



**CITY COUNCIL MEETING MINUTES ~ APPROVED
SEPTEMBER 8, 2011 AT 7:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR 97493

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 Rebecca Ruede called the meeting of the Dunes City Council to order at 7:00 pm.

2. ROLL CALL

Roll Call was taken by City Recorder Fred Hilden.

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

Also Present: City Recorder Fred Hilden, Administrative Assistant Amanda Clinton, Planning Chairman Lee Riechel, Planning Vice Chairman George Burke, Siuslaw Valley Fire & Rescue Chief John Buchanan, Director of Western Lane Ambulance and Chairman of the West Lane Emergency Operations Group Henry Hanf and several citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Dick Anderson made a motion to approve the Agenda as presented. Council President Jamie Mills seconded the motion. The motion passed by unanimous vote.

5. CONSENT AGENDA

Councilor Ed Scarberry made a motion to approve the Consent Agenda as presented. Council President Jamie Mills seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Ruede made the following announcements: the Artist of the Month is photographer Jim Buch; there are two positions open for the Communication and Education Committee and one position open for the Revenue Committee; the Siltcoos River Dam Portage should be used with

caution as the bottom portion of the kayak ramp and foot ramp along with the portion of the handrail has been weakened by electrolysis. Mayor Ruede advised that she and City Recorder Fred Hilden had visited the dam portage and this will be discussed later in the meeting. Mayor Ruede also announced that September 4th -10th is National Suicide Prevention Week. The Mayor also announced that there is a City Council work session planned for September 29, 2011 at 5:00 pm to discuss standing Commissions and Committees and the proposed Code Enforcement Ordinance and anyone who would like to attend this meeting is urged to come. Mayor Ruede reminded everyone that our meetings are being recorded even during breaks and to be careful when making comments.

City Recorder Fred Hilden re-introduced Administrative Assistant Amanda Clinton to the Council and to the public.

Mayor Ruede mentioned the West Lane Emergency Operations Group (WLEOG) "Improve your survivability program" is having a class on Saturday, September 10, 2011. They will be discussing emergency preparedness in your home and your neighborhood. This "Are you Ready" and "Map Your Neighborhood" class will be held at Siuslaw Valley Fire & Rescue in Florence from 9:30 am and end at 12:30 pm. The next class "Shelter of Place" is scheduled for October 8th also from 9:30 am to 12:30 pm, also at the Fire Station. Dunes City residents are urged to attend as many of these classes as possible. In addition, if any residents are interested in hosting a "Map your neighborhood" meeting in your home they should contact Council President Jamie Mills or Siuslaw Valley Fire & Rescue.

Mayor Ruede thanked both Siuslaw Fire & Rescue Chief John Buchanan and Director of Western Lane Ambulance and WLEOG Chairman Henry Hanf for attending tonight's Council meeting.

7. CITIZEN INPUT - None

8. COMMITTEE /COMMISSION REPORTS

A. Mayors Report

Mayor Ruede commented that Sunday is September 11, 2011 and wanted to use this 10th anniversary of the 911 event to remind everyone in the Community to be better prepared in the event of an emergency. Mayor Ruede also mentioned that the City has listed many opportunities for the public to get involved in emergency planning.

B. Communication & Education Report

Councilor Dick Anderson mentioned that we are still looking for 2 volunteers for the Communication & Education committee.

C. Community Center Report

Councilor Duke Wells had nothing to report.

D. Conservation Committee Report

Councilor Dick Anderson stated there was a Shoreland Vegetation / Tree Removal Ap-

plication received for a tree that was dangerously close to a home. The Conservation Committee did a site visit and made a recommendation to the Planning Commission. Planning Commissioner Lee Riechel who attended the Council meeting said that at the next Planning Commission meeting on September 22nd they would review the application and the Conservation Committee's recommendation.

E. Ordinance Review Committee Report

Council President Jamie Mills read the report for the Ordinance Review Committee into the record.

F. Parks & Receptions Commission Report

Councilor Koehler reported there was no meeting in August. He advised that their next meeting would be September 19, 2011.

G. Revenue Committee

Councilor Scarberry reported that the Revenue Committee took the month of August off. The next Revenue Committee meeting will be Thursday, September 22, 2011 at 3:30 pm. Councilor Scarberry also mentioned that the Revenue Committee is still in need of one committee member.

H. Road Commission Report

Councilor Troy Sathe read the Road Commission report into the record.

I. Site Review Committee

Councilor Wells reported that there was no Site Review Committee meeting this month but wanted to take the opportunity to apologize to the Site Review Committee for not contacting them about there being no meeting in August. Although there was nothing for the Site Review Committee to report on, he still felt an apology was in order.

J. Water Quality Committee Report

The Water Quality Committee did not have a Quorum for its meeting scheduled for August 17th so the meeting was canceled. The next regular meeting will be held September 21st at 3:00 pm.

K. Emergency Services Coordinator Report

City Recorder Fred Hilden reported that there was no report from Don Hayes this month. Mayor Ruede asked for Councilor comment on this matter as it is a very important. Councilor Koehler noted that perhaps he would contact Don Hayes or Chief Buchanan to obtain materials to help augment the web site. Councilor Wells commented that perhaps things would move a little smoother if we had a member of the staff be our representative to the West Lane Emergency Operations Group (WLEOG). Mayor Ruede asked the City Recorder how he felt about the additional workload that would place on staff. Fred Hilden responded that the primary task is to attend the 1-hour monthly meeting of WLEOG and assist in the City's preparation of an Emergency Operations Plan. He went on to point out that he (Mr. Hilden) already attends the monthly WLEOG meeting and meets periodically with the Emergency Services Coordinator to work on Dune City's plan so

there would be no additional workload on staff. Councilor Koehler stated that he wanted to remind everyone that since this was not listed as an “action item” on the agenda, taking any action on the matter could be outside the Council’s boundaries. He went on to explain that his primary concern is what happens when the bridge (Siuslaw River) goes out. Mayor Ruede stated that she understand that this is not an action item and will have it on the next City Council Meeting Agenda. Councilor Mills commented that Don Hayes has done a good job with projects but since WLEOG is addressing concerns like the bridge going out, it points to the breakdown in communication between the activities at WLEOG and the City Council.

Councilor Wells made a motion to direct staff to prepare a Resolution designating City staff, specifically the City Recorder as the voting member of the West Lane Emergency Operations Group. Councilor Sathe seconded the motion. Councilor Koehler pointed out that it was not appropriate for the Council to take action on an item not on the agenda. After considerable discussion, Mayor Ruede asked the City Recorder for clarification. City Recorder Fred Hilden referred to the Council Rules of Procedure reading Section 5.4, Presentation by Members of Council, that permits the Council to take action on an item not on the agenda if there is compelling reason as demonstrated by a unanimous vote. Mayor Ruede called for the question. **The motion failed by a vote of 5 ayes and 1 nay (Councilor Koehler).** Mayor Ruede instructed the City Recorder to put this matter on next month’s Agenda as an action item.

L. Planning Commission Approved Minutes

M. City Recorder Report

City Recorder Fred Hilden read the City Recorder report into the record. Councilor Koehler asked for clarification of the records in the City’s septic database. City Recorder Fred Hilden provided information on compliance with Ordinance #173 and Ordinance #203 as given by the City Attorney being March of 2012. As for the property owners who are not in compliance as of March 2012, the City Council will need to decide what action to take as there is currently no method for the City to enforce compliance.

9. PUBLIC HEARING - None

10. UNFINISHED / OLD BUSINESS

A. Ordinance #212, An Ordinance Vacating a Portion of Buckskin Bob Road

Council President Jamie Mills submitted and reviewed the Buckskin Bob Road/Poker Jim’s Pass plat and the fact that while it is currently known as Buckskin Bob Road it was originally platted as Poker Jim’s Pass. She read her proposed amendment into the record.

Council President Jamie Mills made a motion to amend Ordinance #212 to reference Buckskin Bob Road as it was originally platted as “Poker Jim’s Pass.” Councilor Sathe seconded the motion. The motion passed by unanimous vote.

Councilor Anderson made a motion to approve Ordinance #212 as amended. Councilor Sathe seconded the motion. The motion passed by unanimous vote.

11. New Business

A. Maintenance Required on the Siltcoos River Canoe Trail Dam Portage

City Recorder Fred Hilden has received reports that the dam portage on Siltcoos River Canoe Trail has major electrolysis and we have had complaints about it. Mayor Ruede and City Recorder Fred Hilden have gone to the dam portage to see the damage. City Recorder Fred Hilden did some investigating and found that as of May 25, 2000, the dam portage became the responsibility of Dunes City and at this point, it is our responsibility to make the repairs.

City Recorder Fred Hilden advised Council that some of the materials used to construct this dam portage are nothing more than galvanized pipes, which is now showing signs of electrolysis. City Recorder Fred Hilden went on to advise the Council that Dunes City has visitors coming from all over the world to use the dam portage and it is important to make the repairs. In addition, three estimates will be collected by staff and temporary caution signs will be placed until repairs can be made. City Recorder Fred Hilden also read the License Agreement into the record advising that Dunes City is responsible for the Siltcoos River Dam Portage until 2015, under License #LI18793.

Councilor Anderson commented that he recalls when the Council discussed this in 2000 and it was brought up that this dam portage would bring no problems for the City. Councilor Anderson thought this would be a good learning experience for the City to use in the future. Mayor Ruede commented that if the correct materials were used to construct the dam portage in the first place that it would have held up longer than it has.

Councilor Koehler asked that staff attempt to get the Oregon Parks Department to take responsibility for the dam portage. Council President Mills recommended that we find another organization that would be interested in taking over the responsibility for the dam portage. Councilor Sathe recommended we discuss this at the City Council meeting on September 29th so we could have time to receive all the bids along with any additional information.

Councilor President Mills was uncomfortable leaving this to the next meeting since it is a real threat to hurting someone now. City Recorder Fred Hilden commented that the City would spend more money trying to close it than it would cost to repair it. Mayor Ruede acknowledged that there is constant canoe traffic and would like to see the dam portage repaired.

City Recorder Fred Hilden advised the bids would be anywhere from \$1600 to \$1800 dollars to do a temporary patch, but that it may only hold up for about a year. He commented that he will look further into the liability and would like to see us put caution signs up.

Council President Mills made the motion to direct staff to post cautionary signs at the dam portage as soon as possible, continue to get bids and that we put this on the

Agenda for the next regular Council meeting. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Councilor Koehler made the motion to include in staff duties to contact Oregon Parks to see if they will take the responsibility for the dam portage. Councilor Mills seconded the motion. The Motion passed by unanimous vote.

B. Codification Proposal from American Legal Publishing

City Recorder Fred Hilden explained the background on the proposal requested during the budgeting process. He also reviewed the highlights of the proposal and the options provided by the vendor. Mayor Ruede asked the City Recorder about the option offered for a folio search. Mr. Hilden stated that he needs to clarify that option with the vendor.

Councilor Koehler asked several questions about the process and timeline required to complete codification. Mayor Ruede commented that there is no action to be taken on this item at this meeting. Mayor Ruede would like to discuss this at the October 13th Council Meeting.

Councilor Mills commented that the proposal allowed for spreading out our payments for this work. After discussion, it was recommended that the City request an extension of the current deadline on the proposal from American Legal Publishing beyond October 31, 2011.

Councilor Koehler commented that he would like to get an additional bids and compare to those proposals from American Legal Publishing. Mayor Ruede commented that she is not inclined to give this to an inexperienced firm. Councilor Mills noted that this company is the “go to” company as far as she knows.

Mayor Ruede asked how long it might take to get an additional bid. City Recorder explained that it took this vendor four months to prepare this proposal and they had experience with the City. City Recorder Fred Hilden will get an additional proposal and request an extension past the proposed expiration date of October 31, 2011.

12. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

Council President Jamie Mills had questions for City Recorder Fred Hilden regarding the Revenue & Expense report. On page 2 of the Revenue & Expense Report it lists the General Funds as negative \$5,551.10. City Recorder Fred Hilden explained that the fund expenses had not been allocated to other funds and that we are within budget.

Councilor Mills also addressed page 2 of the Budget vs. Actual Report. Councilor Mills commented that the 300% for Medical and the amount for PERS was high. City Recorder Fred Hilden explained that we incurred 2 months medical expense and 1 month PERS expense for the 2011-2012 budget that was not expected. This was included in the out-going Planning Secretary’s contract. City Recorder Fred Hilden advised Councilor Mills that the Budget Committee should look at this item in their next meeting in October.

Councilor Mills expressed her confusion about the net ordinary income showing negative 2375.5% for the Building Codes Fund. City Recorder Fred Hilden and Councilor Mills noticed that was a possible error in the report and noted he did not have an answer at this time. Councilor Mills went onto the mention that page 10 under Administrative Wages looked too high but in fact, she was looking at the Medical Insurance instead of Administrative Wages, which was at 12.3%.

Councilor Wells announced he will be introducing an amendment to Ordinance #211 and explains that by reading the Comprehensive Plan it came to his understanding that Policy E6 it states that the City shall adopt a program that will improve maintenance of septic systems for the benefit of all residents. Councilor Wells went on to explain that according to Policy E7, the City shall draft an ordinance regulation to non-point source pollutant run off into the lake and makes a point that the authors clearly knew the difference between an “ordinance” and a “program” when they wrote the Comprehensive Plan. Councilor Wells went on to advise that it (the Comprehensive Plan) does not require us to have a septic ordinance. There is a huge difference between an ordinance and a program. Councilor Wells feels that Ordinance #203 is in violation of our Comprehensive Plan, but also added that just the fact the Dunes City has a Comprehensive Plan shows how responsible we are as a community. We really do not have to have one (a Comprehensive Plan), but we have opted to have one because we care about our City.

Councilor Koehler added that the Dunes City Comprehensive Plan is a guidepost of sort for the City and adds that Councilor Wells makes a good point regarding E6 & E7, but recommends that the Council look at the whole Comprehensive Plan before any decisions are made.

13. EXECUTIVE SESSION - None

14. ADJOURNMENT

There being no further business to come before the City Council, Council President Mills made a motion to adjourn. The motion was not seconded and there was no vote.

Mayor Ruede adjourned the meeting of the Dunes City Council at 8:37 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 13th DAY OF OCTOBER 2011.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder

ORDINANCE REVIEW COMMITTEE REPORT
SEPTEMBER 8, 2011

The Ordinance Review Committee met on August 8th and August 22nd. At the August 8th meeting, I provided a memorandum to the members about the teleconference the City Recorder and I had with the City Attorney regarding the draft Code Enforcement Ordinance, and specifically with the concern raised by the City Attorney of the risk created by having volunteers do investigations on complaints rather than a City employee or official. The City Attorney strongly encouraged the creation of the Code Enforcement Officer position that sets out a clear investigation and appeals process. The City Attorney also stated that the provisions of Dunes City Code that allow entering onto another's property without permission likely violates the Fourth Amendment to the Constitution and should be changed. A City Council workshop on the issue has been scheduled for September 22, 2011.

At the August 22nd meeting, the committee got down to the nitty gritty of suggesting fees and deposits on the Dunes City fee schedule. It is hoped that the final schedule and ordinance will be ready for submission to the City Council at the October regular session.

The next meetings are scheduled for September 12th and 26th, both Mondays, at 9:00 a.m. here at City Hall.

Road Chairman's Report to City Council
September 8, 2011 ~ Prepared by Troy Sathe, Road Chairman

The Road Commission met on August 15th at 6:30 pm at Dunes City Hall. All members were present.

Commissioner Leach gave a report on the completion of the Fir Lane project.

Road Secretary Selena Carter handed out a draft copy of the streets the City owns to the Road Commission.

Road Secretary Selena Carter handed out a City map showing which sectioned part of the map is assigned to each Road Commissioner.

Gary Baker had a work session to discuss what the Road Commission would like to see be part of the Master Road Plan.

The next Road Commission meeting will be at 6:30 pm September 19th at Dunes City Hall.

Thank you,
Troy Sathe, Road Commission Chair

WATER QUALITY COMMITTEE REPORT
SEPTEMBER 8, 2011

The Water Quality Committee did not have a quorum for its meeting scheduled for August 17, 2011, so the meeting was cancelled. The next regularly scheduled meeting will be September 21st, at 3:00 p.m. in City Hall.

City Recorder Report to City Council
September 8, 2011 ~ Prepared by Fred Hilden

During August, I attended the Planning Commission Regular Session and three Special Sessions, working entirely on Chapter 155, Zoning and Development, toward the end of having more “clear and objective” standards. In order to complete this process by the grant deadline of December 31, 2011, we are now meeting every Tuesday in addition to the regular meeting every month. We have requested Contract Planner Melissa Anderson to review the code audit as the Planning Commission completes each section. Her estimate for this task is \$1800. While a review by our City Attorney will still be required, Ms. Anderson’s participation should prove to save at least twice the amount of her quote in legal review fees.

During August, we met with the City’s Auditor to begin our “review” process. This meeting went very smoothly with only a few minor items to prepare to complete the review. Many hours of work go into the preparation for even this much simplified version of an audit, all aimed at ensuring that the City’s financial records are complete and accurate. We anticipate completing the review in late September or October.

Also in August, the City’s property files received a 100% septic information audit by staff-deputized Council President Mills and company. This involved pulling all 1145 property files and reviewing each page of the file as it related to septic data. Councilor Mills did an incredible job on this huge task, adding “mapping” status to the database and verifying all “inspection” and “pumping” reports.

Respectfully submitted,

Fred Hilden
City Recorder