



CITY COUNCIL MEETING MINUTES ~ APPROVED REGULAR SESSION SEPTEMBER 20, 2023 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 Snow called the Wednesday, September 20, 2023 Regular Session City Council meeting to order at 6:04 p.m.

2. ROLL CALL

City Administrator/Recorder Jamie Mills called the roll.

Present: Council President Susan Snow, Councilor Rory Hammond, Councilor Tom Mallen, Councilor Richard Olson, and Councilor Robert Orr.

Also Present: City Administrator/Recorder Jamie Mills, Planning Technician Lani Noroña, videographer Alan Campbell, Geneva Jackson, Jeanne Jackson, Gail Nichols, Chris Clemons, Amber Clemons, Paul Roberts, Linda Roberts, Steve Rochholz, Charles and Sally Bang, and Rapunzel Oberholtzer.

Absent: Councilor Melissa Stinson

Absent and Excused: N/A

3. PLEDGE OF ALLEGIANCE TO THE FLAG

All who were present stood for the Pledge of Allegiance.

4. CONSIDERATION OF THE AGENDA

Councilor Mallen made a motion to approve the agenda.

Councilor Hammond seconded the motion.

The motion passed with three (3) aye votes. Councilor Olson voted nay.

5. CONSIDERATION OF THE CONSENT AGENDA

Councilor Mallen made a motion to approve the consent agenda.

Councilor Hammond seconded the motion.

The motion passed with three (3) aye votes. Councilor Olson voted nay.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Mills announced the following:

1. She directed Councilors' attention to printed copies of a September 20, 2023 letter submitted by Geneva Jackson.
2. The Western Lane Emergency Operations Group (WLEOG) will present the 2023 "Beat the Wave" disaster preparedness expo from 10:00 a.m. to 3:00 p.m., Saturday, November 4, 2023.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Council President Snow asked if anyone whose name was on the sign-in sheet wished to speak.

Geneva Jackson asked for confirmation that "New Business" agenda item "hiring a Code Enforcement Officer" would be discussed.

Council President Snow said this part of the meeting is for citizen input for items not on the agenda. Ms. Jackson stated in that case she had nothing to say.

Council President Snow stated she did not see there was anyone who wished to speak.

Jeanne Jackson raised her hand and introduced herself. She expressed concern about the format of the meetings. She said, "we can't speak about what's on the agenda, and later we can't speak about what we want to speak about". She asked at what point the public is allowed input and stated that citizens' letters are not being read.

City Administrator/Recorder Mills answered that letters addressed to the City Council are presented to the Councilors. She said that Public Hearings are when citizens can speak to those issues being considered at the Public Hearing, or when Councilors schedule a Town Hall meeting. She explained that for agenda items, citizens' letters are given to the City Council, so Councilors can consider subjects during deliberation and decision making.

Ms. Jackson referred to a June meeting, stating that several submitted letters were not read and not responded to. She asked at what point citizens could hear from the Council.

City Administrator/Recorder Mills answered that letters submitted for Public Hearings become part of the Public Hearing record.

Ms. Jackson stated, "we never get to ask our questions publicly, so that's a problem because it seems like residents should be able to speak to not just the Councilors but to community members as well". She asked how this could be done if not through letters.

City Administrator/Recorder Mills answered that State law does not require Councilors to allow public speaking and it is a Council decision whether to allow public speaking.

Council President Snow thanked Ms. Jackson for her comments.

8. OLD BUSINESS

A. Discussion and possible action re: Mayor Replacement

Councilor Olson stated that Councilor Stinson has the lead on this subject.

Councilor Mallen stated that the selection committee is waiting for interviews to be scheduled, based on availability of applicants and committee members.

Councilor Olson asked if Old Business was the time for him to question the Council vote at the last City Council meeting.

City Administrator/Recorder Mills said yes, and proper procedure is to amend the agenda.

Councilor Mallen made a motion to add this to the agenda.

Planning Secretary Noroña asked for clarification of the motion.

Councilor Mallen stated his motion was to add a discussion of Councilor Olson's vote at the last City Council meeting.

Councilor Olson stated the City Council vote regarding Short-Term Rentals (STRs) at the last meeting, his ability to vote or not vote, and any Councilor's ability to vote or not vote, and the fact that not a majority of Council members voted, that vote potentially cannot be a legal vote.

Councilor Orr seconded the motion. The motion passed unanimously.

Councilor Olson said that at the last meeting he was instructed not to vote on STRs because he has a commercial business and was told this created a conflict of interest. He stated he does not think owning a commercial business is a conflict of interest, that every Councilor has a potential conflict of interest, as they could rent a room in their household. He said he does not think two people can determine a vote, that if not a majority of the Council votes, the vote should not pass, and that he believes he should have the opportunity to vote.

Councilors discussed conflicts of interest and the validity of the previous votes, tie-breaker votes, and a confidential handout of the City attorney's opinion.

Councilor Mallen made a motion for the Council to allow Councilor Olson to rescind his vote.

City Administrator/Recorder Mills pointed out that Councilor Olson did not get the chance to vote, and her understanding is that Councilor Olson wants to vote.

Councilors discussed which Councilors were present or absent at these two (2) meetings.

Councilor Olson questioned why the City continues to issue Business Licenses for STRs.

City Administrator/Recorder Mills answered that City staff has not issued permits for STRs, as it is unclear what the City Council has decided. She added that applications for STR permit(s) can be submitted, but no STR permits are being issued.

Councilors discussed whether to postpone a decision until all Councilors are present.

Councilor Hammond made a motion to postpone a decision about Short-Term Rentals and to not implement the Council's August 24, 2023 vote on Short-Term Rentals.

Councilor Mallen seconded the motion.

Councilor Olson asked for confirmation that this action would leave the Short-Term Rental Ordinance as it was prior to the August 24, 2023 vote.

City Administrator/Recorder Mills confirmed this.

The motion passed unanimously.

An unidentified audience member asked if the City would start taking applications and granting Short-Term Rental (STR) permits.

Council President Snow answered that applications can be submitted but the City is not currently issuing STR permits.

9. NEW BUSINESS

A. Hazard Mitigation Plan - Fires

Council President Snow summarized her concern about evacuation difficulties in the event of a fire in Dunes City. She read aloud from The American Association of State Highway and Transportation Officials, seventh edition, commonly referred to as "The Green Book",

which recommends a cleared area of ten (10) feet on either edge of the pavement in rural areas. She asked Councilors to consider adding this to the City's Hazard Mitigation Plan, and if so, the City can apply for grant funding to clear these areas.

City Administrator/Recorder Mills pointed out that this would only apply to roads which the City has the right-of-way.

Councilor Mallen asked how the City would afford to maintain a ten (10) foot cleared area when the grant funding is expended.

Council President Snow replied that the City's Hazard Mitigation Plan is not an Ordinance, that nobody would be cited for non-compliance, and adding this would be an improvement.

Councilor Hammond said he wants Siuslaw Valley Rural Fire District to pursue this throughout the entire District, as this is a district-wide issue, not just a Dunes City issue.

Councilor Orr asked if they could ask someone from Siuslaw Valley Rural Fire District (SVRFD) to attend a City Council meeting.

City Administrator/Recorder Mills said yes, either a SVRFD or WLEOG representative.

B. Solid Waste Collection License

City Administrator/Recorder Mills reported that the Budget Committee discussed that payments for the Solid Waste Collection license are not current.

Councilor Hammond made a motion that the Council direct City Administrator/Recorder Mills to send a letter asking the company for payment to bring their license current.

Councilor Olson seconded the motion. The motion passed unanimously.

C. Hiring a Code Enforcement Officer

City Administrator/Recorder Mills informed Councilors there are many Code violations that City staff does not have time to address and an individual with some relevant background approached her about working for the City.

Councilors and staff discussed Code Enforcement requirements, procedures, and City expenses, whether a per violation contract would cost less, and whether fines would cover the costs.

Councilor Olson made a motion to postpone a decision about hiring a Code Enforcement Officer until a budget determination is made.

Councilor Orr seconded the motion. The motion passed unanimously.

10. PUBLIC HEARING

There was none.

11. EXECUTIVE SESSION

There was none.

12. REPORTS

A. Mayor's Report:

There was none.

B. Community Center Report:

City Administrator/Recorder Mills reported there are no problems with the Community Center.

C. Water Quality Report:

Council President Snow reported that the water temperature is decreasing, which should reduce the possibility of algae blooms.

D. Road Reports:

There were none.

13. FOR THE GOOD OF THE ORDER

Councilor Olson asked Councilors to consider meeting twice per month for a year or two.

Council President Snow suggested some possibilities for increasing City tax revenues:

1. Change the City's name to Westlake, use the 97493 zip code (requires Congressional approval)
2. Ask the Postal District Manager for a boundary change or request a Dunes City zip code.

She referred to a handout and said, "zip codes are often not aligned with municipal boundaries, which can result in confusion and misdirected property and sales tax revenues from municipalities".

City administrator/Recorder Mills reported that Charter will discontinue carrying Disney channels.

Councilor Hammond said he thinks the City Council keeps postponing subjects and not getting work done. He said he has other things to which he needs to attend and announced his resignation.

Council President Snow thanked Councilor Hammond for his input and service.

Councilor Orr thanked Councilor Hammond for his work.

City Administrator/Recorder Mills thanked Councilor Hammond for volunteering technical skills.

Jeanne Jackson thanked Councilor Hammond.

14. ADJOURNMENT

Councilor Mallen made a motion to adjourn.

Councilor Olson seconded the motion. The motion passed unanimously.

Council President Snow adjourned the meeting at 6:57 p.m.

APPROVED BY THE DUNES CITY COUNCIL ON THE 18th DAY OF OCTOBER, 2023.

[Signed Copy Available at City Hall]

Susan Snow, Council President

ATTEST:

[Signed Copy Available at City Hall]

Jamie Mills, City Administrator/Recorder