



**CITY COUNCIL MEETING MINUTES ~ APPROVED
MAY 8, 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

Mayor Robert Forsythe called the Wednesday, May 8, 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: Mayor Robert Forsythe, Council President Sheldon Meyer, Councilor Tom Mallen, Councilor Duke Wells, Councilor Alan Montgomery, and Councilor Susan Snow.

Absent and Excused: Councilor Robert Orr.

Also Present: Administrative Assistant 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 Snow 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 with amended Bills of the Session. 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. Dunes City is looking for volunteers to help 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. Nominations for Volunteer of the Year are open. Forms can be downloaded from the website and turned in to City Hall before May 31, 2019.
- C. A Budget Committee meeting has been scheduled for Wednesday, May 15, at 4:00 pm at City Hall to continue consideration of the FY 2019-2020 budget.
- D. Although not required to do so, the Planning Commission will hold a public meeting regarding the proposed development of the Woods at Little Woahink on Thursday, May 23, at 6:00 pm.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

There was none.

8. PRESENTATIONS

There were none.

9. PUBLIC HEARINGS

- A. Ordinance No. 252 Correcting Scrivener's Errors in Ordinance No. 220 and Ordinance No. 251

Mayor Forsythe announced that a proposed ordinance requires two readings before it is enacted. 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 member and all requirements for posting and advertisement have been met. He went on to ask if any Councilors desired the Ordinance be read in full. None did.

Councilor Montgomery made a motion to read the Ordinance by title only. Councilor Mallen seconded the motion. There were no objections.

Mayor Forsythe read the title of Ordinance No. 252, "An Ordinance amending Chapter 91 of the Dunes City Code of Ordinances entitled 'Nuisances' by correcting scrivener's errors in Ordinance No. 220, which lead to scrivener's errors in Ordinance No. 251; Repealing Ordinance No. 220 and Ordinance No. 251."

Mayor Forsythe opened the Public Hearing on Ordinance No. 252 at 6:08 pm and asked if there was anyone in the audience that wanted to comment on the Ordinance. No one did, none of the Councilors had comments, and Mayor Forsythe closed the Public Hearing at 6:08:30 pm.

None of the Councilors proposed any amendments to the Ordinance.

Councilor Mallen made a motion to have the second reading of the Ordinance by title only. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

Mayor Forsythe read the title of Ordinance No. 252 for the second time, “An Ordinance amending Chapter 91 of the Dunes City Code of Ordinances entitled ‘Nuisances’ by correcting scrivener’s errors in Ordinance No. 220, which lead to scrivener’s errors in Ordinance No. 251; Repealing Ordinance No. 220 and Ordinance No. 251.”

Council President Meyer made a motion to accept the wording for Ordinance No. 252 as presented. Councilor Wells seconded the motion. In a roll call vote, the motion passed with five votes in favor (Snow, Montgomery, Meyer, Wells, and Mallen). One Councilor was absent (Orr).

B. Resolution Series 2019, No. 3, Declaring the City’s Election to Receive State Revenues

Mayor Forsythe explained that the Resolution certifies that the City provides certain municipal services which qualify the City to receive State shared revenue funds. He asked for a Staff Report.

City Administrator/Recorder Mills explained that the State requires a city to hold a Public Hearing on the Resolution that certifies it provides at least four municipal services in order to receive shared revenue. She noted that in the past there were questions about whether the City actually provides fire protection and she explained that since Dunes City participates in WEOG it qualifies as providing enhanced fire protection. She went on to explain that the City provides water to residents through the Shared Domestic Water Right Program so it qualifies as providing a water utility service.

Mayor Forsythe asked if any member of the public had questions about the Resolution. None did and he closed the Public Hearing on the Resolution at 6:20 pm. He reconvened the regular meeting at 6:20 pm.

In a roll call vote, Councilors voted to adopt the Resolution with five votes in favor (Mallen, Wells, Meyer, Montgomery, and Snow). One Councilor was absent (Orr).

10. NEW BUSINESS

- A. Release of Alleged Fine and Lien Map and Tax Lots 19-12-34-24-03900 and 19-12-34-20-00800, 4842 Laguna Avenue

City Administrator/Recorder read aloud her Staff Report for Map and Tax Lots 1912-34-24-3900 and 19-12-34-20-00800 provided to Councilors in their meeting packets.

“Background. On October 3, 1991, Dunes City’s Recorder, Kathie Hilborn, wrote a letter to Jim Alexander regarding extensive remodeling and additions having been done to the above enumerated properties without building permits. In that letter, the Recorder pointed out that a great deal of the building was done in the shoreland zone and that such building is prohibited by Dunes City Code. She also advised that the second structure on the property that was currently being rented will also a [sic] violation of City Code, because the City Code only allows one residence per lot.

“During a City Council meeting on November 14, 1991, the City’s attorney, Mr. Gerber, advised that an intent to place a lien on the property should be treated through the abatement procedure. The Council then voted to begin abatement procedures against Mr. Alexander, being clear that it was against the individual and not the property. The vote was unanimous. The matter was set for public hearing.

“The public hearing was held on December 12, 1991. Following the hearing, the Council revoked Mr. Alexander’s right to obtain building permits in Dunes City and placed a lien on the property in the amount of \$5,000.

“On August 21, 1997, the City received a Lien Search Request from Pioneer Title Company for the purchase of the property by Clyde and Edith Shields. The Lien Search Report signed by the City Recorder, Joyce Phillips, states there were no liens on the property.

“On December 19, 2012, Dunes City Permit Tech Renee Green, on behalf of City Recorder Fred Hilden, executed another Lien Search Report requested by Cascade Title, again stating there were no liens against the property.

“I have been unable to determine if the \$5,000 lien was ever processed properly or if it was ever paid.

“Staff Recommendation. Given that I have no evidence to show that the lien was properly processed, that the City has, on two occasions, notified the respective title companies that there were no liens against the property, including with regard to the sale of the property to the current owners, and further given the actual discussion regarding the placement of the fine to be against the then property owner himself and not the property back in 1991, staff recommends that the City Council release and void any lien that may exist against the real property identified as Map and Tax Lot Numbers 19-12-34-24-03900 and 19-12-

34-20-00800 immediately, to allow the current escrow and property transaction to be consummated.”

Councilor Montgomery made a motion to forgive and forget the lien, if any exists. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

B. Consideration of Quote to Install New Software and Correct Email Issues on All Office Computers

City Administrator/Recorder Mills referred Councilors to a copy of a quote from FTS Computer Repair in their meeting packets. She explained that the quote was submitted because it exceeded her \$250 limit on spending. She also noted that she had already sent computers for repair because some had some serious functionality issues.

There was some discussion about the \$250 spending limit, during which Mayor Forsythe noted that \$250 was too low for some expenses associated with daily business operations.

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

Councilor Mallen made a motion to increase the City Administrator’s signature level to \$500. Councilor Wells seconded the motion. The motion passed by unanimous vote.

11. EXECUTIVE SESSION

There was none.

12. UNFINISHED/OLD BUSINESS

A. Consideration of Offer by Property Owners to Accept Donation of Real Property

City Administrator/Recorder Mills explained that, after more research, she found that the lot is not big enough for a cell tower and it has no driveway access. She went on to note that the property could be used for City storage if a road was constructed and the City obtained a Conditional Use Permit.

Mayor Forsythe expressed some concern about obtaining property that the City would have to maintain. Councilors generally agreed.

Councilor Mallen made a motion to deny acceptance of the property. Councilor Snow seconded the motion. The motion passed by unanimous vote.

- B. **Consideration of Plan for Replacement of Water Meters to Radio-Read Water Meters** from HD Fowler, Caesar Evangelista

City Administrator/Recorder Mills referred Councilors to a copy of a quote from HD Fowler Company that was included in their meeting packets. She pointed out that the quote was \$3,137.78 as compared to a quote from AMR at \$79,000. There was some discussion about the large difference between the quotes. During discussion, Councilor Wells suggested that City Administrator/Recorder Mills look into the cost of one-inch diameter meters, as opposed to 5/8-inch.

It was suggested that City Administrator/Recorder Mills invite the Fowler representative to attend a Council meeting to explain the system. It was agreed that no further action be taken until the discrepancy in the quotes could be further evaluated.

13. REPORTS

- A. Mayor's Report: Mayor Forsythe noted that he would do some research on the ORSs regulating shared revenue.
- B. Community Center Report: Councilor Wells reported that there have been no new issues with the City Hall building.
- C. Water Quality Report: Councilor Snow reported that water testers would go out on both lakes later in the month.
- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that Public Works Maintenance Supervisor Richard Palmer will begin work on tree trimming and brush clearing when his schedule and the weather permit.
- E. Emergency Services Report: City Administrator/Recorder Mills reported that she did not attend the April WLEOG meeting, but she did attend the WLEOG Goal Setting meeting and will provide more information about results when it becomes available.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that a new Permit Tech and a new Administrative Assistant have been hired; PeaceHealth, Oregon Pacific Bank and Three Rivers Casino have again agreed to sponsor the Tri/Du; DLCD will be conducting its National Flood Incident Plan Assistance visit in Dunes City on May 14; she met with Jack Applegate of Northwest Code Professionals to talk about the current status of legislative action on the Building Codes Division issue and how the City might deal with potential changes.

14. FOR THE GOOD OF THE ORDER

Mayor Forsythe referred Councilors to a copy of a letter on the dais from the Florence Area Chamber of Commerce requesting sponsorship for Port A Potties during Rhody Days. After some discussion, Councilors agreed not to sponsor.

15. ADJOURNMENT

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

Mayor Forsythe adjourned the meeting at 6:55 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 12^h DAY OF JUNE 2019

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder