



CITY COUNCIL MEETING MINUTES ~ APPROVED

APRIL 11, 2018 AT 6:00 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 Robert Forsythe called the Wednesday, April 11, 2018, meeting of the Dunes City Council to order at 6:00 pm.

2. ROLL CALL

Roll Call was taken by City Administrator/Recorder Jamie Mills.

Present: Mayor Robert Forsythe, Council President Sheldon Meyer, Councilor Alan Montgomery, Councilor Duke Wells, Councilor Tom Mallen, and Councilor Robert Orr.

Absent and Excused: Councilor Susan Snow.

Also Present: Administrative Assistant Rapunzel Oberholtzer and several Dunes City residents.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Orr made a motion to approve the Agenda. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

Councilor Orr made a motion to approve the Consent Agenda. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Mills read from the list of announcements on the Agenda:

- A. A Town Hall meeting with the City Council regarding public safety concerns will be held Wednesday, April 18, 2018, at 6:00 pm. All Dunes City residents are welcome to come

discuss public safety concerns with the City Council, the Lane County Sheriff, Sergeant Michael Brewster of the Oregon State Police, and Florence Police Chief, Tom Turner.

- B. A Budget Committee meeting is scheduled for April 24, 2018, at 5:00 pm, at which time there will be a review of the third quarter FY 2017-2018 budget and an introduction of the Budget meeting schedule for the FY 2018-2019 budget.
- C. The 6th Annual Oregon Dunes Triathlon will be held Saturday, May 12, in Dunes City. We need volunteers to help staff the race courses. Please call Rapunzel at City Hall to register.
- D. We are looking for someone with a motorized boat to help set up the swim course for the Triathlon. If you would like to help, please call Rapunzel at City Hall.
- E. Dunes City announces that it will take nominations for the Volunteer of the Year award. Nomination forms are available on the City's website.

7. OLD BUSINESS

A. City Building Program

City Administrator/Recorder Mills reported that the Oregon Department of Justice entered an opinion essentially stating that the way many Oregon cities conduct their Building Programs by contracting with third parties for Building Inspectors and Building Officials is unconstitutional. She went on to report that in the near future the Building Codes Division will issue notices to those cities

advising that their Building Programs will be shut down, effective July 1, unless cities take certain actions, such as hiring a Building Official, a Building Inspector and an Electrical Inspector.

City Administrator/Recorder Mills introduced Mr. Ron Mann, a State-licensed contractor, to the Council and invited him to comment on the situation. Mr. Mann explained that he has been a builder in the Florence area since 1976 and has worked with Emile and Dave Mortier, Dunes City's long-time Building Inspectors. Mr. Mann went on to express concern that, after all of these years, the State has deemed the cities' process of contracting for services unconstitutional.

Mr. Mann noted that he had spoken with an official from the Building Codes Division who informed him that the State would operate the cities Building Programs using the State Building Codes. He went on to point out that the State's stance could mean that local codes would not be enforced. Mr. Mann encouraged the Council to try to continue the City's relationship with Northwest Code Professionals and he noted that, "local control that is messy is better than outside control with no emotional attachment." He went on to encourage the Council to try to do whatever it takes to retain local control of the City's Building Program.

City Administrator/Recorder Mills introduced Ms. Bonnie Allen, noting that Ms. Allen was present to address the Council. Ms. Allen introduced herself, explaining that she is Chairman

of the Planning Commission. She went on to note that while the Planning Commission follows State guidelines for land use regulations, it also considers the unique qualities of Dunes City and she would like to see that approach continue.

City Administrator/Recorder Mills summarized the options available to the City Council: 1) Do away with the current Building Program and let it be taken over by Lane County or the State, 2) File a lawsuit to try to stay the State's decision, or 3) Hire a Building Official/Inspector and an Electrical Inspector. She noted that she has talked with Dave Mortier about the possibility of the City hiring him on a part time basis and he is interested in working out an agreement to act as Building Inspector/Official. She explained that Senator Roblan's office is working to schedule a meeting for coastal cities to talk about the options available to them and what actions the State may or may not take.

Mayor Forsythe suggested that City Administrator/Recorder Mills find out from legal counsel what the State would accept as an "employee." City Administrator/Recorder Mills pointed out that the new State regulations have not yet been made public or opened for public comment.

Some discussion among the Councilors followed. Councilors generally agreed that Dunes City should do whatever it can to retain local control of its Building Program. Mayor Forsythe suggested that City Administrator/Recorder Mills find out whether or not Mr. Mortier could be a City employee while also employed by his own company.

B. Agreement for Financial Review Services – Wall & Wall, PC

City Administrator/Recorder Mills referred Councilors to their copies of a letter of understanding and agreement from Wall & Wall, Certified Public Accountants, and pointed out that the estimate for financial review services might be a little higher than last year, but not much.

Council President Meyer made a motion to accept the Wall & Wall proposal and authorize City Administrator Mills to execute the agreement. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

8. EXECUTIVE SESSION

Mayor Forsythe announced that the Council would adjourn to Executive Session held pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection. He also announced that only City Officials could attend, but that members of the Press could attend provided they did not report on any information that might be brought forth.

Mayor Forsythe adjourned the regular meeting of the City Council at 6:25 pm and reconvened after Executive Session at 6:42 pm. Council Orr excused himself from the meeting at that time.

9. NEW BUSINESS

A. Appointment of Planning Commission Member Shauna Robbers (T/E 01/09/2019)

Mayor Forsythe invited Ms. Robbers, who was present in the audience, to introduce herself. Ms. Robbers explained that her parents had lived in Dunes City since 1982 and that she has been in the area for about two years, moving into a new home in a couple of weeks. She went on to explain that she has been a realtor for forty years and presently also works for the Florence Chamber of Commerce.

Councilor Mallen made a motion to Shauna Robbers to the Planning Commission. Councilor Wells seconded the motion. The motion passed by unanimous vote.

B. Resolution Series 2018 Regarding Extending Workers' Compensation Coverage to Volunteers of Dunes City During the Calendar Years 2017 and 2018

City Administrator/Recorder Mills explained that the proposed Resolution is an annual "housekeeping task" required by the City's insurance carrier. She noted that due to an oversight the Resolution for 2017 was not presented or adopted so this year's proposed Resolution covers both years.

Council President Sheldon Meyer made a motion to approve Resolution Series 2018 regarding Workers' Compensation for volunteers. Councilor Wells seconded the motion. The motion passed by unanimous vote.

C. Ordinance Adding A New Chapter 70, Entitled Traffic Regulations to Title VII, Traffic Code, of the Dunes City Code of Ordinances – First Reading

City Administrator/Recorder Mills explained that the language for the proposed Ordinance was compiled from a variety of sources, mostly to address City rights-of-way parking and use issues.

During discussion, Councilor Wells pointed out a few of his concerns: First, the prohibition of parking for more than two hours in the rights-of-way; second, the strict prohibition of the public's use of the rights-of-way; third, the prohibition of displaying a vehicle for sale on a public street; and, finally, the somewhat heavy-handed language overall. Councilor Wells also objected to the strict requirement for obtaining a permit to park on streets or rights-of-way for more than 72 hours. Councilor Wells went on to note that there are occasions where parking in rights-of-way is a real problem and those instances should be addressed, but without over regulating the use of rights-of-way in general.

Mayor Forsythe generally agreed, suggesting paring the language down a bit to reflect a small, rural community's needs. Councilors did not object to the suggestion and City Administrator/Recorder Mills agreed to review the proposed language.

D. Ordinance Creating A New Title XVI, Entitled Building Regulations, and Creating a New Chapter 160, Entitled Building Program, and Repealing Chapter 151 of the Dunes City Code of Ordinances – First Reading

City Administrator/Recorder Mills explained that the proposed Ordinance was drafted prior to release of the latest about proposed regulations from the Building Codes Division. She noted that the language would likely be revised and revisited in the future, depending upon BCD's final rules.

E. CwM-H2O OWRD Water Project Grant Application Proposal

City Administrator/Recorder Mills explained that she requested CwM-H2O to provide a proposal for writing an OWRD Water Project grant application for funds to install stream-flow monitoring devices as required by Dunes City's Water Right Permit. She referred Councilors to copies of the proposal that were included in their meeting packets. She noted that there is money in the City budget to pay for the work.

Council President Meyer made a motion to accept the proposal from CwM-H2O and authorize City Administrator Mills to execute the agreement. Councilor Wells seconded the motion. The motion passed by unanimous vote.

F. Conversion of Employees

City Administrator/Recorder Mills explained that effective April 1, 2018, two of the City's Cardinal Services employees are on Dunes City payroll. The third Cardinal employee, a fairly new hire, will remain on Cardinal's payroll for about six months.

G. Request for Training

City Administrator/Recorder Mills referred Councilors to a list of Permit Tech Webinar Series that was included in their meeting packets and explained that the City's new Permit Tech is interested in taking classes to improve her knowledge of the permitting process.

Councilor Montgomery made a motion to approve participation in as many of the classes as the Permit Tech wants to take. Council President Meyer seconded the motion. The motion passed by unanimous vote.

10. PUBLIC HEARINGS

There were none.

11. CITIZEN INPUT ON ITEMS NOT LISTED ON THE AGENDA

Mayor Forsythe recognized Mrs. Kathleen Cook, a Dunes City resident. Mrs. Cook explained that a group of Dunes City of about thirty neighbors organized to clean up Canary Road from Highway 101 to about Clear Lake Road. The group collected more than twenty bags of trash

from the roadside. She went on to note that the City used to have several committees, such as the Road Commission, that did similar work, and she asked if it would be possible for the City to have a Committee dedicated to road clean up. She went on to suggest that the City consider signage and/or education about littering.

Mayor Forsythe recognized Mr. Rory Hammond, a Dunes City resident. Mr. Hammond explained that he was a Budget Committee volunteer and had considered volunteering for the Planning Commission but, because he is plans to do some remodeling, he didn't want any potential conflicts of interest. He went on to express concern about the DOJ's possible action to dissolve the City's Building Program. He expressed the opinion that the City should do whatever it can to retain local control over its Building Program.

12. REPORTS

- A. Mayor's Report: Mayor Forsythe had no report.
- B. Community Center Report: Councilor Wells reported that he will clean out the downspout in the front of City Hall when weather permits.
- C. Water Quality Report: Council President Meyer reported that no testing had been done because the testing equipment was being recalibrated, but water clarity looks good.
- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that pot holes that were reported during the Town Hall meeting about roads were repaired, and that the Public Works Maintenance Supervisor is working with contractors to remove trees on Wright Road.
- E. Emergency Services Report: City Administrator/Recorder Mills reported that she was not able to attend the March 19 WLEOG meeting, but that the meeting agenda and meeting materials were included in Councilor's meeting packets.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that: there were a total of twenty-seven building permits issued in March; the CAC met on March 29 and recommended that the Planning Commission consider language for a proposed ordinance to require marijuana operations in the residential zone and the community commercial zone to apply for Conditional Use Permits, and the Planning Commission referred the proposed ordinance to the public hearing process; and, she is almost finished with the updates to the City's water database.

13. FOR THE GOOD OF THE ORDER

Councilor Wells suggested that the City write a letter to State and Federal representatives objecting to the DOJ's position on local Building Programs. Councilors generally agreed to the suggestion.

14. ADJOURNMENT

Councilor Mallen made a motion to adjourn. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

Mayor Forsythe adjourned the meeting at 7:17 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 9th DAY OF MAY 2018

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder