



**CITY COUNCIL MEETING MINUTES ~ APPROVED
MARCH 13, 2019 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

Council President Sheldon Meyer called the Wednesday, March 13, 2019, 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: Council President Sheldon Meyer, Councilor Tom Mallen, Councilor Susan Snow, Councilor Robert Orr, and Councilor Alan Montgomery.

Absent and Excused: Mayor Robert Forsythe and Councilor Duke Wells.

Also Present: Planning Secretary Rapunzel Oberholtzer, several Dunes City residents, and *Siuslaw News* reporter Jared Anderson.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE CONSENT AGENDA

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

6. ANNOUNCEMENTS / CORRESPONDENCE

Council President Meyer read from the list of announcements on the Agenda:

- A. Dunes City is looking for volunteers to help out with the 7th annual Dunes City Triathlon and Duathlon. Volunteers are urged to register early so they have the best chance to get their first choice for their assigned location.

- B. The Dunes City Council will hold a Town Hall meeting on Thursday, March 21, 2019, at 6:00 pm to discuss the City drinking water program.
- C. The Emergency Expo will be held at the Florence Events Center on Saturday, March 30. Watch the *Siuslaw News* for details.
- D. The first public hearing on an Ordinance to adopt new Flood Damage Prevention Code will be held before the Planning Commission on April 25, 2019, at 6:00 pm.

City Administrator/Recorder Mills reminded Councilors that their annual Statement of Economic Interest report is to be filed by April 15 on the Oregon Government Ethics Commission website.

7. PRESENTATIONS

- A. Marlee Leonard, University of Oregon Professor, Sustainable Cities Year Program (SCYP) Regarding the Property Tax Ballot Question

Marlee Leonard with Bella Barilati, Derren Iha, Kyra Stern, and Audrey Ziglinski, hosted a PowerPoint presentation about the failure of Measure 20-295 (the Dunes City property tax measure) on the November 2018 ballot.

In their presentation, the students explained that they conducted a survey of Dunes City residents to find out why the measure failed and what could be done in the future to overcome residents' objections to a property tax and encourage them to vote in favor. The results of the survey showed that some residents did not understand the ballot question, and may have voted in favor of the measure if they had.

Included in the presentation were ideas for talking points and messaging as well as a timeline for educating residents about the ballot question in the event that Dunes City put it on the ballot in 2019, or another time.

A COPY OF THE STUDENTS' REPORT IS ON FILE AT CITY HALL.

- B. Pat Hart, AMI Specialist, Ferguson Water Works Automated Meter Readings

City Administrator/Recorder Mills introduced Mr. Hart from Ferguson Water Works. Mr. Ferguson gave a PowerPoint presentation illustrating the different types of water meters available and the radio transmitter that affixes to them so that the meters can be read via a handheld device called Sensus Meter Technology.

He explained that his company installed similar devices that are now used by the City of Florence.

He went on to explain that there are two types of meters: a positive displacement meter, which reads hourly consumption to a low flow of 2.5 gallons per minute, and an elec-

tromagnetic (mag) meter, that measures to .3 gallons per minute and is more efficient because it doesn't have moving parts. He pointed out that the mag meter has a twenty-year warranty, and the positive displacement meter has a ten-year warranty.

Mr. Hart proceeded to outline some of the benefits of using radio reading devices: meters operate on a primary use band wave designated by the FCC and licensed by Ferguson; they allow for two-way communication (they can read the meter and also turn meters on and off, if necessary); and, the software can be updated. He also pointed out some of the benefits of the data collected: the readings can be helpful in detecting leaks; and, the reading threshold can be customized by the City.

Mr. Hart explained that his company would provide installation services and technical support and training to staff. Other benefits of radio meters: the transmitter has a twenty-year battery life, radios have a range of about 800 feet, the software is easy to use after training. He also noted that his company can provide a wall-mounted reader for locations where meters are located under a house or in another location hard to access.

Councilors asked if Ferguson would work on a phased installation of meters. Mr. Hart said that the company could do that, and he suggested that the City could start with locations that are the most difficult to read.

C. John Murphey, City Insurance Services – Questions and Answers

Mr. Murphey explained that the City's insurance is with City County Insurance Services, which is not an insurance company but is a trust, of which Dunes City is a member. All lines of City insurance (property, liability, auto liability, workers' compensation) are through City County Insurance. Mr. Murphey noted that in the case of an ethics claim directed toward a public official, only \$2,500 per individual would be covered by insurance and only \$5,000 would be paid if all public officials were involved in an ethics claim. Mr. Murphey explained that the City's insurance coverage should be adequate for any liability claims as long as the City abides by rules of government established by the City and the State.

Mr. Murphey noted that the City also has flood and earthquake insurance to about \$500,000 which covers City Hall, the pump house, the generator, and the viewing deck. In response to a question asked by Councilor Orr, Mr. Murphey explained that City County Insurance Services is the only entity in Oregon writing insurance policies for cities. Mr. Murphey noted that a Risk Manager reviews recommended best practices with the City Administrator from time to time to ensure that the City and Staff are following the guidelines to mitigate any risks and meeting requirements.

Council President Meyer called for a short break in the meeting at 7:15 pm and reconvened at 7:21 pm.

8. PUBLIC HEARING

A. Supplemental Budget – FY 2018-2019

Council President Meyer opened the public hearing on the proposed supplemental budget for fiscal year 2018-2019 at 7:23 pm and asked if there was anyone in the audience who wished to comment on the proposed supplemental budget. No one responded and Council President Meyer closed the public hearing at 7:23:30 pm.

Councilor Orr made a motion to approve Resolution Series 2019, Number 2, adopting the 2018-2019 Fiscal Year Supplemental Budget. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

B. Need for Speed Bumps on Maple Drive

Council President Meyer opened the public hearing on the need for speed bumps on Maple Drive at 7:25 pm.

City Administrator/Recorder Mills referred Councilors to a copy of a street map illustrating Maple Drive and the seven parcels on it. She explained that she had received complaints from all but one of the residents about another resident who lives at the top of Maple Drive on property that is not within the Dunes City limits. The complaints involved concern about excessive speed on Maple, both in traveling up the road and traveling down. She went on to explain that Public Works Maintenance Supervisor Richard Palmer had been to the site and swept excess gravel off the paved portion of the roadway and placed a speed bump on the road.

Council President Meyer recognized Mr. David Heller, a Maple Drive resident, who read from a prepared statement outlining his and his neighbors' concerns about speeding and other activities by another resident on Maple Drive, Mr. David Graham. The concerns included: Excessive travel and speed between the barn on Erhart and the residence on Maple; potential problems with disposal of automotive fluids at the barn site where there is apparently auto repair and testing; gunfire and automatic weapons discharged from the Graham property, and multiple barking dogs.

A COPY OF MR. HELLER'S STATEMENT IS ON FILE AT CITY HALL.

Council President Meyer recognized Mr. Bryan Lincoln, a Maple Drive resident, who expressed concern about speeding vehicles on Maple. He went on to explain that, after speaking with City Administrator/Recorder Mills, he suggested installing speed bumps before and after the mailboxes along with speed limit signs to slow traffic. He noted that Dunes City cannot enforce speed limits but speed bumps and signage could help bring awareness of speed limitations to area residents and visitors. He went on to say that since Dunes City is now aware of the ongoing issues in the area, it should take action to protect the safety of residents.

City Administrator/Recorder Mills referred Councilors to copies of written testimony submitted prior to the start of the public hearing. Council President Meyer asked her to read them into the record.

City Administrator/Recorder Mills read from a statement submitted by Mr. Duane Fowler, a Maple Drive resident:

Maple Drive speed bump,

Should be called Stop bump as I have to come to a stop and ease my car over the one that was installed just below my driveway, there is a curve right above my driveway so there is a limited view of anyone coming down and if someone is speeding coming down and I have to stop for this stop bump there could be an accident so I want to make sure this is on record for any future incident.

If the reason for a stop or speed bump is someone is speeding then put the bump above my driveway as that would be the best place for it. Also there could be a speed reader with camera put along side the road like the one that was used on Clearlake road a while ago to see if anyone is actually speeding.

And if someone on Maple Drive wants a speed or stop bump I say put it right before there [sic] driveway so they can deal with it daily and then see how long before they asked for it to be removed.

Also the best thing that has been done for Maple Drive for a long time was having it swept right after the stop bump was removed, if Dunes City can have this done say a couple of times a year that would help out a lot.

A COPY OF MR. FOWLER'S WRITTEN STATEMENT IS ON FILE AT CITY HALL.

City Administrator/Recorder Mills read a summary of a March 11, 2019, telephone conversation she had with Mr. Erinn Holmes, a Maple Drive resident:

Erinn Holmes lives near the end of Maple Drive. When this issue was first brought up, he agreed that installation of a speed bump on Maple Drive would be a good idea, since he had been trying to get the Graham traffic (making a point that the vehicles speeding up Maple are not always David Graham, but often his children or friends of his children) to slow down for some time. Now, however, since Richard Palmer swept the street (much of the gravel always ends up on Erinn's property), and since both Richard and the City Administrator have spoken to Mr. Graham, Erinn believes that Mr. Graham and the kids and friends are all making an effort to remember to slow down. Especially now that the gravel has been cleared off the road and they no longer have to get a 'running start' to get up the hill.

For these reasons, and since he witnessed his neighbor rudely yelling at both the Graham vehicle drivers and the UPS driver, he believes that the speed bumps are not necessary.

A COPY OF MS. MILLS' TRANSCRIPT IS ON FILE AT CITY HALL.

Council President Meyer recognized Mr. David Graham, a Maple Drive resident, who explained that he did not own a gun shop, his son Nathan did, and Nathan no longer uses his backyard target range. He also explained that Nathan no longer lives at the residence and that he has spoken to his younger son, Shawn, about speeding and traffic and Shawn has agreed to keep both down. Mr. Graham noted that he did not object to a speed bump, but his driveway is steep and some vehicles have to have a running start to get up the hill.

Mr. Graham went on to point out that there is no speed limit sign, he has been driving at about 20-25 miles per hour, but the City should find out what the speed limit is and post it.

Council President Meyer closed the public hearing at 7:48 pm.

There was discussion among the Councilors. Councilor Snow suggested finding out what the speed limit is and posting signage. Councilor Montgomery agreed. Councilor Orr noted that the residents did not have a consensus of opinion on whether or not speed bumps should be installed, but he agreed that speed limit signage should be posted. He suggested that Councilors drive on Maple and Erhart to review the terrain, if they have not already done so. There was some discussion about installing a grate across Maple Drive instead of a speed bump, further discussion about the City's liability in the event of an accident and there is no speed deterrent, and what type of speed bump would be appropriate.

Mr. Graham shared a video on his phone with Councilors that showed the general area in question. Council President Meyer agreed with the concern about the type of speed bump, if any, to install. He suggested speed limit signs as an immediate action, and asked City Administrator/Recorder to find out what the County limit is.

Councilor Montgomery made a motion to install a speed limit sign at the entrance to Erhart Road and another on Maple Drive.

Council President Meyer clarified that he would like to see signage facing in both directions on Erhart and Maple, for a total of four signs on two posts. There was some discussion about the types of speed bumps that could be installed. Council President Meyer suggested tabling further discussion about speed bumps until Councilors had had a chance to drive through the area.

Councilor Orr seconded the motion. The motion passed by unanimous vote.

Councilors agreed to schedule a Special Session for Thursday, March 21, at 5:00 pm to further discuss speed bumps on Maple Drive.

9. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Council President Meyer recognized Mr. Aaron Bowen, who distributed copies of a letter he wrote to the Council and noted that he had some concerns about a forty-acre development that

was going in at the end of Little Woahink Drive. Among his concerns: If the property was not developable in the past, what had changed to make it developable now; will a two-inch pipe for water be adequate; if a water storage tank is proposed, how will safety and environmental concerns be addressed; what is being done to address erosion control on the steep slopes of the property; and, how is the installation of septic systems being addressed since the area is in an area determined to be unsuitable for subsurface sewage treatment.

City Administrator/Recorder Mills explained that a Court Order mandated that the development be approved. New property owners who are developing the property have been very cooperative in meeting the development conditions of approval imposed by the Court Order and would cooperate with any others that may be imposed by the City going forward. She also noted that the new plans call for building only fifteen homes, not the twenty-eight originally proposed. She also explained that the water storage tanks and the delivery system will be operated by South Coast Water District. She encouraged Mr. Bowen and other residents to contact her if they have concerns.

10. NEW BUSINESS

A. Siltcoos River Trail Clean Up

City Administrator/Recorder Mills explained that State and federal agencies have given permission for City residents to clear the river as long as no material is actually removed from it. She is working on completing a temporary permit that is required.

B. Final Presentations of Sustainable City Year Program Passive Energy Project at UO on Tuesday, March 19, from 10:00 am to 2:00 pm

City Administrator/Recorder Mills explained that the presentation was about the vertical evacuation facility study made by UO students.

C. Appointment of Member to the Water Quality Committee

City Administrator/Recorder Mills reported that there were two applicants but only one member vacancy and she suggested that one of the applicants could be appointed as a volunteer water tester. Council President Meyer pointed out that Mr. Richard Briggs' application indicated that he was interested in water testing, and Ms. Patricia Briggs had no preference so she could be appointed as a Committee member.

Councilor Snow made a motion to approve. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

D. Ordinance No. 250 Regarding Building Permit Program

City Administrator/Recorder Mills explained that the draft Ordinance was presented for informational purposes, there is still work to be done to finalize it for consideration. She asked Councilors to send her recommendations for changes.

E. Ordinance No. 251 Declaring the Feeding of Wildlife in the Dunes City Limits to Be A Nuisance

City Administrator/Recorder Mills explained that a public hearing was not scheduled but there could be some discussion and a first reading.

Council President Meyer recognized Mr. John Scott, a Dunes City resident, who spoke in favor of such an Ordinance because of the proliferation of deer in the City. He noted that he witnessed many residents feeding deer by hand. He pointed out that while it is not unlawful in the State of Oregon to feed wildlife, many cities have adopted bans for the safety and welfare of their residents.

There was some discussion about how the City would enforce the new Nuisance Code if it is adopted.

Council President Meyer announced, "A proposed Ordinance requires two readings before it is enacted. Dunes City Charter Section 34(3) provides that both readings may be read by title only: (a) if no Council member present at the meeting requests it be read in full or (b) if a copy of the ordinance is provided for each Council member and all requirements for posting and advertisement have been met."

Council President Meyer asked if all requirements for posting and advertisement had been met and City Administrator/Recorder Mills said that they had. Council President Meyer asked if any Councilor desired the Ordinance be read in full. None did.

Councilor Orr made a motion to read Ordinance 251 by title only. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

Council President Meyer read aloud the title of Ordinance No. 251, "An Ordinance amending Chapter 91 of the Dunes City Code of Ordinances entitled 'Nuisances' by adding a new section 91.03(C) prohibiting the feeding of deer, raccoon, bear, cougar, coyote, and/or wolf within the City Limits of Dunes City."

F. Investigate Means by Which City Can Have Say in How Siltcoos Dam Is Operated

City Administrator/Recorder Mills reported that this item would require hiring an attorney. She asked if the Council wished her to do that and proceed.

Councilor Orr made a motion to investigate means by which the City can have a say in how Siltcoos Dam is operated. Councilor Snow seconded the motion. The motion passed by unanimous vote.

Council President Meyer noted that in other meetings, residents had expressed interest in some sort of City control or input about how the dam is operated.

- G. Resolution No. 2019-01 Regarding Approval of Submission of Grant Application to Oregon State Parks and Recreation Local Government Grant Program for Property Acquisition

City Administrator/Recorder Mills explained that the purpose of the Resolution was to authorize her to submit the grant application for funding to purchase land for Rebecca's Trail.

Councilor Mallen made a motion to approve Resolution Series 2019, Number 1. Councilor Orr seconded the motion. The motion passed by unanimous vote.

- H. Approve Prize Money Award for Organization that Brings the Most Volunteers to the Triathlon

Councilor Orr made a motion to approve a prize money award in the amount of \$250 for the organization that brings the most volunteers to work at the Triathlon. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

11. EXECUTIVE SESSION

There was none.

12. OLD BUSINESS

- A. Adoption of Dunes City Goals for 2018-2019 Fiscal Year

Council President Meyer referred Councilors to copies of the Goals that were included in their meeting packets. Councilor Montgomery questioned the benefit to citizens of requiring all businesses, not just contractors, to obtain City business licenses.

Councilor Orr made a motion to adopt the Dunes City Goals for 2018-2019 Fiscal Year. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

STAFF NOTE: These should be the 2019-2020 Goals for Dunes City.

- B. City of Florence's Policy for Official City Use of Social Media

Council President Meyer suggested tabling discussion until the April meeting.

- C. Sponsorships for 7th Annual Triathlon and Duathlon

City Administrator/Recorder Mills reminded Councilors to work on acquiring sponsors for the Triathlon, three per Councilor.

13. REPORTS

- A. Mayor's Report: Since Mayor Forsythe was absent, there was no report.
- B. Community Center Report: Since Councilor Wells was absent, there was no report.
- C. Water Quality Report: Council President Meyer referred Councilors to copies of the February 26 Water Quality Committee meeting minutes and the water test results from March 5. Councilor Snow reported that she went with the water testers in March and more in depth testing will begin on Siltcoos Lake in May with a second team of testers.
- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills noted that the discussion about Maple Drive was held earlier in the meeting.
- E. Emergency Services Report: City Administrator/Recorder Mills reminded Councilors that the Emergency Expo will be held March 30 at the Florence Events Center.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills noted that her report was included in the Councilors' meeting packets.

14. FOR THE GOOD OF THE ORDER

There was no discussion.

15. ADJOURNMENT

Council President Meyer adjourned the meeting at 8:48 pm. There was no motion and no vote taken.

APPROVED BY THE DUNES CITY COUNCIL ON THE 10th DAY OF APRIL 2019

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder