



**CITY COUNCIL SPECIAL SESSION MINUTES ~ APPROVED
FEBRUARY 17, 2011 AT 6:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded on tape 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 Eric Hauptman called the special session of the Dunes City Council to order at 6:03 pm.

2. ROLL CALL

Roll Call was taken by Fred Hilden, City Recorder.

Present: Mayor Eric Hauptman, Council President Rebecca Ruede, Councilor Richard Anderson, Councilor Richard Koehler, Councilor Jamie Mills, Councilor Troy Sathe, and Councilor Duke Wells.

Absent: None.

Also Present: City Recorder Fred Hilden, City Planner, Lisa Ekelund, City Attorney Christy Monson of Local Government Law Group PC (via telephone), and 7 individuals.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Mills made the motion to approve the Agenda. The motion was seconded by Councilor Sathe. The motion passed by unanimous vote.

5. CONSENT AGENDA - None

6. ANNOUNCEMENTS / CORRESPONDENCE - None

7. EXECUTIVE SESSION

- Called under ORS 192.660 (2) (f) for the consideration of confidential records or information exempt by law from public disclosure and inspection AND called under ORS 192.660 (2) (h)

to consult with legal counsel concerning the legal rights and duties of the City with regard to the Montgomery litigation.

Mayor Hauptman called for a recess at 6:05 pm and the City Council entered into Executive Session.

Mayor Hauptman reconvened the Special Session of the City Council at 7:58 pm.

Councilor Ruede made the motion to have an Executive Session at 4:00 pm Monday the 21st of February to discuss the Montgomery case further. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

8. NEW BUSINESS

- Ordinance No. 209 ~ Establishing an Ordinance Review Committee (Revised)

Mayor Hauptman said he would read the Ordinance No. 209 by title only unless anybody has an objection. Nobody objected and the Mayor read by title only, Ordinance No. 209, *An Ordinance Adding Provisions to Chapter 32 of the Dunes City Code by Establishing an Ordinance Review Committee and Other Matters Properly Relating Thereto.*

Councilor Koehler said he would like to know how this originated and who authored it.

Mayor Hauptman stated that it was originated by himself and Fred Hilden. The Mayor stated that Councilor Mills was directed to write this.

Councilor Koehler asked if it is possible to make additions.

Councilor Koehler made the motion that under the last "Whereas," delete the word "is" and add "for the special needs of our rural city" at the end. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

Councilor Koehler said on page 2 under Members Qualifications, in the first paragraph on the second page, the last three words in the first line read, "consists of three members, two of whom are City residents." Councilor Koehler said this is confusing because all Committee members, including the City Council, are City residents. Councilor Koehler said he does not know if anyone else sees this as confusing, but if they do, he would like to change it somehow. Councilor Koehler said if no one sees this as confusing, he would move onto his next point.

Mayor Hauptman suggested it to say "all of whom are City residents" instead of "two of whom are City residents."

Councilor Mills said they could add "and two of whom are not City Officers." Councilor Mills said the reason it was split is that a City Council member is an Officer/Official.

Councilor Sathe said he thinks this item is fine how it is written because the other person is a Councilor and there is no confusion.

Councilor Koehler said he would then pass on this suggestion.

Councilor Koehler said his last item refers to the first amendment, item number 3 on the stop states "to insure all were adopted in accordance with the laws of the State of Oregon and Dunes City's Charter, Code and Ordinances, and where deficiencies are found to make recommendation for a correction to the Dunes City Council." Councilor Koehler said he would like to add "Comprehensive Plan" after "Code and Ordinances." Councilor Koehler said the reason he would like to add the Comprehensive Plan is that the City has spent thousands of dollars by using a contract person in trying to integrate our Ordinances with the Comprehensive Plan so that they are more understandable and enforceable.

Councilor Sathe said he does not like the idea of placing the Comprehensive Plan in this because this is Planning Commission and if this Committee has anything, they would bring it in front of the Planning Commission.

Mayor Hauptman said he believes it is appropriate to reference the Comprehensive Plan.

Councilor Koehler said by incorporating the Comprehensive Plan, it brings the City's history into it as well.

Councilor Koehler made the motion that he would like to add under page 3, item 32.16 Duties, Subsection (3), after the word "Code and Ordinances" add the words "and the Dunes City Comprehensive Plan." the motion was seconded by Councilor Ruede.

Fred Hilden stated that in his opinion, the Comprehensive Plan takes precedence over the Code and Ordinances.

Councilor Koehler amended his motion so that the statement should read, "to insure all were adopted in accordance with the laws of the State of Oregon, the Dunes City Charter, the Comprehensive Plan, and the Code and Ordinances." Councilor Ruede seconded the amended motion. The motion passed by a majority vote.

Fred Hilden requested the following roll call vote:

The motion passed by the following roll call vote:

**Councilor Wellsaye
Councilor Sathenay
Councilor Koehleraye
Councilor Ruedeaye
Councilor Millsaye
Councilor Andersonaye**

Mayor Hauptman opened the public hearing for public comment on Ordinance No. 209 at 8:18 pm.

There was no one present for public comment and the Mayor closed the hearing for public comment at 8:18 pm.

Mayor Hauptman read by title only, Ordinance No. 209, *An Ordinance Adding Provisions to Chapter 32 of the Dunes City Code by Establishing an Ordinance Review Committee and Other Matters Properly Relating Thereto.*

Councilor Anderson made the motion to adopt Ordinance No. 209 as amended. Councilor Ruede seconded the motion. The motion passed by unanimous vote.

Mayor Hauptman stated that because the Council amended Ordinance No. 209, it would not be passed by a single vote. Mayor Hauptman said the Ordinance has passed by its first vote and it will be on the March Agenda for the second hearing.

- Clarification of Term Ending Dates for the 2/10/11 Revenue Committee Appointments

Councilor Ruede made the motion to clarify the terms of the Revenue Committee members so that Revenue Committee members Wilbanks and Bellemore have a term that expires on 12/31/2011 and Revenue Committee member Scarberry will have a term that expires on 12/31/2013. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

- Draft Ordinance *An Ordinance Amending Title 3, Chapter 36 of the Dunes City Code of Ordinances Entitled "Code Enforcement," Repealing Section 91.25 Through and Including Section 91.99 of the Dunes City Code of Ordinances as found in Ordinance No. 176, Repealing Section 10.99 of the Dunes City Code of Ordinances, Repealing Ordinance No. 177, and Other Matters Properly Relating Thereto.*

Councilor Mills stated that this clarifies the step by step on how to process a complaint, how to assess whether a violation has occurred, and provide some options with regards to violations.

Mayor Hauptman asked if anyone has any questions.

Councilor Koehler said he would like to know how this originated and if Councilor Mills came up with it on her own prerogative.

Councilor Mills stated she did complete the task on her own prerogative after a review of the current code.

Mayor Hauptman clarified that Councilor Mills is the Chair of the Ordinance Review Committee.

Councilor Wells asked if this was sent to the Council by email and Fred Hilden said it was sent along with the revised Agenda through email to all of the Council.

Mayor Hauptman thanked Councilor Mills for her hard work.

Fred Hilden asked if the Council would like him to forward this item to the City Attorney for review prior to its final passage.

Mayor Hauptman directed Fred Hilden to send this to the City Attorney for review after all public input is received.

Councilor Koehler said he would post this item on the website for citizen review and input to be made prior to review by the City Attorney.

9. CITIZEN INPUT - None

10. UNFINISHED ITEMS NOT LISTED ON THE AGENDA - None

11. ADJOURNMENT

There being no further business to come before the City Council, Councilor Mills made the motion to adjourn the meeting. Councilor Wells seconded the motion. The motion passed by unanimous vote.

The meeting of the Dunes City Council Special Session adjourned at 8:29 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 10th DAY OF MARCH, 2011.

[Signed copy available at City Hall]

Eric Hauptman, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder