



**CITY COUNCIL MEETING MINUTES ~ APPROVED
APRIL 13, 2017 AT 7:00 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

Mayor Rebecca Ruede called the April 13th, 2017, meeting of the Dunes City Council to order at 7:00 pm.

2. ROLL CALL

Roll Call was taken by City Administrator/Recorder, Jamie Mills.

Present: Mayor Rebecca Ruede, Council President Sheldon Meyer, Councilor Robert Orr, Councilor Tom Mallen, Councilor Duke Wells, Councilor Alan Montgomery, and Councilor Robert Forsythe.

Absent and Excused: None.

Also Present: Administrative Assistant Rapunzel Oberholtzer, *Siuslaw News* community reporter Mark Brennan and several citizens.

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 Mallen made a motion to approve the Consent Agenda. Councilor Wells seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Ruede read aloud from the list of announcements on the Agenda.

- A. Volunteer of the Year nominations are now open. Please submit your nomination for Dunes City Volunteer of the Year online at dunescityhall.com under the permits tab, or just come by City Hall.
- B. Reminders to City Councilors and Planning Commission members: Your Annual Statement of Economic Interest must be filed online with the State Ethics Commission before April 15th.
- C. The Oregon Dunes Triathlon and Duathlon is scheduled to take place on Saturday, May 13th! If you want to volunteer to help out for a few hours that day, give us a call at City Hall.

7. CITIZEN INPUT ON ITEMS NOT ON THE AGENDA

Mayor Ruede asked everyone who signed up to present comments to limit their comment time to three minutes.

Mayor Ruede recognized Mr. Tom Bassett who introduced himself and gave his address as 83360 Clear Lake Road. Mr. Bassett explained that he was on the Dunes City Planning Commission a few years ago and recalled that commercial agriculture was not permitted in Dunes City. He went on to say that it is his understanding that there are attempts to get permits to grow marijuana in the City. He explained that he has heard that there is a grow site potentially to be located on the property adjoining his and he has several concerns about the prospect. He noted that growing marijuana requires a lot of water and in the area where he lives wells are poor, his own ran out of water three times last year, so he was concerned about water usage. He went on to say that he was also concerned about the use of pesticides on the plants and possible water contamination because the site is located near Woahink Lake and very near his water pump. He expressed concern about the odor emanating from the grow facility, noting that he had read many articles that said the odor cannot be completely mitigated. He went on to say that the waste should be regulated but the City cannot do that because it has no Code to do so. He noted that the City could set some guidelines, but wondered how the City could enforce them. He closed his remarks by explaining that some people are extremely allergic to marijuana in any form, he is one of them, and the effects of exposure are cumulative. In his case, he explained, he has been exposed three times and has been told that the next time could send him to the hospital with life threatening symptoms. He concluded by saying that property values in the proximity of grow sites would go down.

Mayor Ruede recognized Mr. Rich Bailey who introduced himself and gave his address as 83360 Clear Lake Road. Mr. Bailey explained that he graduated from CalPoly in 1978 with a degree in horticulture, specializing in flora culture which is the commercial production of plants and flowers. He went on to explain that although he voted in favor of legalizing marijuana in Oregon, he has done research on growing it and found that energy consumption is one of the major drawbacks to grow operations and, in particular, Dunes City is an inappropriate location because of its extensive and sensitive aquafer system.

Mayor Ruede recognized Mr. Rich Olson who introduced himself and gave his address as 4879 Darlings Loop. Mr. Olson explained that he would like to start a dialogue with the new owners of the IP property about the dam. He went on to note that he has attempted to contact the owners to find out what their intent is but his telephone calls have not been answered. He explained that in the past four days Siltcoos Lake level dropped fourteen inches which is concerning because of the Lake's fragile ecosystem. He noted that residents around the lake who have wells, businesses on the lake, and tourists who visit should all be concerned about how carefully the water level is monitored. In addition, he explained that when the level is deeper, there is less blue green algae infestation. Mr. Olson reiterated that he would like dialogue with the owners to determine their intent and he asked if the City could help start that dialogue. He volunteered to help with measuring water levels, operating the dam, or whatever was needed.

8. OLD BUSINESS

A. Recommendation for Charge Card Institution

City Administrator/Recorder Mills reminded Councilors that at the March Council meeting she was asked to calculate the costs for all of the institutions that had submitted proposals. Referring Councilors to the spreadsheet that was included in their meeting packets, she explained that she was inclined to recommend Umpqua Bank even though the rate was slightly higher than OPB's cost because she had concerns about FDIC protection of City Funds if additional money is deposited at OPB.

Councilor Mallen made a motion to accept the recommendation of the City Administrator to assign the merchant services account to Umpqua Bank. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

B. Letter from Lane County Legal Counsel Re: Animal Control

Mayor Ruede referred Councilors to a copy of a letter from Stephen Dingle, the Lane County Counsel, that was included in the Councilors' meeting packets. City Administrator/Recorder Mills explained that the letter was provided for informational purposes, and noted that the City has turned away a number of telephone calls from residents calling to complain about dogs that are roaming loose, barking and attacking other animals.

There was some discussion during which Councilors generally agreed that the letter seemed to suggest Dunes City could enter into an IGA with Lane County for animal control services. City Administrator/Recorder Mills noted that, in the past, the County had refused to enter into an IGA, but she would be willing to pursue the matter again.

Councilors generally agreed not to take any further action.

C. Set Dates for Budget Committee Meetings

City Administrator/Recorder Mills referred Councilors to a copy of the proposed Budget Schedule that was included in their meeting packets. She explained that she provided it so

that Councilors could review it to make sure that the dates were as agreed upon in the March 30 Budget Committee meeting. There were no objections. City Administrator/Recorder Mills reminded everyone that Committees and Commissions should provide their budget input by April 30.

9. NEW BUSINESS

A. Mayoral Proclamation Declaring May as Health and Fitness Awareness Month in Dunes City

Mayor Ruede introduced the Agenda item by saying that it seemed appropriate to designate May as Health and Fitness Awareness Month as it coincides with the timing of the Oregon Dunes Triathlon and her return to work after her illness. She read the proclamation aloud:

*State of Oregon
County of Lane
City of Dunes City*

WHEREAS, according to the U.S. Department of Health and Human Services, a healthy diet and regular exercise can improve eyesight, prevent decline in diseases like Alzheimer's, reduce the risk of heart disease, stress, osteoporosis, Type 2 diabetes, high blood pressure, and some cancers; and

WHEREAS, the National Institute of Diabetes and Digestive and Kidney Disease has found that working out and eating healthy boosts energy levels, making you feel more alert and aware; and

WHEREAS, adopting a lifestyle that includes a healthy diet and regular exercise, together with regular medical exams and screening for early detection of diseases, can increase energy, happiness, health and prolong life; and

WHEREAS, Dunes City is the host of the Oregon Dunes Triathlon and Duathlon—an event focusing on the merits of exercise that will be held on Saturday, May 13th;

NOW, THEREFORE, I, Mayor Rebecca Ruede, do hereby proclaim May 2017 as Health and Fitness Awareness Month in Dunes City, and call upon all Dunes City residents to make physical activity, good nutrition, and regular medical screenings a priority in their lives.

*Signed this 13th day of April, 2017
Rebecca Ruede, Mayor*

B. Darlings Resort and Marina Fireworks Display Sponsorship

Mayor Ruede opened the Agenda item for discussion asking if Councilors thought that the City should sponsor Darlings' fireworks display.

Councilor Orr suggested that the City sponsor the event, Councilor Mallen suggested that the City not sponsor it. Councilor Orr reminded everyone that in a previous meeting the Council agreed not to sponsor the Florence Area Chamber fireworks display. Councilor Wells suggested that Dunes City support the event, as did Councilors Meyer, Montgomery and Forsythe. Councilor Mallen changed his opinion and suggested Dunes City sponsor the event.

Councilor Orr proposed sponsorship at the \$300 level. Mayor Ruede suggested a \$500 sponsorship.

Council President Meyer made a motion to contribute \$500. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Mayor Ruede noted that Darlings' fireworks display was scheduled for July 1.

C. Appointment of Member to Budget Committee

Mayor Ruede referred Councilors to their copies of an application for appointment to the Budget Committee from Mr. James Garvey that was included in their meeting packets.

Councilor Orr made a motion to appoint Mr. Garvey. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

D. Set Date for Updated Training on AED Machine

City Administrator/Recorder Mills explained that it had been awhile since the last training on the defibrillator. She noted that Staff will take the training and anyone interested may also attend. She also noted that Dunes City would cover the cost for Staff and Councilors. She agreed to schedule the training and advise Councilors via email of the date and time.

E. Resolution Series 2017, No. 7 (4-13-2017) Approving the Submission of a Grant Application to the Oregon Department of Parks and Recreation Recreational Trails Program

Council President Meyer made a motion to approve Resolution Series, No. 7 (4-13-2017). Councilor Mallen seconded the motion. The motion passed with all six of the Councilors voting in favor.

- F. Resolution Series 2017, No. 9 (4-13-2017) Approving the Submission of a Grant Application to the Oregon Marine Board Boating Facilities Manager under the Small Grant Program

Councilor Mallen made a motion to approve Resolution Series 2017, No. 9 (4-13-2017). Councilor Orr seconded the motion.

City Administrator/Recorder Mills explained that money from the grant would be used to improve City signage at the boat ramp and to improve the trail to the river.

The motion passed with all six of the Councilors voting in favor.

- G. Approval to Install Fence to Resolve City Hall Encroachment Issue

City Administrator/Recorder Mills explained that the City has negotiated an agreement with the owners of the property abutting Dunes City's that would resolve the encroachment issue that has been discussed for several years. As part of the agreement, the City will install a privacy fence between the properties.

Council President Meyer made a motion to approve the \$2,600 cost of the fence. Councilor Orr seconded the motion. The motion passed by unanimous vote.

- H. Consideration of Video Programming Package for 2017

City Administrator/Recorder Mills explained that the proposal was from Campbell Productions for the same service as last year, but included several new options. One of the options was for live Internet Streaming, something the Council once expressed interest in, for an additional \$125. Mayor Ruede asked Councilors for their thoughts on the matter.

Councilor Forsythe supported the idea, noting that using technology to bring the City proceedings to the public is worth the extra money. Consensus was that it would help keep the proceedings and activities of the Council transparent and, perhaps, give more residents access.

City Administrator/Recorder Mills agreed to add a line item in the budget for consideration by the Budget Committee.

- I. Citizen Request to Discuss the Future of Growing Cannabis in Dunes City

Mayor Ruede recognized Ms. Valerie Cain-Mathis who submitted the written request to the Council to discuss the future of growing cannabis in Dunes City. Mayor Ruede clarified that Ms. Cain-Mathis could make her comments but there would be no question and answer interaction during the meeting.

Ms. Cain-Mathis explained that she had a copy of the handout describing possible existing Code relevant to growing marijuana that was distributed during the March 30 joint work session of the City Council and the Planning Commission, and that she prepared a statement to address each of the Code sections listed on the handout. She read aloud from her prepared statement.

91.03 – Nuisances Affecting Public Health

- 1. There are no vaults that will ever be left opened, any vaults will be secured and remain locked at all times.*
- 2. We buy only premixed soils and do not use manure in our grow sites. We have no debris issues, all of the plant is completely used from the roots, stems, trim and flowers.*
- 3. Also we have no stagnant water issues, we water only one gallon of water per plant that allows for no excess and what little drains out of the bottom of the containers is caught in trays for every plant. And we allow the lighting to evaporate the water left in each tray. That takes about one to one and one-half hours to evaporate any surplus water.*
- 4. We do not discharge any products from our site to any type of drainage system.*
- 5. We also will have no odor issues, because we filter our grow site with state of the art “Charcoal filter systems” prior to the exhaust systems.*

Chapter 140

We only use State approved fertilizers and we grow with only organic products. No phosphorus leaves our grow room—we have concrete slabs and we evaporate all moisture every watering as previously stated.

Chapter 155

Not applicable.

155.2.1

State allows City or County to make their own rules.

155.2.2.110

We are not retailers, only farmers growing.

Chapter 51

Water use: We plan to use the “alternative state approved on site holding tank method” for the grow site. We will contract the local water supplier to fill the tanks as needed. No water will be used from the lake or any streams.

We will install high end security cameras with a DVR system with 30 day recording (90 day storage) per state requirements. The cameras will be placed to cover every square foot of interior floor area and the perimeter is also covered to see all areas of ingress and egress per the state requirements.

A COPY OF MS. CAIN-MATHIS’ COMPLETE STATEMENT IS ON FILE AT CITY HALL.

Ms. Cain-Mathis remarked during the reading of her statement that the water holding tanks will be buried underground and will not be visible. She also explained that she will follow all of the State requirements and the grow operation will be entirely organic. She noted that there are two other grower applicants who feel the same way.

Ms. Cain-Mathis introduced Ms. Dawn Adelle who was present with her, noting that Ms. Adelle is an OLCC consultant who would be available to answer questions, if there were any.

Mayor Ruede thanked Ms. Cain-Mathis for taking the time to attend the meeting and make her statement.

10. PUBLIC HEARING

There was none.

11. EXECUTIVE SESSION

Mayor Ruede adjourned the Regular Session of the Dunes City Council meeting to go into Executive Session held pursuant to ORS 192.660(1)(f) to consider information or records that are exempt by law from public inspection. She noted that only representatives of the media and designated Staff would be allowed to attend the Executive Session. The time of adjournment was 7:53 pm. She announced a short break prior to Executive Session.

12. OLD BUSINESS (CONTINUED)

Mayor Ruede reconvened the Regular Session of the Dunes City Council at 9:03 pm.

D. Resolution Series 2017, No. 8 (4-13-2017) Memorializing the Directive Made to City Staff at the 3-30-2017 Joint Meeting of the City Council and Planning Commission re: LUCS Issuance for Commercial Marijuana Grow Facilities

Mayor Ruede introduced the Agenda item and requested a motion to approve the Resolution. There was no motion.

Mayor Ruede asked Councilor if they wished to comment on the matter.

Councilor Orr expressed serious concerns about growing marijuana in Dunes City and noted that the City Attorney advised that the City cannot say no to the applicants who have applied to date.

Councilor Mallen remarked that after talking with several residents, it is his opinion that they are definitely against marijuana in Dunes City. He went on to say that he was not happy that this was “shoved down our throats” legally and he was not sure where the City could go from here.

Councilor Wells explained that he was also disappointed that the City could not say no to the applications, and he was also disappointed in himself because he did not take action sooner to stop grow sites from being allowed in Dunes City.

Council President Meyer agreed with the remarks made thus far and went on to say that if the Council had taken action on the grow issue when it had an opportunity some time ago it would have been better for the community.

Councilor Montgomery agreed with the previous remarks and noted that Dunes City is a bedroom community and industrial grow operations should not be in the City.

Councilor Forsythe, noting that he was relatively new to the Council, apologized to the residents of Dunes City for the grow sites. He explained that it was not something that anyone wanted to occur in the City and it was sad that there was nothing that the City could do to at this time to stop them from coming into the community.

Councilor Orr remarked that, although he is also relatively new to the Council, he has been impressed by the Council's sincere interest in maintaining the integrity of the community to protect the interests of Dunes City residents and their quality of life. He noted that he hoped the grow operators would be cognizant and sensitive to the quality of life that citizens here want to maintain.

Mayor Ruede went on to say that she felt the Councilors' opinions reflect the opinions of the majority of Dunes City residents. She went on to note that she also hoped the new grow site applicants would be sensitive to the feelings of residents, and it sounded like they would be.

13. REPORTS

- A. Mayor's Report: Mayor Ruede thanked Council President Meyer for leading the meetings while she was away. She went on to thank Councilor Wells for stepping up to fill in as meeting leader when Council President Meyer was absent. She also thanked all of the Dunes City residents who sent cards and called to wish her well—the support meant a lot to her.
- B. Community Center Report: Councilor Wells did not have a report.
- C. Site Review Report: There was no report.
- D. Water Quality Report: Council President Meyer reported that water testers did not submit test results this month.
- E. Ad Hoc Committee on Tsiltcoos Lake Club Roads: Councilor Orr reported that he would meet with City Administrator/Recorder Mills and Councilor Montgomery and submit a report after that meeting.

- F. Public Works Maintenance Supervisor's Report: There was no report.
- G. Emergency Services Report: City Administrator/Recorder Mills reported that she and Councilor Orr attended the March 13 WLEOG meeting in Florence. She noted that her full report was included in the Councilors' meeting packets.
- H. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that she met with Mr. Blake Helm from DSL to tour the Siltcoos River dam and portage facilities, and also met with Mr. George Heidgerken, new owner of the dam, who indicated that he is willing to take over ownership and maintenance of the portage. Mr. Helm is looking into the best way to move forward with transfer of ownership.

There was some discussion about who was operating the dam. Mr. Heidgerken said that Ean Wright is, but City Administrator/Recorder Mills has not been able to confirm that. She reported that, according to the State Water Resources Department, the lake level must be maintained at no less than eight feet if water is available.

City Administrator/Recorder Mills went on to report that she has learned that the water usage records submitted to the State have been wrong for four years because of an incorrectly placed decimal point. Staff will work on correcting the errors and resubmit the reports. Also related to water, she reported that she is working with an engineer to update the reports on locations of points of diversion, required by the water permit but never done.

City Administrator/Recorder Mills announced that Administrative Assistants Linda Stevens and Rapunzel Oberholtzer have both passed their amateur radio technician license exams.

A complete copy of City Administrator/Recorder Mills' complete report is on file at City Hall.

City Administrator/Recorder Mills referred Councilors to a copy of a demand letter from attorneys Evans & Dixon relating to a copyright infringement. She reported that the City Attorney, Ross Williamson, has advised the City to take no action at this time. Councilor Montgomery suggested that Staff could look into what the State paid for the two copyrighted images and/or the going rate for buying similar images.

14. FOR THE GOOD OF THE ORDER

Councilors welcomed Mayor Ruede back and thanked Staff for their hard work.

15. ADJOURNMENT

Councilor Montgomery made a motion to adjourn. There was no second and no vote taken.

Mayor Ruede adjourned the meeting at 9:25 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 11th DAY OF MAY 2017.

[Signed copy available at City Hall]
Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]
Jamie Mills, City Administrator/Recorder