



**CITY COUNCIL MEETING MINUTES ~ APPROVED  
DECEMBER 11, 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 December 11<sup>th</sup> meeting of the Dunes City Council to order at 7:00 pm.

**2. ROLL CALL**

Roll Call was taken by Administrative Assistant Renee Green.

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

**Absent and Excused:** City Administrator/Recorder Fred Hilden.

**Also Present:** Administrative Assistant Renee Green, Administrative Assistant Rapunzel Oberholtzer, and several citizens.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

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

**5. CONSENT AGENDA**

**Councilor Scarberry made a motion to approve the Consent Agenda. 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. Lane County Election has sent out the official write-in tally and Ken Platt is the write-in Councilor-elect with 107 votes.

Mayor Ruede read aloud the official Dunes City Proclamation regarding the election of candidates:

*I, Rebecca Ruede, Mayor of the City of Dunes City, Oregon, do hereby certify that in accordance with the laws of the State of Oregon, that the City Recorder has canvassed the votes cast at the General Election held on November 4, 2014; and that the following votes were cast for the office of Mayor and City Councilor:*

*BE IT CERTIFIED that the total number of votes cast for office of Mayor:*

<i>Rebecca Ruede</i>	<i>527</i>
<i>Write In</i>	<i>42</i>

*BE IT FURTHER CERTIFIED that the total number of votes cast for three positions for the office of City Councilor:*

<i>Sheldon L. Meyer</i>	<i>455</i>
<i>Duke E. Wells</i>	<i>472</i>
<i>Write In (Ken Platt)</i>	<i>107</i>
<i>Write In (John Scott)</i>	<i>71</i>
<i>Write In (Other)</i>	<i>95</i>

*A copy of the Official Lane County Abstract of Votes summarizing votes cast for the City of Dunes City Mayor and City of Dunes City Councilors is attached hereto. The original Abstract of Votes is on file in the office of the City Recorder.*

- B. There is an Ethics training workshop at Florence City Hall on December 15<sup>th</sup> from 9:00 am to 3:00 pm, Dunes City Councilors and City Staff members are invited to attend.

Mayor Ruede pointed out that ethics training is an annual training event for Councilors and City Staff. This year Florence and Dunes City are holding a combined training session, with Florence hosting.

- C. The 3<sup>rd</sup> Annual Oregon Dunes Triathlon and Duathlon is May 9<sup>th</sup>, 2015.
- D. The Mayor's Banquet is December 12<sup>th</sup>, 2014 from 5:30 pm to 8:00 pm at Dunes City Hall. All Dunes City residents are invited. This is a potluck-style dinner.
- E. December birthday wishes to Councilor Duke Wells on the 30<sup>th</sup>.

In a surprise announcement, Mayor Ruede requested Councilor Anderson to step to the front of the dais. She explained that because this was Councilor Anderson's last working meeting as a City Councilor she wanted to honor him with a plaque commemorating his years of service to the City. Mayor Ruede read aloud the inscription on the plaque, "Community Service Award presented to Dick Anderson in appreciation for twenty years of outstanding service and leadership to the Dunes City Council, December 2014, in gratitude." Councilor Anderson thanked the Mayor for the plaque as everyone present applauded.

## 7. CITIZEN INPUT

Mayor Ruede recognized Mr. Harley Smith, who signed the Request for Recognition form. Mayor Ruede invited Mr. Smith, who is a relatively new Dunes City resident, to step up to the microphone and thanked him for attending this Council meeting, his first since moving to the City.

Mr. Smith introduced himself by saying that he and his wife moved to the City about a year ago and have been working on their house. He went on to explain that his wife is a housewife and he is a handyman from a real estate office in California as well as a youth baseball coach, a role he had for 37 years and would like to continue here. He noted that he would like to be involved in coaching and teaching youth in this area, and he and his wife would like to volunteer to help with the Triathlon and Duathlon this coming year as well as volunteer for Committees or serve in other volunteer capacities as a way to give back to the community.

Mayor Ruede and the Councilors thanked Mr. Smith and welcomed him to the City.

## 8. UNFINISHED/OLD BUSINESS

### A. Regional Road Fund Restoration – Vehicle Registration Fee

Mayor Ruede reminded Councilors of the presentation at last month's meeting by representatives from Lane County Public Works during which the representatives and West Lane County Commissioner requested the City Council's support for a ballot initiative to raise the County vehicle registration fees. Mayor Ruede read aloud an excerpt from a letter by Lydia McKinney, Transportation Planning Program Supervisor, summarizing County and Dunes City activity on the issue to date:

- *On November 13, Lane County presented information to the Dunes City Council regarding a proposed County vehicle registration fee*
- *Council discussed the item and tabled it for further discussion and action on December 11<sup>th</sup>*
- *Lane County is requesting that the Dunes City Council submit a letter of support to place the proposed County vehicle registration fee on the May 2015 ballot*
- *This is not a request to endorse the fee, just a request to endorse placing the question on the ballot in May*
- *The four other cities the County has met with to date (Springfield, Cottage Grove, Eugene and Westfir) have moved to submit a letter of support. The County will meet with the remaining Cities in the next few weeks and report to the Board of County Commissioners*
- *The recommended motion is:  
The Dunes City Council moves to direct Mayor Ruede to submit a letter of support to the Board of County Commissioners to place a County vehicle registration fee on the May 2015 ballot so that the question can be decided by the people of Lane County.*

Mayor Ruede asked Councilors for comments.

Councilor Meyer remarked that he would be willing to make the motion, but he would like to see the matter voted upon. He noted that the County has the authority to enact the increased fee without a vote, but reiterated that it should be voted on by the people.

Councilor Wells commented that this issue was the result of poor financial decisions by the County over a period of many years and the proposed fee increase is a quick way to get money. Remarking that he was not in favor of the increase, he added that he has not spoken with anyone in this area who supported the fee increase which is contrary to the Lane County presentation in which it was indicated that the public seemed to be in favor of the increase.

Councilor Sanders expressed concern with the fact that the small cities in the County, like Dunes City, would receive a pittance of the income generated by the fee increase but those small cities cannot compete with large ones in the County for grant funding for road maintenance. He went on to add that unless he saw evidence of small cities benefitting from the fee (or tax) increase, he would support efforts to defeat the ballot measure.

Councilor Scarberry expressed concern about the fact that the Council was addressing this issue as an action item, and went on to note that the minutes from the last meeting show that Lane County representative Cuyler was asking cities for support for the fee increase, but the latest letter from Ms. McKinney is asking for support for a ballot measure. He reiterated his opinion that the Council should not be discussing the matter at all, if the County wants to put the question on the ballot it should do so and the voters will decide, regardless of the Council's stand on the issue.

Councilor Anderson noted that if the Council agreed to support the ballot measure it could send a message to residents that the Council is supporting the fee increase and the measure, which the Council should not do.

Council President Mills agreed with the remarks and went on to note also that the Dunes City Charter does not allow the Council to levy a tax so, as Councilor Anderson remarked, if the Council supported the ballot measure, it might appear that the Council is supporting the tax. She added her opinion that the County, like most families and many City Councils have had to do, should learn to live within its means. She concluded that she would not support a ballot measure or any City letter seeming to support such a measure.

Councilor Scarberry added a comment. He noted that during the County's presentation at last month's Council meeting, the County representatives discussed recent accidents on Highway 126. He went on to point out that Highway 126 and Highway 101 are not County roads and would not receive funding for any safety improvements from the County vehicle registration fee.

Councilor Sanders went on to point out that the proposed fee increase did not appear to have a sunset clause.

Mayor Ruede asked Councilors how they wanted to proceed.

**Councilor Scarberry made a motion to take a vote for the Council to take no action on this matter. Councilor Wells seconded the motion and requested a roll call vote.**

Council President Mills remarked that by taking a vote on the question the Council would send a message to the County about the Council's position. Councilor Meyer asked whether the County had responded to his request for a small city caveat and Mayor Ruede replied that the County had not responded.

**The motion passed by unanimous vote with Councilors Meyer, Wells, Sanders, Mills, Anderson, and Scarberry all voting in favor of the motion.**

B. Water Right Extension – State Water Right on Woahink Lake

Council President Mills explained that one of the City's water right permits required the filing of an extension and during that process a review was done. She went on to explain that City Staff had researched the cost for hiring someone to do a review of the water rights and make a recommendation. Council President Mills explained that her concern was for the permit for 410 acre-feet. She went on to note that the State estimates average daily use for a home is 720 gallons of water per day, with approximately 140 homes signed up for the shared domestic water supply program that converts to about 309 acre-feet, almost at the limit of the permit. She remarked that it would be helpful for the City to know approximately how many new houses could be built before it would need to look at its next permit for use. She noted that the City has other permits in place for back up if the first permit is used up. She pointed out that then the City would not need to keep filing for extensions, which are expensive. Council President Mills further explained that if the City could prove beneficial use for 410 acre-feet under the permit then the City could file for proof of beneficial use and perhaps have it certificated by the State so that the permit is protected from challenges.

Council President Mills further explained that the City would need to hire a State-certified water rights examiner to determine actual usage and when the City should look at filing Beneficial Use. In response to Mayor Ruede's question about whether there is a State water master who does that, Council President Mills replied that it was the City's responsibility. She went on to note that while the State estimates 720 gallons per home per day, in Dunes City the usage could be higher due to pumping and filtering, an expert could help clarify the actual average use in Dunes City. She suggested that the Council ask Staff to prepare an RFP so the City has an idea of the cost to hire a certified water rights surveyor.

Mayor Ruede suggested that this subject be added to discussion during the goal setting session next year.

Administrative Assistant Green noted that a proposal for services by the Dyer Partnership included marking points of diversion but most of those are already mapped from when Oregon Water Services put in systems.

There was some discussion about various vendors who could perform the examiner services. Council President Mills pointed out that Dunes City is unique in that it does not have a City water district and allows its residents to use its City permit for their water. Councilor Anderson suggested contacting the State water master, Dave Williams, to find out if any of his former employees, perhaps someone who is retired from the State, would be available to do the work. Council President Mills suggested asking Staff to start work on an RFP. Councilor Meyer remarked that he would like to see the City water rights secure and have as much water as the City would ever need from the lake, with whatever needs to be done to ensure that.

The Council's consensus was that Council President Mills and City Staff begin work on an RFP or RFQ as soon as possible. Mayor Ruede thanked Council President Mills for taking the lead on this project and requested an update on progress when news is available.

## **9. NEW BUSINESS**

### **A. Proclamation and Certification of Election Results**

Mayor Ruede noted that she read the proclamation during the announcements portion of the Agenda.

### **B. Proposed Lane County Road Vacation**

Administrative Assistant Green explained that the proposed road vacation stopped just short of Lot No. 700 so it would not prohibit the City from pursuing a bicycle and pedestrian pathway from Foothill Drive to the North Beach area, but the original idea for the pathway was for it to go along the lake to the County Park.

Mayor Ruede pointed out that the property in question is privately owned and, although the City might be able to work with the owners in the future, the City should not interfere with the owners' development. Councilor Sanders agreed that the Council need not take action on the issue as long as the road vacation did not impact the City. Council President Mills pointed out that the owners would need to reconfigure the development and doing so would be beneficial to them, to the City and to the environment. She explained that the original plat did not take into consideration the wetland areas or Woahink creek, future plat plans could include provisions to protect those areas and enhance a nice development in the area. She went on to note that the City should try to take advantage of any possibility for connecting a pathway from Foothill Drive. Administrative Assistant Green pointed out that the City would likely receive notice about development plans due to the County requirements that neighbors within 300 feet of proposed major development must be notified and given an opportunity to comment.

Councilors agreed that no further Council action was necessary.

### C. Goal Setting – Schedule Goal Setting Sessions

Mayor Ruede suggested that Councilors consult their calendars to determine a day to schedule a two- or three-hour meeting, mid-day, to discuss Council goals for the coming year.

Following a brief discussion it was agreed to schedule the meeting from 10:00 am to 2:00 pm on Thursday, January 15<sup>th</sup>.

## 10. REPORTS

Mayor's Report: Mayor Ruede announced that she received a letter from Fire Chief and Emergency Management Coordinator for WLEOG, Jim Langborg. She read aloud from the letter:

*On behalf of the West Lane Emergency Operations Group (WLEOG) I would like to invite your organization to participate in an Active Shooter Planning Committee. The goal of this committee is to ensure that all community organizations who could face or be involved in the response to an active shooter situation work together to ensure the response is coordinated, effective, and safe. I am asking you to send a representative from your organization to attend an introduction meeting on January 16, 2015 at 2:00 pm at the main fire station.*

Councilor Meyer volunteered to attend the meeting. Council President Mills noted that she planned to attend the meeting—she is looking for someone to provide hands on training for handling an active shooter situation at Dunes City Hall, a situation that both Councilors and City Staff could potentially face. Mayor Ruede offered to email a copy of Chief Langborg's invitation letter to Councilors and the City Administrator and invited anyone interested in attending on behalf of the City to do so on the 16<sup>th</sup>.

Communication and Education Committee Report: Councilor Meyer reported that he would attend the Active Shooter Planning Committee meeting on January 16<sup>th</sup> and also that he had asked City Staff to ask the County about the possibility of obtaining the stencils to paint bicycle and pedestrian lane markings on Clear Lake Road. Councilor Sanders pointed out that Clear Lake is a County road and it would be up to the County to paint the markings, not City volunteers. Councilor Meyer expressed hope that the County could be convinced to do something to help keep people from parking in the bicycle and pedestrian lane.

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

Water Quality Committee Report: Council President Mills read from her report: water testing showed no surprises; there is an app available that gives bacteria test results for every testing site from Lincoln City to the Siltcoos River; key factors affecting sediment are rainfall in the

last three years, creek flow vs. slope, bedrock vs. sandstone vs. basalt, and elevation; water testing data has been provided to City Staff for inclusion on the City website; Committee member Bonnie Allen spent several hours at the Woahink Lake boat ramp looking for incidents of boat washing but did not see any that were obvious; and, two key Committee goals were identified as continuing the water testing program after Mark Chandler leaves and ensuring that the water testing data is preserved and kept safely at City Hall. Councilor Meyer asked whether Honeyman Park Staff or an intern would be available to monitor the boat ramp area for boat washing and water quality. Council President Mills pointed out that there have been discussions with Park Staff, but there is not enough Staff to take on those tasks nor does Staff have the authority to act if they do find boat washing activity—they would have to report that activity to State police. She went on to note that there is NOAA grant funding available for harmful algal bloom research, planning and mitigation; however, the next time that the Dunes City area can apply for a grant is in 2017. She remarked that the Committee would work on writing a grant application for algal bloom mitigation and have it ready to submit. Councilor Scarberry pointed out that the signage at the boat ramp prohibits boat washing, but the concern is for flushing out boats; he suggested that the sign could be changed. There was some further discussion about boat flushing. Council President Mills noted that the Committee would continue to look into this issue and is open to new ideas.

Community Center Report: Councilor Wells reported that he brought in a tree to decorate City Hall and did some clean up outside in preparation for the Mayor's Banquet.

Conservation Committee Report: Councilor Anderson reported that an application for removing dead trees on property by the lake was submitted and reviewed but Councilor Anderson would like the City Administrator and the Councilor-elect to take a look at the site before making a decision. There was some discussion about the timeline for the project. Councilor Sanders agreed to take a look at the site with Councilor Anderson so that work can be started as soon as possible.

Parks and Recreation Committee: Councilor Scarberry reported that there was no meeting because there was no quorum. He suggested some discussion in January about the Committee membership, noting that there is a Committee member who has not been to a meeting for at least a year and a half.

Road Commission Report and September Draft Minutes: Councilor Sanders pointed out that he was out of town when the Road Commission met on November 17<sup>th</sup>, but the minutes of the meeting were included in the Councilors' packets for review. He added that the next meeting will include discussion about expanding the Street Fund budget to take care of outstanding maintenance issues on Woahink Drive, Huckleberry Avenue and Wright Road.

Emergency Services Report: Council President Mills reported on the November 17<sup>th</sup> West Lane Emergency Operations Group meeting. Highlights of the meeting activities included: announcement of December 12<sup>th</sup> interviews of RFP applicants/respondents for the Emergency Operation Plan rewrite; and, the Board accepted the revised Associate Member agreement which will be distributed to members for signature. Mayor Ruede asked Council President



Mills to determine whether the Council needed to review the Associate Member agreement at its next meeting.

City Administrator/Recorder/Planning/Staff Report: Mayor Ruede pointed out that the City Administrator's Report was included in the Councilor's packets. Administrative Assistant Green reviewed highlights: the newsletter was mailed on November 25<sup>th</sup>; City permit activity remained about the same as in October; and, the 3<sup>rd</sup> Annual Oregon Dunes Triathlon and Duathlon will be May 9<sup>th</sup>, 2015 (148 days away).

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

Councilor Scarberry remarked that the handout provided by Bruce Herbert was an interesting breakdown of the proposed vehicle registration fee increase.

Councilor Anderson commented that it had been his pleasure to have served the City for the past twenty years and that this Council, in particular, was exceedingly responsible and dedicated to keeping Dunes City a fine place to live. He added that it was a pleasure and a privilege to have had the opportunity to work with these Councilors.

## **12. ADJOURNMENT**

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

Mayor Ruede adjourned the meeting at 8:12 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 8<sup>th</sup> DAY OF JANUARY 2015.**

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

ATTEST:

[Signed copy available at City Hall]  
Renee Green, Administrative Assistant