



**CITY COUNCIL REGULAR SESSION MEETING MINUTES ~ APPROVED
MAY 27, 2020 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

THIS MEETING WAS HELD VIA GOTOMEETING TELECONFERENCE.

1. CALL TO ORDER

Mayor Robert Forsythe called the Wednesday, May 27, 2020, teleconference 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, Councilor Duke Wells, Councilor Tom Mallen, and Councilor Robert Orr.

Absent and Excused: Council President Sheldon Meyer and Councilor Susan Snow.

Absent: Councilor Alan Montgomery.

Also Present: Videographer Alan Campbell.

3. PLEDGE OF ALLEGIANCE

Mayor Forsythe led a reciting of the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE CONSENT AGENDA

Councilor Mallen made a motion to approve the Consent Agenda. Councilor Orr 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 accepting nominations for Volunteer of the Year. Nomination forms are available on the Dunes City website, or you can call City Hall and a form will be emailed to you.
- B. Dunes City has one opening for appointment to the Planning Commission for the term ending January 12, 2022, and two openings on the Budget Committee.
- C. The Budget Committee will meet beginning Wednesday, June 3, at 6:00 pm to receive the Budget Message and commence budget considerations, and will meet every Wednesday thereafter at 6:00 pm until approval of the 2020-2021 budget for referral and consideration by the City Council.
- D. Charter Spectrum has announced that on May 15, 2020, they launched CMT on Spectrum Stream tier of service on channel 39 SD and 868 HD on the channel line up and that same day also launched the ACC Network on NPP tier one and digital view tier of service on channel 398 of the channel line up in the community..

City Administrator/Recorder Mills went on to announce that Dunes City was awarded the CIS longevity award for having CIS insurance for thirty-five years.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

City Administrator Mills reminded participants to wait until their name is called before speaking. She noted that everyone who signed up to comment did so for input on the vacation rental agenda item. Mayor Forsythe suggested that comments from the public could be made during discussion of that item.

8. OLD BUSINESS

- A. Resolution Series 2020, No. 7, Adopting the Dunes City Strategic Plan

Mayor Forsythe asked Councilors if they had read the Plan. They had. Mayor Forsythe read aloud the Resolution for the record.

“A Resolution Adopting the Dunes City Strategic Plan dated April 22, 2020”

“WHEREAS, a Strategic Plan offers an opportunity to make the City’s future happen, rather than letting it happen to the City; and

“WHEREAS, a Strategic Plan clearly defines the purpose of the City and establishes realistic goals and objectives consistent with the mission which can be clearly communicated to residents; and

“WHEREAS, a Strategic Plan provides a base from which progress can be measured, employees compensated, and boundaries established for effective decision making;

“NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNES CITY THAT:

“1. The Strategic Plan as found attached hereto as Exhibit A and incorporated by reference herein be, and it is hereby, adopted as the Dunes City Strategic Plan.

“ADOPTION:

“This Resolution is passed and adopted on the 22nd day of April, 2020.”

Councilor Wells made a motion to adopt Resolution Series 2020, No. 7, as presented. The motion was seconded by Councilor Orr and passed by unanimous vote.

A COMPLETE COPY OF THE SIGNED RESOLUTION AND EXHIBIT A ARE ON FILE AT CITY HALL.

B. Update on Bids for City Hall Retaining Wall Monitoring Project

City Administrator/Recorder Mills explained that she had, as instructed by the City Council at its last meeting, sent four Requests for Bids to engineering firms and all four firms were not interested in the project. She reminded Councilors that the wall monitoring was requested by the City’s insurance company to ensure that the wall does not move. After discussion, Councilors agreed to ask City Administrator/Recorder Mills to find out if Cascadia Geoservices could reduce their proposed quote by 60 to 70 percent. If not, Councilors agreed that the City would accept the proposal as presented.

C. Ordinance No. 250 re Building Program and Building Regulations – First Reading

Mayor Forsythe announced that the agenda item was Ordinance No. 250, the Building Program and Building Regulations. He went on to say, “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.”

Mayor Forsythe asked City Administrator/Recorder Mills if all requirements for posting and advertisement had been met. She replied that they had and noted that the Councilors were provided with a copy of the Ordinance. Mayor Forsythe asked if any Councilor desired to have the Ordinance read in full. None did.

Councilor Mallen made a motion to read Ordinance No. 250 by title only. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Mayor Forsythe read the title of Ordinance No. 250, “An ordinance creating a new Chapter 92, entitled “Building Program” and a new Chapter 93, entitled “Building Regulations”

to the Dunes City Code of Ordinances, repealing Chapter 151 of the Dunes City Code of Ordinances, and other matters properly relating thereto.”

City Administrator/Recorder Mills explained that the City Code describing the City’s current Building Program, inspections and enforcement are currently part of Title XV, the City’s land use code. She went on to explain that the Building Program rules can and do change fairly often and because they are in the land use section of City Code it is difficult to change them, changes to land use Code require a lengthy process with published notices of public hearings with the Planning Commission and the City Council.

9. PUBLIC HEARINGS

A. Ordinance No. 250 re Building Program and Building Regulations

Mayor Forsythe opened the public hearing on Ordinance No. 250 at 6:24 pm and asked if there was anyone on the conference call who wished to comment on the proposed Ordinance. No one had comments and Mayor Forsythe closed the public hearing at 6:25 pm.

10. NEW BUSINESS

A. Discussion of Proposal to Adopt Regulations Related to Vacation Rental Properties in the City Limits

Mayor Forsythe suggested that the Agenda be reorganized so that discussion about vacation rental property be the first item of new business. There were no objections.

Mayor Forsythe recognized Ms. Tina Johnson who explained that she lived near the short-term rental on Cloud Hine Road that has been the subject of numerous complaints. She explained that in addition to concerns about the trash, noise and road damage caused by the renters, she is also concerned about the bonfires by the lake, the number of people gathered at the property during the COVID-19 pandemic and her own and her neighbors’ safety. She noted that during the last year, a boat was stolen from a neighbor’s garage and the street sign has been stolen. Mayor Forsythe thanked Ms. Johnson for her comments and for taking the time to write a letter to the City and send photos of the trash and road damage.

City Administrator/Recorder Mills explained that there is an open complaint against the rental property and the owner and the rental agency have been notified by letter. The owner has not responded to her letter, but the rental agency has. She went on to explain that, as Code Enforcement Officer, she is able to take actions allowed by City Code against the owner and the rental agency. She also explained that if the owner and/or the rental agency choose to appeal any enforcement action, the appeal would be heard by the City Council.

Mayor Forsythe reminded Councilors that they would listen to the citizen comments and their task afterward would be to discuss possible regulations for short-term rentals.

Mayor Forsythe recognized Mr. Greg Murphy who explained that he owns an Airbnb rental property and that he also lives on the property and enforces the rules tenants are supposed to follow. He went on to note that he was surprised that the rental agency was not more responsive to neighborhood concerns.

Mayor Forsythe recognized Mr. Von Helmuth who explained that while he currently lives in Idaho, he and his family have owned property in Dunes City for years and they rent it from time to time. He went on to note that if Councilors are going to consider regulating the short-term rentals they should look at Code from other cities to determine what would work for Dunes City.

Mayor Forsythe recognized Mr. Rich Olsen, co-owner of Darlings Marina and RV Resort, who explained that he uses Airbnb and it has been a good resource. He went on to suggest that the City not regulate Airbnb but look at enforcing City Code on owners of property and rental agencies who abuse City Code and common courtesies.

Mayor Forsythe recognized Ms. Dorothy Corroll-Moors, a Dunes City resident who also wrote a letter to the City about the subject property. Ms. Carroll-Moors explained that she felt the problem was not with Airbnb or similar agencies in general, but with the particular agency for the subject property and the owners. She went on to explain that she has had short-term rentals listed with Airbnb and other agencies for several years and has had no issues. She went on to suggest that the City look at Code from Pacific Grove, California, the only city on the Monterey peninsula to allow short-term rentals—their code requires a permit for a short-term rental and things like site plans, evacuation plans and site inspections as part of the permitting process. She suggested that the City consider monetary penalties for abuse of City Code and escalating penalties for repeat offenders.

Mayor Forsythe recognized Mr. Andrew Sturgill, a Cloud Nine Road resident, who submitted a letter about the subject property and who noted that access to the subject property is by an easement that essentially goes through his yard. He explained that his landscape has been damaged by vehicles going to the rental, vehicles have parked in his yard and renters have trespassed onto his property—all of which raise safety concerns for he and his family. He went on to add that he contacted the rental agency to ask about the screening process for COVID-19, and was essentially informed that the agency does not have a strict screening policy.

Mayor Forsythe recognized Mr. Del Riesenhuber, president of the Woahink Lake Association and a Dunes City resident, who explained that his concern, and that of WLA, are that the property has been converted from a residential use to a commercial and whether or not the septic system is adequate for the numbers of people who are staying there.

Mayor Forsythe thanked everyone for their letters and comments. City Administrator/Recorder assured listeners that all of the letters are part of the public record and that Councilors had seen all but the one from Ms. Mary Jo Leach received today. She proceeded to read the letter aloud:

"I have read the packet information supplied to Council for this meeting. The letters from homeowners are appalling and they deserve immediate relief. It should come today from Lane County DEQ. Call George Ehlers who is the sanitarian for Lane County. From the complaints submitted it is obvious that these rentals will have to receive greatly detailed attention in our permitting process since police enforcement is not possible. The conditions described and illustrated in these complaints violate our Comprehensive Plan and demand immediate legal attention from the City. Respectfully, Mary Jo Leach."

COPIES OF ALL LETTERS ARE ON FILE AT CITY HALL.

B. Ordinance No. 250 Re Building Program and Building Regulations – Second Reading and Deliberation

Mayor Forsythe asked for motions to change the language of Ordinance No. 250 as presented. There were none.

Mayor Forsythe read aloud the title of Ordinance No. 250, "An ordinance creating a new Chapter 92, entitled "Building Program" and a new Chapter 93, entitled "Building Regulations" to the Dunes City Code of Ordinances, repealing Chapter 151 of the Dunes City Code of Ordinances, and other matters properly relating thereto."

Councilor Orr made a motion to adopt Ordinance No. 250 as presented. Councilor Wells seconded the motion. In a roll call vote the Ordinance passed with three votes in favor (Wells, Mallen and Orr). There were no abstentions. Two Councilors were absent for the vote (Montgomery and Snow).

Mayor Forsythe declared Ordinance No. 250 to be adopted, effective thirty days from now.

C. Resolution Series 2020, No. 8, Consideration of IGA with Lane County for Road Maintenance Services

Mayor Forsythe referred Councilors to copies of the proposed Resolution that was included in their meeting packets. He expressed concern about paragraph 10.1 (Disputes) on page 3 of 4, noting that in, "In the event that the parties alone are unable to resolve any conflict under this Agreement, the are encouraged to resolve their differences through mediation or arbitration, using such process as they may choose at the time." the word "encouraged" does not force either party to negotiate or arbitrate. He suggested that City Administrator/Recorder Mills contact Lane County to find out if language could be changed from "encouraged" to a more specific term. During discussion, The Councilors in attendance generally agreed but also noted that they would be willing to approve the IGA even if the language could not be changed. City Administrator/Recorder Mills agreed to contact the County and report back at the next Council meeting.

- D. Resolution Series 2020, No. 9, re Extending Workers' Compensation Coverage to Volunteers of the City

City Administrator/Recorder Mills explained that the City has traditionally provided workers' compensation coverage to volunteers through its insurance company, CIS. She went on to explain that the City reaffirms the coverage on an annual basis.

Councilor Orr made a motion to accept Resolution Series 2020, No. 9. Councilor Wells seconded the motion. The motion passed by unanimous vote.

- E. Public Contracting Code Revisions

City Administrator/Recorder Mills explained that the language in the document that was included in the Councilors' meeting packets was provided by the city attorney. She also noted that Dunes City has not updated its rules for public contracting since about 1997. She went on to point out that the city attorney has proposed that the new language be adopted as part of the City's rules and regulations of operations rather than as an ordinance. She noted that because the document is lengthy she presented it so that Councilors could read through it, but no action is immediately required.

11. EXECUTIVE SESSION

There was none.

12. REPORTS

- A. Mayor's Report – Mayor Forsythe reported that he had written a letter to Attorney General Barr about various concerns he had with Governor Brown's statewide closure rules.
- B. Community Center Report – Councilor Wells reported that there were no issues with the building at this time.
- C. Water Quality Report – Councilor Snow was not present, there was no report.
- D. Public Works Maintenance Supervisor's Report – City Administrator/Recorder Mills reported that she is drafting the annual Small Cities Grant for road work.
- E. Emergency Services Report – City Administrator/Recorder Mills reported that the Emergency Operation Center for the Western Lane Emergency Operations Group was established at the time of Governor Brown's first closure order and Basecamp was initiated. She went on to note that information for residents and businesses about resources available to them from various local, County, State and federal agencies has been very helpful. She went on to report that City residents have been generous with their support, making masks for medical care providers, donating supplies to Families First, Food Share and homeless shelters, and much more. She also reported that she attended the May 18

WLEOG meeting where the proposed budget was presented; the budget will be considered at the June meeting.

- F. City Administrator/Recorder/Planning/Staff Report – City Administrator/Recorder Mills reported that between February 1 and March 19 there were about thirty miscellaneous permits issued by the City, but since March 19 the City issued seventeen electrical permits, one plumbing permit and reopened a few old permits for final inspection and closure. She also noted that numerous plans for remodels, alterations, new accessory building construction, and new homes have been submitted and are under review by the City and Northwest Code Professionals.

13. FOR THE GOOD OF THE ORDER

Councilor Mallen asked when the stolen sign and signpost for Cloud Nine Road would be replaced and at what cost. City Administrator/Recorder Mills replied that she would place the order with the County sign department—it would cost about \$60.00 and the turnaround time is fairly fast.

Councilor Orr asked for clarification about what the City will do to regulate short-term rentals within the City limits. City Administrator/Recorder Mills suggested that she could research regulations from similar cities and draft an ordinance for Council consideration. There were no objections. Mayor Forsythe requested that the draft ordinance be footnoted to illustrate the source of the proposed language.

Councilor Wells suggested that the City's first step could be to contact Lane County DEQ about the septic system on the property that has been the subject of so many complaints.

Councilors agreed that the City should take action on short-term rentals as soon as possible.

14. ADJOURNMENT

Councilor Orr made a motion to adjourn. Councilor Wells seconded the motion. No vote was taken.

Mayor Forsythe adjourned the meeting at 7:26 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 24th DAY OF JUNE 2020

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder