



CITY COUNCIL MEETING MINUTES ~ APPROVED
MARCH 16, 2022 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 16, 2022 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 Tom Mallen, Councilor Rory Hammond, and Councilor Susan Snow.
Councilor Robert Orr joined the meeting at 6:02 p.m.

Also Present: City Administrator/Recorder Mills, Planning Secretary Lani Noroña, Ms. Melissa Stinson, Mr. Patrick McAleney, Mr. John Sullivan, and videographer Alan Campbell.

Absent and Excused:

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 Wells 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 Hammond seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Mills announced the following:

- A. Spectrum announced that effective March 3, 2022, it would cease distribution of CR1 Russia, with a message being displayed that "Programming is no longer being provided by the supplier".

- B. Spectrum also announced that in light of the extraordinary circumstances in Ukraine, effective March 4, 2022 at 12:00 a.m. ET, Spectrum will drop Russian controlled and program networks NTV America, RTR Planeta, Rossiya-24, and CTC on the channel lineup for Dunes City. A message will be displayed, showing: “Programming is no longer available on this network”.
- C. HB 2534 passed the legislative session and may affect Homeowners’ Associations in Dunes City. The new law mandates that all HOAs have until December 31, 2022 to review and remove all discriminatory language from their governing documents, including restrictions based on race, color religion sex, sexual orientation, national origin, marital status, familial status, source of income, disability, or number of individuals – including family members, people of close affinity, and unrelated people who occupy a dwelling within occupancy limits. The measure also allows for discriminatory language to be removed without a vote of owners or board members, if certain criteria are met.
- D. A reminder to residents of Dunes City: The Dunes City Code prohibits anyone from living in an RV in Dunes City for an extended period of time, unless they are in an RV park. Numerous complaints have been raised about people ignoring this Code provision and allowing others to reside on their property. This is a warning that Code enforcement will take action. City Administrator/Recorder Mills informed Councilors that proposed Ordinance No. 259, which will soon come before the Council, addresses this issue.
- E. Today Charter announced they are raising prices.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Council President Meyer recognized Melissa Stinson.
Ms. Stinson stated “nothing”.

Mr. Hammond spoke as a citizen. He apologized to videographer Alan Campbell, for the appearance of a bribe during his “Good of the Order” demonstration at the January 19, 2022 City Council meeting. He also apologized to the Siuslaw News for unintended offense as a result of that same demonstration.

8. SPECIAL CONSIDERATIONS

A. Appointment of new Mayor

Councilors and Staff discussed the process for appointing or electing a new Mayor.
Councilor Wells made a motion that Council President Meyer be appointed Mayor.
Councilor Orr seconded the motion and the motion passed by unanimous vote.

B. Appointment of new Councilor

Councilors discussed the importance of making citizens aware of the opportunity, filling the City Council vacancy as soon as possible and options for the best way to proceed.
Councilor Snow stated the importance of a more diverse representation of the City, as the current City Council does not accurately reflect Dunes City’s demographic.
City Administrator/Recorder Mills informed Councilors that a member of the audience indicated interest in applying for the vacancy.

Councilor Hammond made a motion that City Council accept applications for a three-week period, then have a screening committee review the submitted applications and select the three best candidates for interviews before the City Council.

Councilor Mallen seconded the motion and the motion passed by unanimous vote.

Councilor Hammond mentioned that City Council is now without a Council President.

Councilors discussed seniority and which Councilors might be interested.

Councilor Wells declined, suggesting Councilor Hammond would be a good Council President.

Councilor Snow volunteered, if no senior Councilor objected. There were no objections.

Councilor Hammond made a motion to appoint Councilor Snow as Council President.

Councilor Wells seconded the motion and the motion passed by unanimous vote.

Mayor Meyer asked Councilors for three (3) volunteers to form the screening committee for City Council applications.

Councilor Snow and Councilor Wells volunteered for the screening committee.

Councilor Mallen asked if a member of the public should be included on the screening committee.

Councilors discussed how to choose one member of the public for the screening committee.

Councilors decided to expedite and simplify the screening process by having three (3) Councilors form the screening committee.

Councilor Orr volunteered to be the third on the screening committee for City Council applications.

C. Schedule Budget Committee Meeting

Councilors scheduled the first Budget Committee meeting for Tuesday, April 12, 2022 at 6:00 p.m., with weekly meetings thereafter, until the budget is finalized.

9. OLD BUSINESS

A. Update on Coronavirus Relief Fund expenditures

City Administrator/Recorder Mills first thanked Mr. Hammond for the many donated hours to upgrade and improve City technology.

She informed Councilors funds purchased new office computers and security cameras. The new computers are installed with faster processors and the new security cameras are being installed.

She added that the remainder of the funds are earmarked for water systems to serve the Fern Acres and Alderwood subdivisions, and with South Coast Water Company. She announced that if there are any other community water systems experiencing issues, to please contact her at City Hall.

Councilor Hammond reported that his original Statement of Work detailed a plan for installation of Spectrum Security Suite on all City office computers, provide a price worksheet and plan for the Dunes City technology upgrade. To date, Spectrum Security Suite is installed on four (4) of the office computers and internet service is updated. He detailed the itemized price worksheet and actual costs to date. Councilor Hammond stated he has volunteered fifty-six (56) hours of project work and fifteen (15) hours of non-project work. He estimates an additional ten (10) hours of project work to complete all technology updates, adding that all estimated costs should meet the budget.

B. Ordinance No. 256-A regarding short-term vacation rentals (First and Second Reading)

Councilor Hammond made a motion that Ordinance No. 256-A be read by title only.
Councilor Wells seconded the motion and the motion passed by unanimous vote.

Mayor Meyer read Ordinance No. 256-A by title only.

10. PUBLIC HEARING

Mayor Meyer opened the public hearing at 6:40 p.m.

Mayor Meyer recognized Patrick McAleney.

Mr. McAleney spoke about the following:

- a. Oregon's transient lodging tax and how it is collected.
- b. Parking: how is parking defined or measured?
Councilor Hammond referred to section 123.018 C., *Vehicle Parking Limits*, and read this section aloud.
- c. Occupancy limits, Code compliance and enforcement:
Mr. McAleney noted that Dunes City does not have law enforcement.
- e. Business Licenses and Permits: Mr. McAleney stated the short-term vacation rental in his neighborhood is a business, and that other jurisdictions require an owner to have both.
- f. On-Site Management: Mr. McAleney stated that the "*Local Representative*" section is not sufficient for the need, and advocated for an On-Site Management requirement.

General discussion followed about parking, occupancy limits, Permits, compliance, and enforcement.

Mayor Meyer recognized John Sullivan.

Mr. Sullivan stated someone who does not live in Dunes City is making revenue from a short-term vacation rental but the residents of Cloud Nine Road are paying the price. He cited multiple thefts of the road sign, and instances every weekend of drag racing, littering, and general noise and nuisance by those who stay at this short-term rental property.

Mayor Meyer asked if there was any written testimony.

There was none.

Mayor Meyer closed the Public Hearing at 6:58 p.m.

11. NEW BUSINESS

- A. Ordinance No. 256-A regarding short-term vacation rentals.
Discussion and Deliberation.

No further public comment taken.

Councilors Orr and City Administrator/Recorder discussed complaints and enforcement procedures.
Councilor Wells stated this Ordinance is necessary and is a good starting point.

Councilor Snow stated this Ordinance addresses problems of a few short-term rentals but financially punishes the majority of owners whose short-term rentals are not causing problems. She objected to the commercial insurance requirement.

Councilor Mallen and Councilor Snow discussed details of commercial insurance.

Councilor Orr pointed out the insurance requirement in the proposed Ordinance has an option for a homeowner's insurance policy, or endorsement, that covers short-term rentals.

Councilor Show suggested a way to differentiate between short-term rentals being operated full-time, as a business, versus those which are operated part-time.

Councilors and Staff discussed possible amendments to the currently proposed Ordinance.

Councilor Hammond made a motion to strike the word "commercial" from the insurance requirement of the Ordinance and "let it go".

Councilor Orr seconded the motion and the motion passed.

Councilor Snow stated that although she voted to pass the motion to strike the word "commercial", she has objections to other language in this Ordinance.

Councilor Orr noted motions to amend must be made before an Ordinance has been adopted.

City Administrator/Recorder stated that a Permit process gives the City a way to report short-term rentals for the Transient Room Tax, which is a State requirement. Dunes City previously received Transient Room Tax revenue of \$300-400 per month, but is now receiving about \$4,000 per month.

Councilor Hammond made a motion to accept the Ordinance as amended, by striking the word "commercial" from the insurance requirement language.

Councilor Wells seconded the motion.

Prior to the vote, Councilor Orr asked Councilor Snow for specific information about her objections. Councilors and Staff continued discussing possible amendments to the currently proposed Ordinance.

Councilors Hammond, Wells, Mallen, and Orr voted to pass Ordinance No. 256-A.

Councilor Snow voted opposed.

The motion passed.

Councilors decided to consider any amendments to Ordinance No. 256-A at the April, 20, 2022 Regular Session City Council meeting.

B. Appointment of Richard Snow to the Water Quality Committee

Councilor Hammond moved that Richard Snow be appointed to the Water Quality Committee.

Councilor Wells seconded the motion and the motion passed by unanimous vote.

C. Review of Annual Financial Report and Supporting Documents

Councilors and Staff discussed the Annual Financial Report.

D. Proposal from Net Assets to provide an on-line application for processing Business Licenses

City Administrator/Recorder Mills summarized some benefits of the on-line program and Staff support of the City using the on-line Business License program.

Councilors asked questions about costs and whether a manual process would still be an option. No action was taken as Councilors and Staff need time to review the costs and budget.

E. Staff proposal to utilize the State-offered program for on-line Building Permits

Councilor Hammond made a motion to approve the State's program for on-line Building Permits. Councilor Wells seconded the motion and the motion passed by unanimous vote.

12. EXECUTIVE SESSION

There was none.

13. REPORTS

A. Mayor's Report:

None.

B. Community Center Report:

Councilor Wells asked City Administrator/Recorder Mills the construction status of the City's storage facility (container building).

City Administrator/Recorder Mills reported the progress of work and remaining work to be done.

C. Water Quality Report:

Councilor Snow reported that with Council approval of the Water Quality Committee application there are now two people on this committee. She announced that more volunteer testers are needed and encouraged interested individuals to apply. She contacted Oregon for training, as Oregon water testing procedures have changed. Water sampling can not use chemicals and she needs to determine what existing equipment can still be used or returned to the State. When she has all the facts, water testing can resume.

D. Road Report:

City Administrator/Recorder Mills received a Road Report from Councilor Hammond and stated she would like to have Road Reports from all Councilors.

E. Emergency Services Report:

City Administrator/Recorder Mills reported the following:

1. Florence is hosting Covid testing every other Wednesday, from 10:00 a.m. to noon, beginning March 2nd, 2022. Appointments must be scheduled on-line for drive-up testing.

2. A community fire evacuation drill was held March 7, 2022 on Munsel Creek Road and the results will be reported at the next WLEOG meeting.
3. A training event, regarding tsunami and earthquake preparation, is tentatively scheduled for the 3rd week of July. The training will last 2 weeks long, with more information is forthcoming.
4. The storage facility construction progress was reported earlier.
5. City Administrator/Recorder Mills thanked Mr. Hammond for volunteering so much time to upgrade the City's technology.

F. City Administrator/Recorder/Planning/Staff Report:

1. City Administrator/Recorder Mills reported the City issued twenty-nine (29) Permits since the previous City Council meeting. Twenty-five (25) Building and four (4) Public Works Permits.
2. Dunes City has found someone to build fish screens. If anyone already has a fish screen, please provide that information, and a photo, to City Administrator/Recorder Mills. If anyone is unable to get an underwater photo the City can send a diver to get a photo. Anyone who is required to have a fish screen and has not yet done so, please contact the City to get on a list. The deadline is October 22, 2022, so all fish screen construction and installation must be completed before then.

14. FOR THE GOOD OF THE ORDER

Councilor Orr called for a moment of silence, in honor of former Mayor Forsythe.

Councilor Wells repeated the announcement of a City Council vacancy, echoing Councilor Snow's comments about a wider demographic representation of Dunes City citizens on the City Council.

City Administrator/Recorder Mills read a letter that recognized former Mayor Forsythe's contributions to the community and expressed sympathy of his passing. Also mentioned were the lack of observing Covid protocols and Councilors who refuse to wear masks. The writer requested assurance that all members will wear masks and enforce social distancing, so citizens can safely attend future meetings. The letter concluded with condolences to City staff and Mayor Forsythe's family.

Councilor Orr stated he is following current protocol, which removed the mandate for wearing face masks indoors, but will happily resume wearing a mask if the State mandate again requires it.

Councilor Wells stated his opinion of the letter.

Mayor Meyer stated he was pleased to see the recent newspaper article about the name of Goat Island reverting to its original name. He added he is very pleased to see the press attend tonight's meeting.

15. ADJOURNMENT

Councilor Orr made a motion to adjourn.

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

Council President Meyer adjourned the meeting at 7:56 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 20th DAY OF APRIL 2022.

[Signed Copy Available at City Hall]
Sheldon Meyer, Mayor

ATTEST:

[Signed Copy Available at City Hall]
Jamie Mills, City Administrator/Recorder