the CCI are to assist the City Council with the continued development of the CIP that promotes and enhances citizen involvement in land use planning, to assist in the implementation of the CIP, and to evaluate the process being used for citizen involvement. The CCI does not assume any responsibilities that are already fulfilled by the Dunes City Planning Commission, including taking actions on specific land development proposals. The CCI reports to the City Council and provides information on the effectiveness of the City's CIP in an annual report to the Council.

2014 CIP activities:

- A. In January of 2014, the City advertised seeking citizens to participate in a Citizen Advisory Committee (CAC) to provide citizen input on a proposed update to the*

2004 Master Road Plan. Two public notices were published in The Siuslaw News and posted at Dunes City Hall, the City's website and the Westlake post office. No members of the public responded to the advertisements for applicants to the CAC and no appointments to the CAC were made. This would have been the first CAC convened since the City adopted Ordinance No. 223 three months earlier.

- B. In June of 2014, the Dunes City Council instructed the City's Planning Commission to convene a CAC for the purpose of reviewing septic Ordinance No. 203 and making recommendations for language changes, if any. After reviewing the Council's instructions, the Planning Commission directed City Staff to prepare public notices advertising for applicants to a CAC formed to review Ordinance No. 203. Two public notices were published in The Siuslaw News and posted at Dunes City Hall, the City's website and the Westlake post office. Five applications were received as a result of the advertisements and all five applicants were appointed to the CAC during the Planning Commission meeting on July 24th. Informational material and instructions were given to the appointees during the meeting on the 24th. During the CAC's first meeting on August 13th meeting, the CAC members passed a motion to suspend meeting until they received clarification of their task from the Planning Commission. The Planning Commission met on August 26th with an agenda item to "Clarify and Reassign CAC Task Re: Ord. No. 203 Septic Maintenance." Some of the members of the CAC were present for the meeting. After a lengthy discussion among the Planning Commissioners and the Chairman of the CAC, during which there seemed to be no resolution for the issue of clarifying the CAC's task, the Planning Commission unanimously approved a motion to dissolve the CAC and assume its role for reviewing Ordinance No. 203.*

In subsequent actions, the Planning Commission directed City Staff to publish and post notices advertising for citizen input on Ordinance No. 203. A total of five public notices were published in The Siuslaw News. Notices were also posted at Dunes City Hall, the City's website and the Westlake post office, followed by a press release to The Siuslaw News and an email outreach to Dunes City residents. As a result of these efforts, two written statements from citizens were received at Dunes City Hall, six email responses were received at City Hall, and two citizens attended the September 25th Planning Commission to give comments on the Ordinance.

In summary:

While it is unfortunate that Dunes City has yet to see the CAC process fully functional, there is citizen involvement activity as evidenced by applications to the Ordinance No. 203 CAC and the citizen responses to outreach efforts.

After reading the report, Mr. Burke commented that he was disappointed that the Planning Commission could not continue with the CAC process. He explained that the Commission

has now had about three meetings with public notices asking for citizen input and, as City Administrator/Recorder Hilden noted earlier, there are more meetings scheduled to gather input. He went on to add that there were no emails received or citizen input for today's meeting, but he hoped there would be more. He also explained that while the Commission is meeting to gather citizen input, it is also discussing Ordinance Nos. 203, 210A and 211A trying to come up with ideas for changes to improve Ordinance No. 203. Mr. Burke remarked that the Planning Commission would have two or three more meetings before it had a document for the Council to review.

Mr. Burke noted that the Planning Commissioners strongly feel the City needs to have a franchise agreement of some kind with the inspectors and pumpers. The Commissioners would encourage the Council to authorize City Staff to consult with the City Attorney about the possibility of a franchise agreement—whether or not it can be done and whether or not it is legal to do—before the Commission goes any further along the track of using a franchise agreement. He went on to note that the franchise agreement should not be part of City Code but could be used to enforce Code and to help reduce costs to residents. The City Attorney might know about how other cities are addressing this.

Mayor Ruede thanked Mr. Burke for bringing forth the recommendation from the Planning Commission. City Administrator/Recorder Hilden clarified the recommendation by noting that the City Council would instruct City Staff to contact the City Attorney to determine the feasibility of a franchise agreement with licensed inspectors and pumpers that benefit from the City's Septic System Maintenance Ordinance. He went on to comment that Dunes City could be on the leading edge with this idea and did not think any such franchise agreement existed elsewhere at this point. He added that counsel could provide a fairly quick response to the questions about how such an arrangement would work, so the bill should be only about \$150-200.

Mayor Ruede asked Councilors for comments. Councilor Meyer suggested getting a legal opinion. Councilors Wells and Sanders remarked that they would like to address other concerns at the appropriate time. Council President Mills expressed concern about how a franchise agreement would save citizens money, but agreed that the City should get a legal opinion. Councilor Anderson agreed with the opinions to get legal opinion.

Mayor Ruede noted that when she attended the Mayors' Conference in Pendleton, this subject came up. She offered to call a contact who might be able to shed some light on the subject and report back to City Administrator/Recorder Hilden and agreed that the City needed some legal insight. She asked City Administrator/Recorder Hilden if a motion was necessary; he replied that he heard a consensus for legal advice from four members of the Council.

Councilor Sanders offered a differing opinion, noting that this might be "putting the cart before the horse." He explained that he has heard the Council's discussions about Ordinance No. 203, but does not know what kind of Ordinance will come from the Planning Commission and whether there is a need to regulate inspectors or have a franchise agreement with them. Further, he added, that he has not heard any of the public comments and,

because he does not know what kind of Ordinance will be drafted, cannot support spending money for an attorney's opinion on the matter when the Council does not know if it is necessary.

Council President Mills acknowledged the validity of Councilor Sanders' concerns but pointed out there is a moratorium on levying the fines that can be imposed under Ordinance No. 203. The Ordinance also requires that septic inspectors are licensed but the City has not implemented any licensing program. She added, in her opinion, licensing is a better option than a franchise, but it would be worth hearing from the City Attorney.

Mayor Ruede asked City Administrator/Recorder Hilden for his opinion. Noting that his opinion might not be relevant, he remarked that any new Septic Maintenance Ordinance will likely require some type of periodic inspections and it would be in the City's best interests to find out whether a licensing program or a franchise agreement is the best option.

Council President Mills pointed out that the Planning Commission would need this kind of information in order to determine the best program for the City and, in that respect, she supported the suggestion for Staff to contact the City Attorney. Councilor Sanders agreed.

Mayor Ruede pointed out that the Planning Commission is asking for the Council's assistance. She asked Mr. Burke if he had further comments. Mr. Burke explained that the Commission needs the attorney's advice in order to come up with a better program. In his opinion, the franchise agreement works because inspectors would have to meet with the City Council or City Official to set fees for a specific length of time and that gives the City some regulatory control over costs so that unscrupulous vendors cannot overcharge citizens and costs cannot continue to rise as quickly as they have been.

Following the discussion, it was the consensus of the Council to direct City Staff to speak with the City Attorney and provide the resulting information to the Planning Commission.

Mayor Ruede recognized Councilor Wells, who wished to comment. Councilor Wells remarked that there was a long overdue subject that he would like to address. He explained his remark by saying that being a Councilor, to him, meant being a servant of the people in addition to a City volunteer. The Council's job is to protect residents from ordinance regulation, listen to what citizens have to say and bring their comments to the Council for discussion. He pointed out that there has been ongoing discussion about Ordinance No. 203 since he was elected almost four years ago and almost no progress has been made. He commented that there was a reason for the lack of progress and explained that, as Mr. Burke reported in the CCI's annual report to Council, the Planning Commission attempted to follow the Citizen Involvement Program established by Ordinance No. 223 and by following Council instructions to appoint a Citizen Advisory Committee to review 203. He went on to say that, in his opinion and only his opinion, the group that showed up came with extreme prejudice against changes to 203.

Mr. Stead, in the audience, said, "I object and I expect the Mayor to..." Mayor Ruede called Mr. Stead out of order.

Councilor Wells went on to remark that he believed the documentation existed to support his comments. He went on to say that he, personally, believed that a group of members who joined the CAC had no intention of doing the task assigned. He added that he did not believe they volunteered in the spirit of volunteerism to do a job.

From the audience, Ms. Navetta remarked, “That’s a personal attack.”

Councilor Wells continued by saying that he thought there was obstruction in mind and he thought they accomplished that. Having said that, and noting that was all in the past, he added that part of his job is to protect City Committees like the Planning Commission. He went on to explain that he felt the Commission was unjustly accused of something that did not happen and City Staff was accused of something that did not happen—which was not giving information to the CAC to perform the task of giving the Council proposed language changes to Ordinance No. 203. Councilor Wells remarked that the CAC was given Ordinance No. 203 to read, all the CAC was asked to do was read it and come up with changes. He continued by saying that the spirit of the task the CAC was given was there—they were given documents to review and did not do it. When the Planning Commission took back responsibility for reviewing Ordinance No. 203, the CAC placed blame on the Commission and City Staff. Councilor Wells expressed his belief that that was wrong and remarked that he felt he had to say so.

Mayor Ruede thanked Councilor Wells and asked Councilor Sanders for his comments.

Councilor Sanders noted that the Planning Commission had taken over the responsibility of the CAC to collect public input with the intent that the public is provided an opportunity to provide input to its government. He went on to remark that he was also disappointed that the CAC process did not function, and added that after reading the minutes of the CAC meeting, he was of the opinion that there were one or two CAC members who did not want the process to work. Councilor Sanders went on to comment that it was unfortunate but he is committed to the CAC process and hopes that the Planning Commission presents the Council with proposed changes to the Ordinance so that the Council can direct the Commission to convene a CAC to review that document. He went on to comment that he was committed to making this process work, that it would set the tone for the future of the community’s citizen involvement, and the City must make it succeed. He went on to say that in the future, when the Planning Commission is asked to convene another CAC, the Commission might look at the applicants and determine whether there are individuals that should only provide testimony, rather than working on the CAC—but that would be up to the Planning Commission.

Mayor Ruede thanked Councilor Sanders and asked if there was further discussion. She went on to say that she believed there was an opportunity for citizens to give their opinions, which the Council heard in a respectful manner, and she expected others to respect the opinions of Councilors.

9. NEW BUSINESS

A. Resolution Series 2014 No. 11 (10/09/2014) – Charter/Comcast Franchise Agreement

Mayor Ruede asked Councilors if they had reviewed the lengthy Charter/Comcast agreement in their Council packets.

Councilor Sanders made a motion to execute the document as presented. Councilor Wells seconded the motion. Mayor Ruede restated the motion as being to approve the Resolution Series 2014 No. 11 Charter sale to Comcast and their franchise agreement with the City.

Council President Mills asked to clarify that the terms of the contract do not change, the City will still receive the same amount of revenue and possibly more. City Administrator/Recorder Hilden explained that he was still negotiating the terms, but this contract and Resolution were required under the terms of the current contract with Charter, which mandates a Resolution approving transfer of ownership of the franchise.

Councilor Anderson asked to clarify that there would be no issues for the City as a result of the Charter/Comcast merger, as have occurred when other large entities merge. City Administrator/Recorder Hilden noted that he did not expect any issues and there was no way for the City to prevent the merger, which has been arranged so that Comcast will not have a monopoly in the cable provider business. Mayor Ruede pointed out that the SEC is still analyzing the terms of the merger.

The motion passed by a vote of five in favor, none opposed, none abstained, and one absence, noted during roll call. There are no vacancies on the Council.

B. West Lane Emergency Operations Group – Amendments to Intergovernmental Agreement and Rules of Procedure

Mayor Ruede asked if Councilors had read the proposed amendments. Councilor Meyer noted that this item was not listed on the Agenda as an action item. City Administrator/Recorder Hilden explained that the City Ordinance adopted to accept the first WLEOG Agreement requires no amendment or other action when a revised WLEOG Agreement is approved by the WLEOG Board. He noted that the changes are presented to the Council for comments and that he, as Dunes City's representative, will pass on to the WLEOG Board on behalf of Dunes City. He also explained that the changes were essentially prompted by SVFR Chief Langborg, who recognized that WLEOG needed a day-to-day decision maker, not just a decision maker at the point that the EOC is activated; the changes also provide for an Emergency Management Coordinator, who will be the Fire Chief.

Council President Mills pointed out a major change she noticed: WLEOG funds will not be used to acquire emergency supplies. City Administrator/Recorder Hilden agreed, noting that WLEOG funds will only be used to fund the EOC. Councilor Sanders noted that

the reason for that is WLEOG funds are not there for the public's supplies—the public must take responsibility for themselves in an emergency.

There were no further comments on this agenda item.

C. 3rd Annual Oregon Dunes Triathlon & Duathlon – Sponsorship Packet Update

Mayor Ruede recognized City Administrator/Recorder Hilden who noted that most of the corrections that Staff wanted to make to the packet have been included in this version. He went on to note that the sponsorship fees are fixed and everyone should feel free to use the packet to go out and sell sponsorships.

Council President Mills said she thought that the City was going to hire someone to sell sponsorships, as discussed at a prior Council meeting. City Administrator/Recorder Hilden explained that, as far as he could recall, the option was discussed by the Council but no final decision was made. He went on to note that the Council's discussion included the possibility that City Staff would do the selling, but he has not been able to come up with a fair and equitable way to reimburse someone for selling. He further noted that Best in the West Events might try to secure package sponsorships for all of its scheduled events at a corporate level, and that sponsorship revenue would not flow to the City. According to Dunes City's agreement with Best in the West Events, sponsorship revenue from only the Oregon Dunes Triathlon and Duathlon is split 50/50 between Best in the West Events and Dunes City, after expenses. He suggested that the Council develop a strategy to go after high-level corporate sponsors for the Dunes City event to bring in more revenue.

Council President Mills pointed out that Blair Bronson, of Best in the West Events, has in mind sponsors that he intended to solicit. She went on to say that it would not be wise for the City to approach those same potential sponsors and it might be time for a meeting with Mr. Bronson to find out more about his list. City Administrator/Recorder Hilden responded to Council President Mills' comment by saying that he had a conversation with Mr. Bronson about this subject, and Mr. Bronson is not concerned about it, he only asks that, as a professional courtesy, the City inform him if the City intends to pursue sponsorships from big companies such as Microsoft or Nike.

Councilor Sanders invited Ms. McKeown to participate in the Oregon Dunes Triathlon and Duathlon at some level, as a sponsor or as an event participant. She said she would be interested in participating in some way. Administrative Assistant Renee Green reminded everyone that the event is now only thirty weeks away!

Councilor Anderson pointed out that last year's event, the second annual, had more than double the race participants the first year's event had. With such phenomenal success there may need to be a discussion about limiting the number of participants. Ms. McKeown commented that her Chief of Staff's husband participated last year.

Mayor Ruede requested that this item be on the meeting agenda every month until the event. Ms. McKeown suggested that a Council member approach the State Senator about sponsorship and/or participation-related activities.

D. Honeyman State Park – Septic Concerns

City Administrator/Recorder Hilden reported that the foul odor concern in the park, mentioned by Councilor Scarberry at last month's meeting, was from a dead bear off the road, not a septic disposal issue. The Park and County maintenance crews agreed to let the bear decompose naturally rather than remove it.

Mayor Ruede asked City Administrator/Recorder Hilden whether he had had an opportunity to find out if a Honeyman State Park representative would be available in the future to attend a Council meeting, particularly since the City would soon start planning for the Oregon Dunes Triathlon and Duathlon. City Administrator/Recorder Hilden replied that he had and that a representative could be available at almost any time after the first of the year.

10. REPORTS

Mayor's Report: Mayor Ruede announced that the Mayor's Banquet has been scheduled for Friday, December 12th, and asked that the date be added to the announcements section of meeting agendas each month until then, as well as announced in the City's newsletter. She also encouraged everyone to get out and vote.

Communication and Education Committee Report: Councilor Meyer reported that the newsletter is scheduled to be published in November and reminded everyone to contact him if they have ideas for content or articles to submit. He noted that potential topics could include the bike/pedestrian lane, water meters, boat washing, and the Triathlon/Duathlon. The deadline for submitted articles is the end of October. Council President Mills offered to provide an article about boat washing from the Water Quality Committee.

Ordinance Review Committee Report: Council President Mills reported that the Committee did not meet.

Water Quality Committee Report: Council President Mills reported that water testing was done on September 23rd but results were not yet available. Dissolved Oxygen comparison tests using both new and old equipment were done and the tests showed that results were comparable. The new equipment was purchased for Dunes City by funding from the Drinking Water Protection Grant at a cost of about \$560. Discussions in the TMDL Stakeholders Technical Working Group on Bacteria determined that the methodology used to calculate flows is flawed and needs more work. The Committee is seeking a water testing coordinator to replace Mark Chandler. The next meeting will be held November 19th at 3:00 pm.

Community Center Report: Councilor Wells reported that some fall clean up around City Hall was done earlier in the day.

Conservation Committee Report: Councilor Anderson reported that there were no complaints of infractions in the shoreline areas.

Parks and Recreation Committee: Councilor Scarberry was absent, but City Administrator/Recorder Hilden reported that there was no meeting, so no report.

Road Commission Report and September Draft Minutes: Councilor Sanders pointed out that the minutes of the September 15th meeting were included in the Councilor's packets for review. He reported that the Commission is beginning the process to identify and prioritize projects for 2015 with the goal to submit them to the Budget Committee by March 1st, 2015. He also reported that Road Commissioners are working with the City Administrator to provide input for a draft resolution regulating the use of City equipment. He went on to note that the City Administrator and the Road Commission are working with the City's intern, Ross Peizer on a vision statement and feasibility memo for the bike/pedestrian path needs assessment.

Emergency Services Report: City Administrator/Recorder Hilden reported highlights of the September 15th WLEOG meeting, noting the Oregon Office of Emergency Management awarded WLEOG a \$40,000 grant to upgrade the Emergency Management Plan and perform additional training. Chief Langborg is working on Requests for Proposals for professional assistance to upgrade the Emergency Operations Plan. Ken Stone was present to report on the Greentrees Community Expo that was held in September; the event was well-attended and was deemed successful.

City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Hilden reported that September permit activity declined compared to August, with only five permits issued. Work continues on the one subdivision application. The Planning Commission received both written and oral comments on Ordinance No. 203 at its September meetings and will continue to solicit more public comments. He invited Councilors to attend the October 30th meeting beginning at 6:00 pm. The streets that were slurry sealed in August were mechanically swept in September. He attended a National Forest Service meeting in September to discuss the development of a long-term restoration strategy for the Oregon Dunes National Recreation Area. Staff has been updating Dunes City Water Rights files along with property files and mailed septic information packets with new DEQ requirements to septic inspectors. A septic information page has been added to the City website to make information more readily available to both citizens and inspectors.

11. FOR THE GOOD OF THE ORDER

There were no comments.

12. ADJOURNMENT

Mayor Ruede requested a motion for adjournment. Councilor Meyer made the motion to adjourn. There was no second and no vote taken.

Mayor Ruede adjourned the meeting at 8:54 pm.

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

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Renee Green, Administrative Assistant