



**CITY COUNCIL MEETING MINUTES ~ APPROVED
REGULAR SESSION - WEDNESDAY, FEBRUARY 21, 2024 AT 6:00 P.M.**

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

The proceedings of the Dunes City City Council are recorded and on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at: www.dunescityhall.com.

1. CALL TO ORDER

Mayor Ed McGuire called to order the City Council regular session meeting at 6:00 p.m. on Wednesday, February 21, 2024.

2. ROLL CALL

City Administrator/Recorder Jamie Mills called the Roll.

Present: Mayor Ed McGuire, Councilor Richard Olson, Councilor Chris Clemons, Councilor Susan Snow, Councilor Tom Mallen, and Councilor Joe Giammona.

Absent/Un-excused: Councilor Melissa Stinson absent but excused.

Also Present: City Administrator/Recorder Jamie Mills, Planning Secretary Lila Timmons, Chair of Planning Commission Rapunzel Oberholtzer, Amber Clemons, John Colwell, Sean Grundon and Jeanne Jackson.

3. PLEDGE OF ALLEGIANCE

All who wished to participate stood for the Pledge of Allegiance.

4. CONSIDERATION OF THE AGENDA

Mayor McGuire asked if there were any changes or corrections that needed to be discussed. There were none.

Councilor Susan Snow moved to approve the agenda.

Councilor Tom Mallen seconded the motion.

The motion to approve the agenda passed unanimously.

5. CONSIDERATION OF THE CONSENT AGENDA

Councilor Susan Snow brought it to the council's attention that the City was \$10,000 short each month due to the bills exceeding the receipts. City Administrator Jamie Mills stated that was normal during this time of year.

Councilor Chris Clemons moved to approve the consent agenda.

Councilor Susan Snow seconded the motion.

The motion to approve the consent agenda passed unanimously.

6. ANNOUNCEMENTS / CORRESPONDENCE

A. Request for contribution to LOC Foundation

Mayor Ed McGuire stated that Dunes City has contributed in the past.

City Administrator Jamie Mills stated that the Foundation does charitable work in the County and each year it asks the Cities to contribute to be able to continue their work. She also stated that Dunes City is a member of the Foundation.

Councilor Susan Snow asked what Dunes City normally contributed.

City Administrator Jamie Mills stated that Dunes City has contributed anywhere from \$50 to \$500.

Councilor Chris Clemons asked what Dunes City contributed last year.

City Administrator Jamie Mills stated that the amount was \$50.

Councilor Rich Olson asked which City account the funds would be withdrawn.

City Administrator Jamie Mills stated that the account would be the General Fund.

Councilor Chris Clemons moved to contribute \$50 to the LOC Foundation.

Councilor Tom Mallen seconded the motion.

The motion to contribute to the LOC Foundation passed unanimously.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Citizens Jeanne Jackson and John Colwell asked if the council would be continuing their discussion of short-term rentals.

Mayor Ed McGuire stated that the council would finish the short-term rental discussion at the next work session on March 6, 2024.

Citizen Jeanne Jackson asked if the budget had been resolved and where the public could view that information.

City Administrator Jamie Mills stated that the Reconciliation Reports show how much the City has in their accounts as of now and that there is no risk of overspending.

Mayor Ed McGuire stated that the budget will be on the Agenda in the next few months.

Citizen Jeanne Jackson heard that the budget had been talked about and both City Administrator and Councilor Susan Snow stated that there have been no budget meetings this year.

Mayor Ed McGuire stated that there will be a budget committee or an item on the Agenda for the budget. Mayor Ed McGuire asked City Administrator Jamie Mills if there would be a Public Hearing in regards to the budget. City Administrator Jamie Mills confirmed that there would be two Public Hearings and at least three budget meetings.

8. REPORTS

A. Mayor's Report

Mayor Ed McGuire wished to thank Councilor Rich Olson for the daily communication in regards to the Siltcoos water level. The daily communication seems to be working.

Mayor Ed McGuire wanted to thank the Council and the Public for the past couple of work sessions. The Council has been able to get a lot of work done.

Mayor Ed McGuire stated that the Oregon Legislature has been in session discussing Senate Bill 1576 which would help rectify the recreational liability. The League of Cities has asked for support of this Senate Bill. Mayor Ed McGuire stated that he emailed Senator Dick Anderson and Dick Anderson confirmed he did support the Senate Bill.

B. Community Center Report

City Administrator Jamie Mills stated that the stove has been installed and inspected. The inspector asked for a few minor changes which have been completed and the City is waiting for final approval.

C. Water Quality Report

Councilor Susan Snow asked City Administrator Jamie Mills if the meters had been shipped back to DEQ for re-calibration. City Administrator Jamie Mills confirmed that the meters had been shipped back to DEQ.

Councilor Susan Snow stated that she was working with Aaron Bowen on a paper that people can look at to understand water responsibilities and where they can go for answers.

D. Road Reports

City Administrator stated that there was no report except the emergency that was happening on Wright Rd and Huckleberry with flooding. Mr. Palmer had been out to do some cutting to open up the drainage.

City Administrator Jamie Mills stated that the City had received money for a project that was put off twice and therefore caused an audit. Mayor Ed McGuire asked if

we could expect an audit again next year. City Administrator Jamie Mills stated that she did not think so.

E. Permit Report

Mayor Ed McGuire pointed out to the council members that the permit report was in their packets and asked if City Administrator Jamie Mills had any comments. City Administrator Jamie Mills stated that the building continues and isn't letting up.

9. NEW BUSINESS

A. Planning Commission recommendation to re-appoint Jamie Gorder to the Planning Commission for another term ending January of 2028.

Planning Commission Chair Rapunzel Oberholtzer stated that the Planning Commission does recommend to reappoint Jamie Gorder to the Commission and that the term ending date would be 2027 instead of 2028.

Mayor Ed McGuire stated that he agreed 100% on Jamie Gorder's reappointment. Councilor Susan Snow moved to reappoint Jamie Gorder to the Planning Commission.

Councilor Rich Olson seconded the motion.

The motion to reappoint Jamie Gorder to the Planning Commission passed unanimously.

B. Resolution Series 2024, No. 1 re: referring a measure to the Dunes City voters adopting an amendment to the City Charter.

Mayor Ed McGuire asked for a staff report on this issue.

City Administrator Jamie Mills stated that this resolution is asking the voters if the City should amend the City Charter to allow the City to use State Law as the guide for soliciting City projects.

Mayor Ed McGuire asked the councilors if they had any questions or comments.

Councilor Tom Mallen moved to adopt the amendment.

Councilor Susan Snow seconded the motion.

The motion to adopt the amendment to the City Charter passed unanimously.

C. Ordinance No. 267 re: Limiting liability for private claims resulting from use of trails in public easements or unimproved rights-of-way, and declaring an emergency. First reading.

Mayor Ed McGuire stated that the purpose of this Agenda was to consider the adoption of Ordinance No. 267.

Mayor Ed McGuire explained that House Bill 2865 was approved a few years ago and changes our requirement resulting in the City to make changes to comply with state law.

Mayor Ed McGuire read from the script.

Mayor Ed McGuire asked the council members if they had each received a copy of the proposed ordinance. They all confirmed that they had received a copy.

Mayor Ed McGuire asked City Administrator Jamie Mills if all the posting and advertising requirements have been met. City Administrator Jamie Mills confirmed that all the posting and advertising requirements have been met.

Councilor Tom Mallen moved to have the first reading of Ordinance #267 be by title only.

Councilor Chris Clemons seconded the motion.

The motion to have the first reading of Ordinance #267 be by title only passed unanimously.

Mayor Ed McGuire read the Ordinance #267 by title only.

Mayor Ed McGuire asked if any of the council members had a conflict of interest.

There were none.

- D. Ordinance No. 268 re: Demands for compensation under ORS 195 and 197, amended by Ballot Measures 37 and 49, and declaring an emergency

Mayor Ed McGuire asked City Administrator to explain the ordinance for the audience.

City Administrator Jamie Mills explained that changes have been made to state law and that Dunes City would need to update their procedures as to how claims are paid and would create a whole new chapter.

Mayor Ed McGuire explained that it is a specific type of claim in regards to property values and land uses.

Mayor Ed McGuire read the script.

Mayor Ed McGuire asked the council members if they had each received a copy of the proposed ordinance. They all confirmed that they had received a copy.

Mayor Ed McGuire asked City Administrator Jamie Mills if all the posting and advertising requirements have been met. City Administrator Jamie Mills confirmed that all the posting and advertising requirements have been met.

Councilor Susan Snow moved to have the first reading of Ordinance #268 be by title only.

Councilor Tom Mallen seconded the motion.

The motion to have the first reading of Ordinance #268 be by title only passed unanimously.

Mayor Ed McGuire read the Ordinance #268 by title only.

Mayor Ed McGuire asked if any of the council members had a conflict of interest.

There were none.

10.PUBLIC HEARING

- A. Ordinance No. 267 re: Limiting liability for private claims resulting from use of trails in public easements or unimproved rights-of-way, and declaring an emergency.

Mayor Ed McGuire opened the meeting for public comment at 6:19 pm.

Mayor Ed McGuire asked if anyone in the audience wanted to speak in support of Ordinance #267. There were none.

City Administrator offered to give an explanation as to what was going on. Citizen Jeanne Jackson stated that it would be very helpful.

City Administrator Jamie Mills stated that an individual in Newport or Lincoln City crossed onto public property and hurt herself and sued the city. The City claimed they were not responsible since the individual was just crossing onto the property and not using it as intended but a judge did find the city liable throwing out recreational immunity that cities have had forever. Therefore, insurance companies are asking the cities to limit their liabilities in accordance with the new law ORS 105.688. Mayor Ed McGuire asked if anyone in the audience wanted to speak in opposition of Ordinance #267. There were none.

Mayor Ed McGuire closed the public hearing at 6:21 pm.

Mayor Ed McGuire entertained a motion to have the second reading of Ordinance #267 by title only.

Councilor Chris Clemons moved to have the second reading of Ordinance #267 by title only.

Councilor Rich Olson seconded the motion.

The motion to have the second reading of Ordinance #267 passed unanimously.

- B. Ordinance no. 268 re: Demands for compensation under ORS 195 and 197, amended by Ballot Measures 37 and 49, and declaring an emergency.

Mayor Ed McGuire opened the meeting for public comment at 6:34 pm.

Mayor Ed McGuire asked if anyone in the audience wanted to speak in support of Ordinance #268. There were none.

Mayor Ed McGuire asked if anyone in the audience wanted to speak in opposition of Ordinance #268. Citizen Jeanne Jackson asked if it would be possible for the Ordinances to be read in their entirety. Mayor Ed McGuire offered his copy of the Ordinance.

Mayor Ed McGuire closed the public hearing at 6:36 pm.

Councilor Susan Snow moved to have the second reading of Ordinance #268 by title only.

Councilor Tom Mallen seconded the motion.

The motion to have the second reading of Ordinance #268 passed unanimously.

11. OLD BUSINESS

- A. Ordinance No. 267 re: Limiting liability for private claims resulting from use of trails in public easements or unimproved rights-of-way, and declaring an emergency. Second reading and deliberation.

Mayor Ed McGuire asked the council if they had any comments, questions, or concerns. There were none.

Councilor Susan Snow moved to adopt Ordinance #267 as presented.

Councilor Chris Clemons seconded the motion.

The motion to adopt Ordinance #267 as presented passed unanimously by roll call vote.

- B. Ordinance No. 268 re: Demands for compensation under ORS 195 and 19, amended by Ballot Measures 37 and 49, and declaring an emergency. Second reading and deliberation.

Mayor Ed McGuire asked the council if they had any comments, questions, or concerns. There were none.

Councilor Susan Snow moved to adopt Ordinance #268 as presented.

Councilor Rich Olson seconded the motion.

The motion to adopt Ordinance #268 as presented passed unanimously by roll call vote.

- C. Hyak Franchise

The franchise agreement has been amended by the City Attorney and sent to Hyak. We are waiting for their response.

Mayor Ed McGuire asked if anyone had any comments. There were none.

- D. Collections Agreement

Mayor Ed McGuire reminded the councilors that the agreement is in their packets and that he had two questions.

The first question was if they approved the contract but the attorney had changes, would the council have a chance to review again. The second question was who owned the records after termination of the agreement.

City Administrator Jamie Mills stated she would add to the agreement that the records are to come back to the City when the contract is terminated.

Mayor Ed McGuire stated that the recommended 25% added to outstanding fees was a great suggestion.

Councilor Joe Giammona asked if this was an issue. City Administrator Jamie Mills confirmed that collecting fees due was an issue.

Councilor Chris Clemons moved to accept the collections agreement with the condition that the attorney review and that the City gets the records once the contract is terminated.

Councilor Susan Snow seconded the motion.

The motion to accept the collections agreement with the condition that the attorney review and that the City gets the records once the contract is terminated passed unanimously.

- E. Short-Term Rental Ordinance Revisions

Mayor Ed McGuire asks if the councilors were prepared to talk about short-term rentals.

Councilor Susan Snow stated she preferred to wait until the work session. Mayor Ed McGuire agreed.

Councilor Joe Giammona stated that he had prepared a financial analysis and was told to bring that to the work session.

12.EXECUTIVE SESSION

There were none.

13.FOR THE GOOD OF THE ORDER

There were none.

14.ADJOURNMENT

Councilor Tom Mallen moved to adjourn the meeting.

Councilor Chris Clemons seconded the motion.

The motion to adjourn passed unanimously.

Mayor McGuire adjourned the meeting at 6:43 pm.

APPROVED BY THE CITY COUNCIL MARCH 20, 2024.

 [Signature on File at City Hall]
Ed McGuire, Mayor

ATTEST:

 [Signature on File at City Hall]
Jamie Mills, City Administrator/Recorder