



**CITY COUNCIL MEETING MINUTES ~ APPROVED
FEBRUARY 24, 2021 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, February 24, 2021 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 Duke Wells, Councilor Susan Snow, Councilor Robert Orr and Councilor Rory Hammond.

Absent and Excused: Mayor Robert Forsythe and Councilor Tom Mallen.

Also Present: Videographer Alan Campbell 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 Snow 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 Hammond made a motion to approve the Consent Agenda. Councilor Snow 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. The City is still looking for a Planning Secretary and now also a Permit Technician. Both positions are about 20 hours per week job with one or two evening meetings a month. Starting pay is \$14.00 per hour. It is a PERS position. Strong typing, grammar

and spelling skills are a must. Applicants should be able to pay close attention to detail to ensure accuracy.

- B. Spectrum Pacific West announced that on or around March 1, 2021, WGN America, located on Spectrum Channel 10 SD and 787 HD will be rebranded to News Nation on the channel lineup.
- C. Spectrum Pacific West announced that on or around March 1, 2021, they will launch NFL Network on channels 18, 408 SD and 807 HD and Tennis Channel on channels 423 SD and 810 HD on SPP Stream New Sports and More tier of service.

City Administrator/Recorder Mills also announced that on Wednesday, March 3, from 10:00 am to 7:00 pm the City of Florence will host a COVID-19 vaccination clinic at the Florence Events Center for pre-registered individuals age 65 and over. She emphasized that the vaccines will be administered on an invitation-only basis. Pre-registered individuals will receive an email informing whether or not they are invited.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

There was none.

8. PRESENTATIONS/TRAINING

None was scheduled.

9. OLD BUSINESS

A. Ordinance No. 256 Re: Short-Term Vacation Rentals – First Reading

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

Council President Meyer asked City Recorder Mills if all requirements for posting and advertisement had been met. They had.

Council President Meyer asked if any Councilor desired to read the ordinance in full. None did.

Councilor Hammond made a motion to read the ordinance by title only. Councilor Orr seconded the motion. The motion passed by unanimous vote.

Council President Meyer read aloud the title of Ordinance No. 256, “An ordinance adding a new Chapter 123 to Title XII of the Dunes City Code of Ordinances entitled ‘Short-Term Rentals,’ and other matters properly relating thereto.”

10. PUBLIC HEARINGS

A. Ordinance No. 256 Re: Short-Term Vacation Rentals

Council President Meyer opened the public hearing for Ordinance No. 256 at 6:05 pm and asked City Recorder Mills if she had any written testimony to read into the record. City Recorder Mills read aloud an email from Gary and Joy Lapping.

“Dear Council Members, as short term rental owners, we find that your ‘reasonable regulations’ are really not very reasonable. Our short term rental is our home. It’s where we live. It’s not feasible for us to be on the premises with our guests not is it feasible for us to be 30 minutes or less away. When our home is rented we get in our rv and take off.

“Even if I designate a neighborhood to keep watch, it’s not reasonable that they be available 24/7 to watch over my property. As I understand theses [sic] ‘reasonable regulations’, I need to register with the city who will be in the house? Sometimes people book with only 2 or 3 days notice. I know they are decent folks from reading reviews from other places they’ve stayed, but it’s unreasonable for me to go find a babysitter for my house and register it with you.

“And this inspector I have to hire, I guess to see if the home I live in is safe and livable... who pays him? Is that a fee for me above and beyond the license I need to acquire to rent my home out? My home has been inspected. I live there safely and comfortably. And who pays for the policing? Who goes over all the applications and finds errors and sends notices of errors and documents that need corrections are satisfactory? Does poor Dune [sic] City that’s almost out of money? Do they hire part time help? Do our fees pay for all the processing and policing to make sure we’re all in compliance? Who writes the tickets for non compliance [sic]? Who follows up to make sure fines are paid? And actually, the kind of insurance I have on my house is not really your business, nor do we intend to let you make it your business.

“According to 123.006 section E, it states my application fee and inspection fees will be an amount set by the city council and changed from time to time. Time to time? How will that work? Whenever Dune [sic] City is low on funds they arbitrarily raise the short term rental fees? Either pay up or your [sic] out of business?

“Obviously we are not a big city with unlimited resources and so many of your ‘reasonable regulations’ are not reasonable. There are some Airbnb rentals in Dune [sic] city [sic] that it would be impossible for them to park 50 away from water, drain field or highway. So who’s going to administer those fines, at whose discretion?

“You are worried about the impact my guests might have on drinking water while I sit in my home and watch one crab and deep sea fishing boat after another come and back into the lake to rinse all the sea scum off their boats into our lake. The ‘no boat washing’ sign is not even considered. And you want to be sure I have papers in my rental explaining about drinking water and trash pick up while I sit in my home and watch a parade of cars of locals going to the Lane County dumpster with their household garbage. Seems there should be a few citations written for them rather than against us for wanting to supplement our social security by renting out our home thru [sic] Airbnb. Just because you’ve received a hand full of complaints we shouldn’t all be put in a negative position. I’ve rented my home out for several years and no one even noticed, so why should I be lumped in with full time vacation rentals whose owners live who know where and have no interest in our community. People who rent my home, at my suggestion eat at Darlings, rent kayaks from Siltcoos resort and go for a trip at Dunes Frontier. This probably gives more income to our local business than I ever would, but you want to make me pay for the privilege of having them there.

“Gary and I are against your ‘reasonable regulations’ and would like to be left alone.”

A COPY OF THE LAPPING’S EMAIL IS ON FILE AT CITY HALL.

Council President Meyer announced, “Each witness is allowed three minutes to speak, after which the Councilors may ask questions of the witness. Witnesses are to address the Councilors as a whole and not individually.”

Council President Meyer recognized Mr. Alan Snow, a Dunes City resident. Mr. Snow acknowledged that the City had received some complaints about short-term rentals, but the number of complaints was statistically insignificant when compared to the number of rentals in the City. He went on to say that he didn’t have a problem with licensing short-term rentals in the City but, as the ordinance is written it places an undue burden on owners of short-term rentals. Mr. Snow explained that Airbnb and VRBO monitor their renters and the “bad actors” are not allowed to rent properties. He went on to note that commercial rentals should be treated differently than private rentals. Mr. Snow suggested that short-term rental properties be registered and subject to a nominal fee governed by an ordinance with a few simple rules, not the ones proposed in the draft ordinance.

Council President Meyer recognized Mr. Rich Olson, a Dunes City resident and owner of Darlings Resort. Mr. Olson acknowledged that there was a problem with a short-term rental in Dunes City but he said he thought an ordinance governing short-term rentals was government overreach and not needed in Dunes City. He went on to say that the ordinance, as proposed, would effectively limit the number of vacationers in the City, which would negatively impact revenue for his business. Mr. Olson noted that he had read the ordinance and thought that some of the language was too open to different interpretations. He also explained that County regulations limit the number of people who can occupy a dwelling used as a short-term rental and that if neighbors have complaints they can ask the County Sheriff to address the issue.

Council President Meyer recognized Mr. Andrew Sturgill, a Dunes City resident who lives next door to an active short-term rental. Mr. Sturgill explained that there is a significant amount of traffic on the driveway that passes within a few feet of his house, resulting in an increase in noise, and there have been problems with trash accumulating at the rental, personal property stolen from his land and damage to his landscaping by visitors who drive off the roadway. He went on to say that he did not object to short-term rentals in general but he was concerned that some rentals may be occupied by a number of people the septic system cannot accommodate, which would pose a threat to water quality. He also noted that he did not object to an ordinance that imposed some limitations on the number of people staying at a home and allowed the City to address complaints rather than relying on a response from the Sheriff.

Council President Meyer recognized Mr. Patrick McAleney, a Dunes City resident and neighbor to Mr. Sturgill. Mr. McAleney explained that the rental property next door to him has been a constant source of annoyance for some time, especially with noise into the early morning hours and trespassing onto his land. He went on to explain that he has called the property owner on several occasions, but the owner lives out of state and cannot provide immediate solutions to problems. He went on to note that if an on-site manager was required, problems could be addressed and resolved quickly.

Council President Meyer recognized Mr. Craig Zolezzi, a Dunes City resident. Mr. Zolezzi sympathized with Mr. Sturgill's and Mr. McAleney's situation noting that it was particularly egregious. He went on to note that rather than an ordinance there should be community-based policing of rental properties—a way to address the one or two problematic rentals without affecting the rentals that are not problematic.

Council President Meyer recognized Mr. Robert Moss, a Dunes City resident. Mr. Moss explained that he lived next door to a “notorious” short-term rental on Siltcoos Lake. He explained that the biggest problem, in his opinion, is that some of the rentals do not have a local contact to address complaints immediately. He noted that if there is an ordinance it should emphasize that a local manager or contact is required.

Council President Meyer closed the public hearing at 6:43 pm.

11. NEW BUSINESS

A. Ordinance No. 256 Re: Short-Term Vacation Rentals – Second Reading and Deliberation

Council President Meyer asked Councilors if they had any questions for Staff.

Councilor Wells noted that it was obvious that there are problem short-term rentals in the City and the City needs an ordinance to regulate those. He went on to explain that if an individual owns a rental property in the City, he/she should follow rules in an ordinance, as should an agent who manages rental properties in Dunes City. He noted that if an owner or company is in the business of operating rental property, they would not be subject to rules of an ordinance, nor would an owner who occupies a rental.

Councilor Snow expressed concern with the proposed ordinance, noting that it seemed overly burdensome for rental owners and agents who do not have problem tenants. She provided City Administrator/Recorder Mills with a copy of an ordinance she drafted, noting that it was not quite as burdensome as the one under consideration but did require that short-term rental owners register with the City so that the City could keep track of them and have contact information on file.

Councilor Hammond expressed some concern about adopting an ordinance that would require all vacation property owners or agents to follow numerous regulations when, in fact, there are only one or two rentals that were causing problems for their neighbors.

Councilor Orr also expressed concern about adopting an ordinance that regulated vacation rental properties, but he also noted that he wasn't sure that using the Sheriff's office to address complaints was an adequate response. City Administrator/Recorder Mills explained that the Lane County Sheriff has assigned officers to the Dunes City area but they would not respond to noise complaints. She went on to note, however, that the Sheriff encourages City residents to report complaints so that, eventually, there may be funding for more response from the Sheriff.

There was some discussion about the City's ability to enforce City Code using its Code Enforcement Officer. City Administrator/Recorder Mills noted that the City Council does not always support the Code Enforcement Officer's finding of a violation. Councilor Orr pointed out that, in the case of the problematic Cloud Nine property, the Council seemed to be supportive of pursuing a complaint based on the City's Nuisance Ordinance. Council President Meyer agreed and suggested that City Administrator/Recorder Mills, acting as Code Enforcement Officer, proceed with a formal complaint and notice of violation against the Cloud Nine property.

B. Western Lane Emergency Operations Group (WLEOG) Emergency Operations Plan Consideration

City Administrator/Recorder Mills referred Councilors to copies of the *2020 Emergency Operations Plan* that was included in their meeting packets. She explained that she had sent the EOP Plan Coordinator suggestions for corrections relevant to Dunes City references in the EOP. She went on to ask that the Council review the EOP and submit to her their suggestions for changes. She also suggested that Councilors consider whether Dunes City should continue to participate in WLEOG because it does not provide much real benefit to the City in the event of a disaster.

There was some discussion about the possibility that Dunes City could craft its own EOP.

12. EXECUTIVE SESSION

There was none.

13. REPORTS

- A. Mayor's Report: Mayor Forsythe was not present, there was no report.
- B. Community Center Report: Councilor Wells announced that City Administrator/Recorder Mills had had a tree removed from the side of the building, which would eliminate the buildup of debris on the roof.
- C. Water Quality Report: Councilor Snow reported that no water testing was being done now, due to COVID-19 and social distancing requirements.
- D. Emergency Services Report: City Administrator/Recorder Mills reported that the City's geological engineer installed the equipment to monitor the retaining/back wall of the City building. She went on to report that the work on identifying the quickest, most direct route for Rebecca's Trail is moving forward.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that the ODOT grant for paving the ADA-compliant Rebecca's Trail was submitted for consideration. She went on to report that the City's Water Rights attorney is continuing work on the City's surface water rights.

Following some discussion about the City's Water Rights, Councilor Orr suggested that the subject be on the agenda for discussion in the March Council meeting.

14. FOR THE GOOD OF THE ORDER

There were no comments.

15. ADJOURNMENT

Councilor Orr made a motion to adjourn. Councilor Snow seconded the motion. The motion passed by unanimous vote.

Council President Meyer adjourned the meeting at 7:34 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 24^h DAY OF MARCH 2021

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder