Dunes City Council ~ Regular Meeting

Wednesday, September 13, 2017 ~ 6:00 pm

The meeting will adjourn not later than 9:00 pm. If agenda items are not completed, the meeting will continue the next Wednesday at 6:00 pm.

AGENDA

1. Call to Order ......................................................... Mayor Robert Forsythe
2. Roll Call ............................................................... City Administrator
3. Pledge of Allegiance to the Flag ................................. Mayor Robert Forsythe
4. Motion to Approve the Agenda ................................... Action Item
5. Consent Agenda ...................................................... Action Item

All items listed here are considered to be routine by the Dunes City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered.

A. City Council Regular Meeting Minutes from August 9, 2017
B. City Council Special Session Meeting Minutes from August 24, 2017
C. Bills of the Session through September 7, 2017
D. Receipts of the Session through September 7, 2017

6. Announcements / Correspondence

A. The Western Lane Emergency Operations Group will be sponsoring its Preparedness Expo on Saturday, September 23rd at the Florence Events Center. Everyone is urged to attend to get the latest information on preparing for an emergency in coastal Oregon.

B. Dunes City has won the CIS/League of Oregon Cities Annual Safety Award. Mayor Forsythe will attend the annual conference to receive the award on September 29th.

C. Birthday wishes to Councilor Bob Orr on the 12th and Mayor Robert Forsythe on the 18th.

7. Citizen Input on Items not listed on the Agenda

Maximum time 20 minutes: Speakers will be limited to three minutes. If the number wishing to testify exceeds seven speakers, each speaker’s time may be reduced to fit within 20 minutes.

8. New Business

A. US Drug Enforcement Agency Red Ribbon Week Participation ........................................ Discussion/Action Item
B. Chapter 90A Street and Road Design Standards Draft materials .................................................. Discussion

C. Proposed new Water Right Agreement for Shared Domestic Water Supply ......................... Discuss/Action Item


A. Continued from 8-24-2017: Ordinance No. 245 regarding a Ban of Marijuana Business and Facilities in the Dunes City Limits.

10. Executive Session.

Held pursuant to ORS 192.660(2)(h) to consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation and/or litigation likely to be filed.

11. Old Business

A. Ordinance No. 245 regarding the Ban of Marijuana Business and Facilities in the Dunes City Limits Second Reading and Deliberation ......................... Discussion/Action Item

B. Resolution Series 2017, No. 17, referring the question of banning medical and recreational marijuana processors, dispensaries, producers, wholesalers, and retailers within the City limits ........................................... Discussion/Action Item

C. Copyright Infringement Settlement Agreement .......... Discussion/Action Item

D. Oregon Dunes Triathlon and Duathlon May 12, 2018 … Discussion/Action Item

12. Reports

A. Mayor’s Report ...................................................... R. Forsythe
B. Community Center Report ................................. D. Wells
C. Water Quality Report ........................................... S. Meyer
D. Public Works Maintenance Supervisor’s Report .... J. Mills
E. Emergency Services Report ................................. J. Mills
F. City Administrator/Recorder/Planning/Staff Report ............................. J. Mills

13. For the Good of the Order

14. Adjournment

The meeting will adjourn not later than 9:00 pm. If agenda items are not completed, the meeting will continue on the following Wednesday at 6:00 pm.

Dunes City Hall is accessible to the disabled. If special accommodations are needed, please contact the City Recorder at 541-997-3338 at least 48 hours in advance of the meeting so that appropriate assistance may be arranged.

Phone (541) 997-3338 • Fax (541) 997-5751 • PO Box 97, Westlake, OR 97493
82877 Spruce St • www.dunescity.com
1. CALL TO ORDER

Council President Sheldon Meyer called the Wednesday, August 9, 2017, meeting of the Dunes City Council to order at 6:00 pm.

2. ROLL CALL

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


Absent and Excused: Mayor Rebecca Ruede and Councilor Alan Montgomery.

Also Present: Administrative Assistant Rapunzel Oberholtzer, Ms. Lillian Petersen, Ms. Ruby Chapman, and Siuslaw News community reporter Mr. Jared Anderson.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Orr made a motion to approve the Agenda with amended Bills of the Session. Councilor Mallen 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

Council President Meyer read aloud from the list of announcements on the Agenda.

A. The City of Florence will be celebrating the completion of the Rhody Drive project on Thursday at 10:00 am in the Peace Health parking lot where all will meet and walk down...
Rhody to Greentrees. At the Greentrees Community Center a brief ceremony will take place and refreshments will be served.

B. The City of Florence will be holding its Coast Guard City Designation Celebration on Wednesday, August 16, at 10:30 am at the Florence Events Center.

C. On Monday, August 21, a solar eclipse will occur. Our area will experience a 97% black-out for about two minutes. Over a million people are expected to converge upon Oregon for the event. Residents are asked to stock up on supplies, fuel, food, and water well beforehand and to avoid road travel as much as possible. Most local motels and campgrounds are already booked.

D. A thank you goes out to Dunes City resident Dan McIntyre for voluntarily digging a big portion of the trench that is needed so we can move the propane tanks to the concrete pad in the back yard of City Hall. Thank you, Dan!

E. Another thank you goes out to Stew at Chuck’s Plumbing who just happened to be working on a job near where the culvert caved in on Parkway Drive. His quick action to dump a scoop of gravel in the ever-growing hole helped save the day!

F. Birthday wishes to Administrative Assistant Linda Stevens, on August 3. Refreshments will be served after the meeting. All are welcome to join us.

7. Citizen Input on Items Not Listed on the Agenda

Council President Meyer recognized Ms. Lillian Petersen. Ms. Petersen introduced herself as the owner of a lot across the street from City Hall which the City had, a few months ago, expressed interest in buying. She explained that she was present to inquire whether the City still intended to buy the property. City Administrator/Recorder Mills explained that the Council would go into Executive Session later in the meeting to discuss the issue and a counter offer on another lot, so the City is still exploring options. *(00:09:00)*

8. New Business

A. Approval of Execution of Letter of Understanding for Services To Be Performed by Hough, MacAdam, Wartnik, Fisher & Gorman, Certified Public Accounts

City Administrator/Recorder Mills explained that the services rendered would be a review of Fiscal Year July 2016 – June 30 2017, not a full audit. The review would provide the City with financial statements and recommendations for changes to accounting practices, if any.

Councilor Orr made a motion to approve the Letter of Understanding with Hough, MacAdam, Wartnik, Fisher & Gorman, and to authorize the Council President to sign the letter. Councilor Mallen seconded the motion. The motion passed by unanimous vote.
B. Dunes City Continuity of Operations Plan Draft

City Administrator/Recorder Mills explained that the Continuity of Operations Plan (COOP) was suggested by the City’s insurance carrier and, once in place, will lower the City’s insurance premium. She went on to explain that the COOP is intended to act as a guide for the City to continue operations in the event of an emergency and is also intended to complement the local Emergency Operations Plan. She noted that the COOP contains sections where certain functions are assigned to specific individuals, not necessarily by name but by title or function to keep the document up to date in perpetuity. She explained that she is requesting the Council’s guidance in determining who performs what functions, with provisions for alternate if a first designee is unavailable.

During discussion Councilor Forsythe noted that COOPs are always subject to change as individuals assigned to tasks leave their positions and the City Administrator can assign others to assume responsibility. He also noted that tasks could be assigned to other governing body members, such as Planning Commissioners, not just Councilors and City Staff. He offered to assist City Administrator/Recorder Mills with developing the document and the assignments.

C. Road Vacation FAQ

City Administrator/Recorder Mills explained that the City Attorney has advised that the City cannot vacate the undeveloped roadways, as planned, because the roadways were deeded to the City by the County. The City Attorney will prepare the necessary documents and instructions for the Council to address at a future meeting.

9. PUBLIC HEARINGS

There were none.

10. EXECUTIVE SESSION

Council President Meyer announced that he would adjourn the regular meeting to go into Executive Session held pursuant to ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions, and only representatives of the news media and designated Staff would be allowed to attend.

He adjourned the regular meeting at 6:25 pm.

Council President Meyer reconvened the regular meeting at 6:37 pm.

Councilor Forsythe made a motion to have the City Administrator notify the seller of the property in question that the City wants to accept the offer pending approval of a Supplemental Budget in a hearing scheduled for August 24. Councilor Wells seconded the motion. The motion passed by unanimous vote.
11. Old Business

There was none.

12. Reports

A. Mayors Report: There was none.

B. Community Center Report: Councilor Wells noted that, as reported by Staff, the work on moving propane tanks to the back of City Hall is progressing, thanks to Staff.

C. Water Quality Report: Council President Meyer reported that water quality still looks good.

D. Public Works Maintenance Supervisor’s Report: City Administrator/Recorder Mills reported that the City has received the County Permit to repair the approach to Woodland Lane off Clear Lake Road but work likely will not likely begin until about September. She also reported that a culvert under Parkway Drive collapsed last week; that project is mostly repaired and she is waiting for bids to replace the asphalt that was dug out to make the repairs.

E. Emergency Services Report: City Administrator/Recorder Mills’ report is on file at City Hall.

F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that there were 21 permits issued in July, including one for a new mobile home. She noted that the Planning Commission is continuing its review of Title XV and that the only CAC citizen-at-large member resigned in July, leaving the Planning Commissioners to act as the CAC reviewing 155.1 through 155.3. She went on to report that most of the complaints received by City Hall in July were related to dogs and engine noise—noise, such as barking dogs or revving engines, is considered a nuisance if it’s continuous for 15 minutes or more. She also noted that the ban on open burning is still in effect, but contained burning is permitted for now, and warm water fishing in Woahink Creek is only allowed from May 22 to October 1—salmon fishing is not allowed.

13. For the Good of the Order

Councilor Wells reported that a resident approached him about the possibility of forming a Siltcoos Lake Coalition for people living around the lake to have a forum for discussing water quality and lake levels, and possibly to look into purchasing the dam. City Administrator/Recorder Mills noted that there is a Siltcoos Lake Association in existence; David Jackson is the head of the Association and has met with the Water Master about lake levels—so far he is satisfied with his reports from the Water Master.

Councilor Wells also reported that he was approached by a resident who expressed concern about marijuana grows in Dunes City. City Administrator/Recorder Mills noted that she also
received a phone call about the issue and contacted the City Attorney to find out what steps, if any, can be taken to put a question on the ballot for the next general election, if that is what the Council desires. She also advised the Council that the City Attorney could prepare the documents necessary for a ballot measure. Councilors generally agreed that City Administrator/Recorder Mills should follow up with the City Attorney about a packet for a ballot measure and the possibility of a court order to stop future grows, and bring the Attorney’s recommendations back to the Council at a future meeting. (00:36:50)

14. ADJOURNMENT

Councilor Mallen made a motion to adjourn. Councilor Orr seconded the motion. There was no vote taken.

Council President Meyer adjourned the meeting at 6:52 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 13th DAY OF SEPTEMBER 2017.

_______________________________________
Robert Forsythe, Mayor

ATTEST:

_______________________________________
Jamie Mills, City Administrator/Recorder
1. **Call to Order**

   Council President Sheldon Meyer called the August 24, 2017, special session of the Dunes City Council to order at 2:00 pm.

2. **Roll Call**

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

   **Present:** Council President Sheldon Meyer, Councilor Robert Forsythe, Councilor Alan Montgomery, Councilor Tom Mallen, and Councilor Robert Orr.

   **Absent and Excused:** Councilor Duke Wells.

   **Also Present:** Administrative Assistant Rapunzel Oberholtzer, Mr. Jared Anderson, reporter for *The Siuslaw News*, several City residents, and others.

3. **Pledge of Allegiance**

   All who were present stood for the Pledge of Allegiance.

4. **Approval of the Agenda**

   Council President Meyer opened discussion of the Agenda item by noting that Councilor Wells, who has been a leader in discussions about marijuana facilities in the City, was not present. He went on to say that he was tempted to table discussion of the marijuana-related ordinance until Councilor Wells could be involved but the size of the crowd in attendance indicated that the issue was of such significance that discussion could be started during the meeting.

   Councilor Forsythe noted that he had not had an opportunity to thoroughly review the proposed ordinance’s ORS references and would not be inclined to vote on it until he had done so. Councilor Orr commented that it would be unfortunate to proceed without Councilor Wells’ input.

   **Councilor Orr made a motion to approve the Agenda. Councilor Mallen seconded the motion. The motion passed with three votes in favor and one opposed.**
5. **ANNOUNCEMENTS / CORRESPONDENCE**

Council President Meyer read aloud from the Agenda, “It is with heartfelt sorrow that we announce the passing of our Mayor Rebecca Ruede on August 16, 2017. A memorial service will be held on August 30 beginning at 1:00 pm at the Florence Events Center.” He invited everyone to attend.

6. **CITIZEN INPUT ON ITEMS NOT LISTED ON THE AGENDA**

Council President Meyer recognized Catherine Caudle who stated that she was present to discuss a request to review permits allowed by the City regarding a well. (00:05:32) Councilors were given copies of documents she had prepared on August 22 for this meeting, and they took a minute to review them. (00:06:49)

Referring to page three of the documents, a Water Resources Department form, Ms. Caudle noted that the well located at Tax Lot 2806 owned by Valerie Mathis was drilled to a depth of 430 feet over a period of time. She went on to point out that on page two of the documents, a Lane County Property Information Search, showed that the same Tax Lot 2806 was owned by Ronald Smalley and Patricia A. Cain. She noted that the lot has both metered water and the well approved by the City and sent to the Water Master. (00:08:08)

Ms. Caudle explained that she reviewed wells in the area and found that they hit water at 171 feet. She went on to say that Woahink Lake is at 80 feet and the well is 430. She asked why the well was drilled to 430 feet when the average in the area is 171 and noted that DEQ wanted to know as well. She also asked why the City would allow a well when the property has access to metered water. (00:09:09) She expressed concern about why Ms. Mathis would have a well on property she doesn’t own.

Ms. Caudle said that she would like a resolution to this and a 30-day notice so DEQ, EPA and the Water Master have time or attend (unintelligible). (00:09:56) She asked if there were any objections. City Administrator/Recorder Mills noted that this was a public comment period. (00:10:18) Councilor Forsythe noted that her comments would be taken into consideration and that the City Manager would contact the State Water Department to review the information and, if necessary, bring the issue back. He thanked her for her comments. (00:11:20)

*A COPY OF MS. CAUDLE’S REQUEST FOR COUNCIL ACTION IS ON FILE AT CITY HALL.*

7. **NEW BUSINESS**

A. Appointment and Swearing In of New Mayor

Councilor Forsythe volunteered for appointment as Mayor.

**Councilor Orr made a motion to appoint Robert Forsythe to the position of Mayor for the remaining of Mayor Ruede’s term. Councilor Montgomery seconded the**
Motion. The motion passed with a unanimous vote.

Administrative Assistant Linda Stevens administered the Oath of Office, after which Mayor Forsythe took his place at the center of the dais.

B. Day and Times for Regular Meeting Sessions

Council President Meyer reminded Councilors that at a previous meeting they generally agreed to change the day and time of regular Council meetings from the second Thursday of every month at 7:00 pm to the second Wednesday at 6:00 pm, but they had not taken any action on the change.

Councilor Mallen made a motion to change Council meetings to the second Wednesday of the month at 6:00 pm. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

Mayor Forsythe noted that the next regular meeting of the Council would be Wednesday, September 13 at 6:00 pm.

C. Proposed Supplemental Budget

City Administrator/Recorder Mills explained that the proposed supplemental budget was posted and notice of change published as required by law. She went on to explain that the bottom line did not change—funds were moved from the General Fund’s Unappropriated Ending Fund Balance with an additional $41,000 to Capital Outlay for the Community Center and $40,000 was moved from the State Street Fund’s Unappropriated Ending Fund Balance to Capital Outlay to purchase an equipment shed. (00:18:20)

D. Ordinance No. 245 Regarding the Ban of Marijuana Businesses and Facilities in the Dunes City Limits

Mayor Forsythe announced, “A proposed ordinance requires two readings before it is enacted. City Charter Section 34(3) provides that both readings may be read by title only (a) if no council member present at the meeting requests it be read in full, or (b) if a copy of the ordinance is provided for each member and all requirements for posting and advertisement have been met.”

City Administrator/Recorder Mills explained that the posting and advertising requirements were met. Mayor Forsythe asked if any Councilors desired the ordinance be read in full. None did.

Councilor Mallen made a motion to read the ordinance by title only. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.
Mayor Forsythe read aloud the title of Ordinance No. 245, “An ordinance of the City of Dunes City declaring a ban on medical marijuana producers, medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers; referring ordinance; and declaring an emergency.”

8. **Public Hearings**

A. Proposed Supplemental Budget

Mayor Forsythe opened the public hearing for the proposed supplemental budget at 2:18 pm and asked if there was anyone present who wished to comment. No one did and Mayor Forsythe closed the public hearing thirty seconds later.

B. Ordinance No. 245 Regarding the Ban of Marijuana Businesses and Facilities in the Dunes City Limits

Mayor Forsythe opened the public hearing for proposed Ordinance No. 245 at 2:19 pm and asked if there was anyone present who wished to comment.

Mayor Forsythe recognized Mr. Wesley Caudle, a Dunes City resident, who read from a prepared statement.

“Dune City charter vests its power with its council members who are elected by citizens having the right to vote within our city. The 7 member council includes 6 council members and 1 mayor. The council are entrusted by its voting citizens to act in the best interest of the citizens they represent.

“We are at a special hearing today August 24th having amended the agenda on Monday to include this action item. We have complied with the 24 hour posted requirement as required by our charter.

“This Ordinance is an Emergency and should be treated no differently than Dune’s City council members treated a similar Emergency Ordinance number 227 dated April 29th 2014 upon unanimous vote by the council making the Ordinance take effect that same day.

“The Citizens believe the emergency exists and in the protection of the peace, health, safety, and welfare of the citizens of Dunes City feel it should be declared allowing this Ordinance to go in effect today without delay.

“The citizens of Dunes City request Dune’s City council pass the Ordinance declaring and emergency. This signed Ordinance shall act as a moratorium until a general election occurs which will happen November 2018. At that time voters of Dunes City will decide.

“The citizens respectfully request the Mayor sign and date the OPT out form during this session. This form is needed along with a copy of the Ordinance.
“The citizens respectfully request that the Mayor direct the recorder to properly notice the OLCC and Department of Agriculture of the actions taken today. Doing so will stop all pending applications at OLCC and Department of Agriculture.

“The council members and citizens have been told there is nothing we can do. The authority of cities and counties to prohibit establishments of cannabis related businesses is based on law ORS 475B.800 ‘adoption of ordinances, referral to electors for approval.’ Council members should have a completed copy of this law.

“This authority was hard fought by senators to preserve ‘local rule.’ They understood that sec 133 chipped away local rule, so they passed ORS 475B.800 and added it to the ORS rules during 2015.

“Thank you for taking emergency action today addressing this urgent issue.”

ABOVE STATEMENT COPIED EXACTLY AS GIVEN TO CITY STAFF. A COPY IS ON FILE AT CITY HALL.

Mayor Forsythe recognized Mr. Charles Bang, a Dunes City resident, who read from a prepared statement.

“I found out about the Marijuana Grow operation near my house, 9 days ago, while getting a vegetation removal permit.

“Never having seen a Marijuana Grow building, but because of the unusual structure of a building, without windows, on Clear Lake and Doonbrae, I asked if this was a Marijuana Grow operation and was told it was. Also that there are 3 more already approved and there is nothing anyone can do about it. I was shocked! How could I not know of this?

“I then contacted several of my neighbors and they too were unaware and quite shocked! As more and more people in our area were asked, it became apparent that NO ONE KNEW!

“There are many reasons why these Federally illegal operations should not be here in our RESIDENTIAL pristine environment.

“I understand this type of business is unable to use banks so there is a huge amount of cash on their premises. This can attract CRIME and Dune City has no police force.

“Grow operations require large amounts of electricity. We have no commercial electricity lines to accommodate this type of business and this leads to Brown Outs.

“I am told, each marijuana plant requires about one gallon of water per day and a typical grow has thousands of plants. Even though the subdivision has a water source, the grower has dug a commercial well to a dept of 430’ or greater whereas Woahink Lake is 80’
deep. This could be very dangerous as intercepting saltwater is a strong risk and being so deep can cause dry wells in the area.

“This commercial process releases horrible skunk-like smells and some people have allergic reactions. A new crop maturing every two weeks. De-humidification in our humid climate and drying, a real problem.

“Dunes City is not prepared to have regulations, monitoring, and policing of such a business.

“We definitely need a TIME-OUT. Stop everything! This is an emergency!

“The Opt out option can give us a chance to give the Dune City residence an opportunity to get facts and educated on the issues of importance with this type of business and be able to vote for or against it in November, 2018.

“This is vital in giving Dune City an opportunity to remain a VERY SPECIAL PLACE. Very rare and unique.

“I totally support the passage of Ordinance 245 by our City Council members, the signing by our Mayor, notifying the O.L.C.C and the State. This will allow Dune City residences the opportunity to vote on this very critical issue, November, 2018. LET DUNE CITY’S VOICE BE HEARD!

“Thank you!”

ABOVE STATEMENT COPIED EXACTLY AS GIVEN TO CITY STAFF. A COPY IS ON FILE AT CITY HALL.

Mayor Forsythe recognized Mr. Tom Bassett, a Dunes City resident. (00:30:50) Mr. Bassett explained that he is seriously allergic to marijuana, both by smelling it and by tasting it. He went on to explain that he is very concerned about the 430 foot well that has been drilled on property next door to his. His well is at 160 feet and two years ago he had to have water trucked in four times because his well was not able to keep up with the small demand he used. His concern is that the deep well will draw down the supply to his own well.

Mr. Bassett requested and was given permission by Mayor Forsythe to read a letter from Mr. Richard Bailey, a Dunes City resident, into the record. (00:32:30)

“My name is Richard Bailey and, previously, I have spoken to the City Council regarding my concerns relating to marijuana grow sites in Dunes City.

“I wish to re-iterate my position regarding this issue. My degree from Cal Poly in Horticulture/Floriculture – the commercial production of agricultural products – qualifies me to speak of this issue with you. You will and already have received myriad reassuranc-
es from these ‘farmers’ that the grow houses will be and are self contained and can not affect the surrounding environment. Without a doubt these assurances are false and empty. No one can possibly ensure that the activities involved in any agricultural concern will not affect the surrounding environment. Think if it this way, when you build a brand new house it is solid and sound. Over time things break down and age which requires maintenance. The long term inevitability that things will malfunction negates any and all assurances that have been given.

“Specifically consider these aspects of a commercial grow:

- "Air quality: Various technologies are employed to filter, mask, and/or eliminate odors from a grow site. They are not successful.
- "Water usage/quality. It is claimed that water will be trucked in and that no water will leak into the surrounding area. It is absurd to believe that no water will escape any such facility. Ask yourself, why did the grow site on Doonbrae drill a well to over four hundred fifty feet when they hit water at just over a hundred fifty feet. What does that portend for our well at 160ft?
- "Electrical usage/sound pollution. Grow facilities require vast amounts of energy. When power fails generators will be called upon to maintain the activities of the site.
- "Neighborhood influence. The grow site on Doobrae is only half a block from where children are picked up and dropped off for school. Such proximity places children at risk both culturally and physically.
- "Affect on adjoining property value. The significant decline in land values for properties adjacent to grow sites in residential areas is well documented.
- "Toxic waste. The Doonbrae site located between Siltcoos and Woahink Lakes. To suggest the watershed will not be affected is insane. Need I say more?

“Council Members, thank you for your attention.”

ABOVE STATEMENT COPIED EXACTLY AS GIVEN TO CITY STAFF. A COPY IS ON FILE AT CITY HALL.

Mayor Forsythe recognized Mr. Ron Stanley, a Dunes City resident. (00:35:00) Mr. Stanley noted that he was in favor of the proposed ordinance. Mr. Stanley explained that he and his wife moved to Dunes City from Humboldt County seventeen years ago. He went on to say that one of his concerns was that growing is a commercial industry, not suited for residential neighborhoods and he compared the theoretical idea of starting a distillery in a residential zone as similar to growing marijuana in a residential zone.

Mr. Stanley explained that he and his wife lived in Humboldt County for over twenty years. Over time, he had to patrol his land to make sure that illegal marijuana grow sites were not encroaching on his property. He went on to note that some of the illegal growers attempted end runs around local and county regulations. Eventually, grow sites became huge, encompassing acres and resulting in forest land being cut down and destroyed. He noted that he attending the public hearing on the approval of the subdivision (on
Doonbrae) where he expressed concern about how many trees might be removed; at the
time he had been assured by the developer that the area would be preserved as forest land
as much as possible and not clear cut as it is now. Mr. Stanley closed by saying that his
concerns are, in addition to zoning, that the Dunes City grow sites could, once established,
expand their operations to the degree that local laws would be ignored or overwhelmed
and that the environment would be destroyed. (00:41:20)

Mayor Forsythe recognized Mr. John Stead, a Dunes City resident. (00:41:40) Mr. Stead
opened his remarks by noting that he anticipated that most speakers would address mariju-
ana growing but he would speak to the well issue. Mr. Stead referred to prepared notes.

Mr. Stead explained that OAR 690-210-0005 applies to all methods of well construction
and suggested that someone look at the OAR to ensure that the well is in compliance. He
went on to note that OAR 340-040-0020 deals with groundwater protection and includes,
“All groundwaters of the state shall be protected from pollution…” and he noted that a
deep well could draw saltwater which would be pollution. Mr. Stead pointed out that
groundwater may be legally diverted only if it is used under the terms of a valid water
right for a beneficial purpose; he noted that he did not know if that was the case.

Mr. Stead pointed out that OAR 340-040-0030 refers to permitted operations and includes
language relating to groundwater monitoring which include several requirements for well
design, location, construction, water quality, minimum reporting levels, and a quality as-
surance and quality control plan. He suggested that somebody look into whether or not
any of the requirements have been met. (00:45:41)

A COMPLETE COPY OF MR. STEAD’S NOTES IS ON FILE AT CITY HALL.

Mayor Forsythe recognized Ms. Valerie Cain-Mathis. Ms. Cain-Mathis introduced herself
as a future resident of Dunes City. Ms. Mathis explained that the well on her property was
a requirement of OLCC, was drilled by a licensed driller and has been tested. She also ex-
plained that there are underground tanks on the property that will be filled once a month.
She mentioned that a video is available for anyone who wants more information.

(00:47:41)

Ms. Cain-Mathis went on to explain that her grow is an agricultural business, not com-
mercial as she will not be selling any product. She also mentioned that she had a back-
ground in law enforcement and used to live in Humboldt County, where growing mariju-
ana is a much different process than her grow operation will be. Ms. Cain-Mathis requested
an extension of time for a decision on the proposed ordinance so that her attorney can re-
spond and consult with the Dunes City attorney. She went on to invite anyone who wanted
to know more to call her and make arrangements to see her property. (00:51:55)

There was some discussion by members of the audience who did not sign up to give
comments. The remarks included some discussion about the benefits of medical mariju-
ana, which is what Ms. Cain-Mathis intends to grow. A Dunes City resident who stated that
she lived across the street from the grow site and that she had a background in environ-
mental science expressed her concern about the removal of trees, noting that with the amount of rain Dunes City receives, the absence of trees could lead to erosion or flooding of property downhill. Another audience member emphasized that the intended grow site is in a residential zone and is not appropriate for agricultural use. (00:58:50)

When several audience members began talking at the same time, Mayor Forsythe closed the comment period.

City Administrator/Recorder Mills explained that if the public hearing is left open everyone will have the opportunity to submit, in writing, comments on this issue. Those written statements would be given to Councilors prior to the next meeting. Mayor Forsythe suggested that the record be left open. (01:00:12)

Mayor Forsythe called for a voice vote on his suggestion, all Councilors voted to leave the record open. (01:00:20)

9. EXECUTIVE SESSION

Mayor Forsythe adjourned the City Council special session to go into Executive Session held pursuant to ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions at 3:02 pm.

Mayor Forsythe reconvened the City Council special session at 3:15 pm.

10. OLD BUSINESS

A. Resolution Series 2017, No. 14 Adopting the 2017-2018 Fiscal Year Supplemental Budget

Council President Meyer made a motion to approve Resolution Series 2017, No. 14, adopting the 2017-2018 fiscal year supplemental budget. Councilor Orr seconded the motion. The motion passed by unanimous vote.

B. Resolution Series 2017, No. 16 Regarding the Purchase of Real Property

Councilor Mallen made a motion to approve Resolution Series 2017, No. 16, regarding the purchase of real property, and specifically authorizing the City Administrator to execute all documents necessary to effect the purchase of the real property located across the street from City Hall for the sum of $100,000 together with closing costs. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

C. Ordinance No. 245 Regarding the Ban of Marijuana Businesses and Facilities in the Dunes City Limits – Second Reading and Deliberation

City Administrator/Recorder Mills pointed out that Councilors agreed to leave the record and public hearing on Ordinance No. 245 open and explained that the matter could be dis-
cussed at the September Council meeting, or at another meeting on a date the Council could determine. Mayor Forsythe suggested leaving the subject on the agenda for the September meeting, along with the Resolution item D, to give Councilors time to review public comments and do their own additional research on the issue. Councilors did not object to the suggestion.

D. Resolution Series 2017, No. 17 Referring the Question of Banning Medical and Recreational Marijuana Processors, Dispensaries, Producers, Wholesalers, and Retailers Within the City Limits

Tabled until the September meeting.

11. FOR THE GOOD OF THE ORDER

City Administrator/Recorder Mills pointed out that an email complaint about her by Mr. Wesley Caudle needed to be addressed by the Council. Mayor Forsythe suggested that, as Mayor, he discuss the complaint with Mrs. Mills in closed session as the complaint is a personnel issue.

City Administrator/Recorder Mills noted copies of emails from Ms. Catherine Caudle suggesting fund raising ideas for Dunes City. Mayor Forsythe recommended that City Administrator/Recorder Mills find out how much Staff time would be involved in implementing the ideas and report back to the Council. He noted that the Council might want to appoint a committee to work on the ideas.

Council President Meyer and Councilor Orr thanked Mayor Forsythe for his willingness to take on the Mayor duties. Councilors generally agreed that Ordinance No. 245 needed to be voted on as soon as possible.

12. ADJOURNMENT

Councilor Mallen made a motion to adjourn. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

Mayor Forsythe adjourned the meeting at 3:23 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 13th DAY OF SEPTEMBER 2017.

_______________________________________
Robert Forsythe, Mayor

ATTEST:

_______________________________________
Jamie Mills, City Administrator/Recorder
### BILLS OF THE SESSION: 8/1/2017 thru 9/7/2017

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Campbell Productions</td>
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<tr>
<td>Central Lincoln P.U.D. (City Hall)</td>
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<td>Central Lincoln P.U.D. (Street Lights)</td>
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<td>Century Link</td>
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<td>Coast Pavement Maintenance, Inc.</td>
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<td>County Transfer &amp; Recycling</td>
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<td>Charter Business</td>
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<td>Dunes City Home Services</td>
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<td>Florence In Bloom (Mayor's memorial flowers)</td>
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<td>Lane Council of Governments (Planning and Water Grant)</td>
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<td>Lane County Recorder</td>
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<td>MCI</td>
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<td>Ray Wells, Inc. (estimated) Woodland Lane</td>
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<td>Robert Ybarra (yard maintenance)</td>
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<td>Office Supplies</td>
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<td>Vend West Services</td>
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<td>West Lane Emergency Operations Group</td>
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<td>Staff Wages</td>
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<td><strong>Total Employee Costs</strong></td>
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<td>Cardinal Services</td>
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<td><strong>approved per motion, TOTAL</strong></td>
<td>$32,798.46</td>
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ATTEST: ____________________________________________

Mayor / Council President
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<td>Copy Charges</td>
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<td>Permits, Vegetation / Tree Removal</td>
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<td>Water Admin Fees</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$32,408.91</strong></td>
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</table>
HOW CAN I CELEBRATE RED RIBBON WEEK?

INCREASE YOUR KNOWLEDGE. Learn more about the destructive effects of underage alcohol drinking and drug abuse.

TAKE A STAND. Wear a red ribbon to show your intolerance for drug abuse.

SPREAD THE WORD. Encourage everyone you know to adopt healthy, drug-free lifestyles.

JOIN WITH YOUR COMMUNITY TO:
- Sponsor an anti-drug poster and essay contest
- Hand out red ribbons to the community
- Hold a parade or a community awareness event
- Decorate or light up buildings in red
- Promote the value of a drug-free, healthy lifestyle

LEARN MORE:

WWW.GETSMARTABOUTDRUGS.COM
DEA's drug prevention and education resource for parents and caregivers.

WWW.JUSTTHINKTWICE.COM
DEA's Web site for teens.
20 Ways to Promote Red Ribbon Week in
Your Communities and Schools

There are lots of ways to celebrate Red Ribbon Week and every part of your community can get involved. Here are some ideas.

**Communities Can:**

1. Contact your elected officials about issuing a proclamation declaring Red Ribbon Week in your community.
2. Invite elected and government officials to participate in Red Ribbon Week activities.
3. Display a basket of red ribbons in the reception area of your organization for visitors to take, along with copies of the Red Ribbon Week fact sheet.
4. Display red ribbons on the interior and exterior surfaces of your organization’s building.
5. Sponsor a special drug abuse prevention seminar for the community. Invite a speaker who is an expert on drug prevention to your organization and invite the community to attend.
6. Submit a public service announcement (PSA) about Red Ribbon Week activities to your local radio station.
7. Sponsor an in-service educational program for your employees and community leaders.
8. Organize drug prevention awareness fair. Invite local nonprofit organizations to participate by staffing exhibit booths, disseminating educational materials, offering free health screenings, and much more.
9. Set up and staff an exhibit table at a local hospital, doctor’s office, community center, or shopping center to promote Red Ribbon Week and to distribute drug prevention information and materials.
10. Post fact sheets and Red Ribbon Week event notices and other materials on community webpages, bulletin boards in libraries, hospitals, local churches, synagogues, gymnasiums, grocery stores, parks and recreation departments, health clinics, universities, and other public places.

**Schools Can:**

1. Wear red ribbons and distribute them to your friends, family, volunteers, staff, and employees.
2. Sponsor a Red Ribbon Week activity (e.g., fun run, bike-a-thon, bookmark, poster, essay contest, classroom door decorating contest, etc.).
3. Incorporate drug prevention facts and tips in your school-wide announcements and websites throughout Red Ribbon Week. Create a bulletin board display about Red Ribbon Week and post it in a high traffic area of your school.
4. Have a Red Ribbon Rally with performances by local talent or school groups.
5. Have a school assembly (everyone can wear red) and invite a law enforcement officer to speak about the dangers of drug abuse.
6. Do a drug prevention and refusal skills skit for your classmates.
7. Promote Red Ribbon at your school's sporting events by handing out red ribbons, provide information about Red Ribbon Week, and have the parents and students say a drug free pledge.
8. Sponsor an in-service training on drug prevention education for school administrators, teachers, counselors, nurses and other specialized instructional support personnel.

9. Start a Red Ribbon Club that meets regularly to promote drug prevention throughout the year.

10. Sponsor a health fair and invite health and safety workers from the community to set up educational materials for students and parents.
Map and Tax Lot Number: ____________________________

Send Tax Statement To: ____________________________

When Recorded, Please return to:

DUNES CITY
P. O. Box 97
Westlake, OR  97493-0097

AGREEMENT FOR USE OF WATER RIGHT
UNDER THE SHARED DOMESTIC WATER SUPPLY PROGRAM
OF DUNES CITY, OREGON

This Agreement, made and entered into this _____ day of __________________, 20____, by and between DUNES CITY, an Oregon Municipal Corporation, hereinafter referred to as “City” and ____________________________, owners of property located within the Dunes City limits, commonly known as Map and Tax Lot Number ____________________________, hereinafter referred to as Applicant(s);

WITNESSETH

WHEREAS, the City is the holder of Oregon State Department of Water Resources permit number S-33923 (Application No. 45456) for the diversion of water from Woahink Lake for domestic use expanded; and

WHEREAS, Applicant(s) are the owners of certain real property located in Lane County, Nevada, and bearing Map and Tax Lot Number ____________________________, more specifically described in Exhibit A. attached hereto and incorporated by reference herein; and

WHEREAS, Applicant(s) are desirous of using a portion of said water rights for expanded domestic uses on the above-enumerated property in accordance with Dunes City Code, Chapter 51, entitled Shared Domestic Water Right Program; and

WHEREAS, the City is desirous of allowing Applicant(s) to share in the use of its water right under certain circumstances; and

WHEREAS, the City has granted Applicant(s) the right to the shared use of the City’s surface water rights in accordance with the terms hereof; and

WHEREAS, the City finds it is in the best interests of its residents to allow property owners to participate in its Shares Domestic Water Supply Program;
NOW, THEREFORE, in consideration of the covenants and conditions herein contained, and the sum of ______________ HUNDRED DOLLARS ($______), the receipt whereof is hereby acknowledged by the City, the parties hereto agree as follows:

1. TERM. The provisions of this Agreement will commence upon date of execution hereof and shall continue as an appurtenance to the property enumerated above in perpetuity or until such time as it is terminated as described herein.

2. NO GUARANTEE OF QUANTITY OR QUALITY OF WATER. Applicant(s) specifically understand(s) and agree(s) that the permit to use of the City's water right is not a guarantee of the amount or quality of the water available for use.

3. RESTRICTIONS ON USE. Applicants declare and agree that there will only one point of diversion for use of water on the property enumerated herein. For purposes of this Agreement, domestic use expanded means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses, together with watering up to one-half (1/2) acre of lawn or noncommercial garden. Applicant(s) agree to only use the water for the permitted uses in accordance with the laws, rules and regulations of the State of Oregon, the County of Lane, and the City of Dunes City, and will be compatible with local comprehensive land use plans. Applicants further agree to not waste water.

4. WATER MEASUREMENT.
   a. The parties hereto understand and agree that the City's permit to use surface water rights requires the measurement of all water usage and Applicant(s) agree that all water usage will be measured.
   b. Applicant(s) acknowledge and agree to allow the City's agents, representatives or assigns to enter onto the property for purposes of installing a water meter, to read such meter at periodic intervals, and to disconnect the water flows in the event of termination of this Agreement and cancellation of the permit. City agrees to provide notice to Applicant(s) when water measurement will be done.
   c. Applicant(s) further agree to read and submit monthly water meter readings to the City either by telephone, in person, regular mail, facsimile transmission or by email. Applicant(s) further understand and agree that failure to provide the monthly water meter readings may result in termination of this Agreement and cancellation of the permit to use the water as provided herein.

5. WATER METERS. Applicant(s) agree to ensure the installation of the water meter shall be in a location that is easily accessible and able to be read. Applicant(s) further agree to maintain the water meter in such a way that it is not covered by debris or vegetation, but is easily accessible. Applicant(s) further agree to notify the City immediately in the event Applicant(s) suspect a problem or malfunction with the water meter.

6. ADMINISTRATION FEES. Applicant(s) agree to pay any and all administration fees assessed by the City within Thirty (30) days of the date of invoice. Applicant(s) further acknowledge and agree that failure to pay said administration fees may result in termination of this Agreement and cancellation of the permit to use the water as provided herein.

7. TERMINATION FOR CONVENIENCE. This Agreement may be terminated by mutual written consent of the parties.

8. TERMINATION FOR CAUSE. In the event of a breach of this Agreement by Applicant(s), the City will deliver Notice of Breach of Agreement to Applicant(s). Applicant(s) will be allowed Fifteen (15) calendar days within which to correct the breach described in said
notice. If the breach is not corrected within the time frame provided, the City will deliver Notice of Intent to Terminate Agreement and Permit for Use of Water. Applicant(s) will have Ten (10) calendar days within which to correct the breach. If Applicant(s) fail to correct the breach within the time frame allotted, this Agreement shall terminate and the permit to use the water right will be cancelled. The City may then enter onto the property and disconnect the water service or report the non-permitted water use to the State of Oregon, Department of Water Resources.

9. NOTICE. All notices provided for under this Agreement shall be in writing and shall be deemed to be duly served: 1) on the date of delivery if delivered in person; 2) on the day after deposit if delivered by overnight courier; or 3) Three (3) days after deposit if delivered by placing in the U.S. mail, first-class, postage prepaid. All notices shall be addressed as follows, except that either party may change their notice address at any time by delivering written notice of the new address to the other party.

CITY:
DUNES CITY
P. O. BOX 97
WESTLAKE, OR  97493-0097
PHONE: 541-997-3338

APPLICANT(S)

10. INDEMNITY. Applicant(s) agree that in consideration of the use of the City’s water right, Applicant(s) shall defend, indemnify and hold harmless, jointly with other permittees, or severally from other permittees, the City and its officers, employees, agents, and representative from and against any and all claims of injury, damage, loss and expense, including reasonable attorneys’ fees, at trial and on appeal, and costs of suit arising out of or resulting from negligent or willfully misconduct associated with the issuance of the permit or the terms of this Agreement, including but not limited to the placement, maintenance, and monitoring of the water meter.

11. ASSIGNMENT. In the event of the sale or transfer of ownership of the property enumerated herein, Applicant(s) agree to notify the City of the names and address of the new owners and provide a final meter reading. Applicant(s) will also ensure the new owners are aware that they need to contact the City regarding continued use of the water right.

12. GOVERNING LAW. This Agreement is to be governed by and under the laws of the State of Oregon.

13. CONSENT TO JURISDICTION. The parties hereby consent to jurisdiction of the Lane County Circuit Court, Lane County, Oregon, over all legal matters pertaining to this Agreement, including, but not limited to, its enforcement, interpretation or rescission.

14. ATTORNEY FEES. In any litigation or arbitration between the parties arising from or in any way pertaining to the interpretation or enforcement of this Agreement, including any action for rescission of this Contract, the prevailing party shall be entitled to recover, as a part of any arbitration award or judgment, the party’s costs and reasonable attorneys’ fees incurred in connection with such proceeding, at hearing or trial and on appeal.

15. ENTIRE AGREEMENT. This Agreement shall be the exclusive Agreement between the parties. No modification of this Agreement shall be effective unless in writing and signed by an authorized representative of both parties, except as otherwise authorized herein.
16. SEVERABILITY. If any provision of this Agreement is held by any court of competent jurisdiction to be invalid, such invalidity will not affect any other provisions of this Agreement and this Agreement will be construed as if the invalid provision had never been included in the Agreement.

17. PARAGRAPH HEADINGS. Paragraph headings are used solely for convenience and are not to be used on construing or interpreting this Agreement.

18. SIGNATURES. This Agreement is not effective unless and until it is approved, signed and dated by an authorized representative of each party. Each person executing this Agreement on behalf of a party to this Agreement hereby covenants that he or she is duly authorized by that party to bind that party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above-written.

CITY OF DUNES CITY

BY: ____________________________

Rebecca Ruede, MAYOR

(Printed Name)

ATTEST:

APPLICANT

________________________________________

Jamie Mills, Interim City Administrator

(Printed name)

ACKNOWLEDGEMENTS

State of Oregon   )

ss.

County of Lane   )

On this _____ day of __________________, 20___, before me,____________________________, a Notary Public in and for the County and State aforesaid, personally appeared__________________________________________, known or proven by competent authority to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I hereunto set my hand and affix my official seal of office.

________________________________________

NOTARY PUBLIC
My Commission Expires: __________________
State of Oregon  
)  
ss.  
County of Lane  
)  

On this _____ day of __________________, 20___, before me, ___________________________, a Notary Public in and for the County and State aforesaid, personally appeared ____________________________, known or proven by competent authority to be the person described in and who executed the foregoing instrument, and who acknowledged to me that ___ he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I hereunto set my hand and affix my official seal of office.

__________________________  
NOTARY PUBLIC  
My Commission Expires: _____________
ORDINANCE NO. 245

AN ORDINANCE OF THE CITY OF DUNES CITY DECLARING A BAN ON MEDICAL MARIJUANA PRODUCERS, MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, ORS 475B.400 to 475B.525 provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries;

WHEREAS, ORS 475B.005 to 475B.399 directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana;

WHEREAS, ORS 475B.800 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city;

WHEREAS, the City Council of Dunes City desires to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers, and/or retailers, as well as medical marijuana processors and/or medical marijuana dispensaries to the voters of Dunes City;

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1: Title XI, entitled “Business Regulations” of the Dunes City Code of Ordinances is hereby amended by adding a new Chapter 111, entitled “Marijuana Business and Facilities Ban” to read as follows:

§ 111.001 DEFINITIONS

For the purposes of this Chapter 111, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana processing site means an entity registered with the Oregon Health Authority to process marijuana.

Marijuana processor means an entity licensed by the Oregon Liquor Control Commission to process marijuana.
**Marijuana producer** means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

**Marijuana retailer** means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

**Marijuana wholesaler** means an entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

**Medical marijuana dispensary** means an entity registered with the Oregon Health Authority to transfer marijuana.

§110.002 BAN DECLARED

As described in section ORS 475B.800, the City of Dunes City hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the City:

A. Marijuana processing sites licensed under ORS 475B.435;
B. Medical marijuana dispensaries;
C. Marijuana producers licensed under ORS 475B.450;
D. Marijuana processors;
E. Marijuana wholesalers;
F. Marijuana retailers;
G. Any combination of the entities described in this Section 110.002.

§110.003 EXCEPTION

The prohibition set out in this Chapter 110 does not apply to a marijuana processing site or medical marijuana dispensary that meets the conditions set out in ORS 475B.800(6).

Section 2. REFERRAL

This Ordinance 245 shall be referred to the electors of the city of Dunes City at the next statewide general election on November 6, 2018.

Section 3. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is judicially declared to be invalid, unenforceable, and/or void by a court of competent jurisdiction, such decision shall not have the effect of invalidating or voiding the remainder of this Ordinance and the part(s) of this Ordinance so held to be invalid, unenforceable and/or void shall be deemed stricken, and the remainder of this Ordinance shall have the same force and effect as if such stricken part(s) had never been included.
Section 3. EMERGENCY. This Ordinance 245 being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect immediately and without delay.

The first reading of this Ordinance was conducted in a regular/special meeting of the City Council of Dunes City, Oregon, on the ______ day of ____________________, 2017.

The second reading of this Ordinance was conducted in a regular meeting and adopted by the City Council of Dunes City, Oregon on this ______ day of ____________________, 2017.

Ayes: ___________ Nays: _______ Abstain: _____ Absent: _____ Vacant: _____

ADOPTED BY THE DUNES CITY COUNCIL THIS _____ DAY OF _________________, 2017.

___________________________________
__________________________, Mayor

ATTEST:

___________________________________
Jamie Mills, City Recorder
CITY OF DUNES CITY, LANE COUNTY, OREGON

RESOLUTION SERIES 2017, NO. 17 (09/13/2017)

Effective Date: 09/13/2017

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF DUNES CITY THE QUESTION OF BANNING MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS WITHIN THE CITY OF DUNES CITY.

WHEREAS, Oregon Revised Statutes (ORS) 475B.800 provides that a City Council may adopt an Ordinance to be referred to the electors of the City prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the City; and

WHEREAS, the City Council of Dunes City adopted Ordinance No. 245 on ________________, 2017, which prohibits the establishment of marijuana processing sites, medical marijuana dispensaries; marijuana producers; marijuana processors; marijuana wholesalers; marijuana retailers; and any combination of the entities described in this paragraph, in the area subject to the jurisdiction of the City; and

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE FOREGOING, THE DUNES CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

MEASURE. A measure election is hereby called for the purpose of referring to the electors of the City of Dunes City, Ordinance 245, an ordinance prohibiting the establishment of certain marijuana activities in the area subject to the jurisdiction of the City. Ordinance 245 is incorporated herein by this reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Dunes City on November 6, 2018, the time set for the next general election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Lane County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Dunes City authorizes the City Administrator or other appropriate City official or designee, to act on behalf of the City and take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The City Council hereby adopts the ballot title attached as Exhibit 1.
NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure the City Elections Officer shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as Exhibit 2 and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Elections Officer shall deliver the Notice of Measure Election to the County Clerk for Lane County for inclusion on the ballot for the November 6, 2018 general election.

EFFECTIVE DATE. This resolution is effective upon adoption.

ADOPTED BY THE DUNES CITY COUNCIL THIS _____ DAY OF ________________________, 2017.

Ayes: ______ Nays: ______ Abstain: ______ Absent: ______ Vacant: ______

____________________________________
Mayor

ATTEST:

____________________________
Jamie Mills, City Administrator/Recorder
Dune City Councilors & City Manager

We were in attendance at the Dune City Council meeting today 8-24-17. We attended because we just recently found out about the potential commercial marijuana grow operations in Dune City residential areas and wanted to see what was put forth regarding the commercial marijuana grow operations in residential areas. We reside on Woodland Way in Dune City and wanted to make sure our voices were heard.

We don't feel that commercial marijuana growing operations is in the best interest of a large majority of Dune City. We get our water from the lake and we have grave concerns of the environmental impact to the lake. We are also concerned about the energy demands, water usage, smell, fertilizer pollution and the potential for crime.

It appears to us that there is a bountiful supply of marijuana that already exists for people that need it for medical purposes and recreation use in Lane County. Allowing these grow operations to proceed will only benefit very few citizens of Dune City and the potential to negatively impact the majority of your citizens.

It is hard for us to have any sympathy for the owner/operators of these grow operations. The lady owner spoke about being neighborly, it doesn't seem very neighborly to us to want to put a commercial grow operation in a residential area. All of the folks we have spoken with that live in Dune City were not aware of the potential for this to be allowed in a residential area and are not in favor of this occurring. We ask that you take what ever measures necessary to stop the commercial grow operations in Dune City residential areas.

We also ask that the city manager contact OLCC to make sure that they don't approve the licenses while this important issue is being decided by our city government. We would hate to see OLCC approve it before the September 13th meeting. Thank you all for listening to our view on this important issue.

Paul & Barbara Wilbanks
83560 Woodland Way, Dune City

[Signature]

RECEIVED
AUG 28 2017
By planning
Aug 31, 2017

Comments on Ordinance:

1. I expect other property value on 4 other lots on Dooelree Road to deeply reduce.

2. Property Lot’s sold. 2 lots were logged completely, 1 lot rules were to leave a surrounding of trees.

3. I understood 5 acres was the limit on Foresty Zony but someone told me it was 2 acres (how the 2 lots are ok for Pot factory)

Lori Robertson
4 lots Dooelree owner.
Bcc:
Date: Mon, 28 Aug 2017 12:18:50 -0700
Subject: Cannabis grow

It is a shame how Miss Cain-Mathis is now being treated. She came to Dune City with her plans for a legal grow and also went to the State. She has done everything that she was required to do.

The city council - including Mr. Wells knew what she had planned and as stated in the paper "Neither the city council nor the voters of Dunes City placed a local ban on the November 2016 ballot. As a result, these marijuana licenses are legal within the city." This should be the end of it for Miss Cain-Mathis. Now going forward a ban could be put on a ballot for future grows.

One person mentioned the tree removal - just go North of that site and look at the clear cut down to the lake on that land. What is the difference?

Regarding crime: we have crime in this area without the legal grow.

We seem to have a habit of "after the horse is out of the barn" to complain instead of when "things" are brought forward to the council and public. These meetings are posted in our local paper.

This grow should go forward then stop the next one if that is what is wanted.

I would prefer there not be a grow in our town but she did everything right.

Sincerely,

Mary Baumeister Grigsby

Mary Baumeister Grigsby
Dunes City
Do not allow those marijuana growers clearing land now off of Clear Lake start their business. Few Dunes City residents want this and some people are considering lawsuits. Please say no.
admin

From: Bobbie Dalbeck
Sent: Wednesday, September 06, 2017 1:09 PM
To: admin
Subject: Re: Press Release for City Council Vacancy and Citizen Comment for Marijuana Ordinance

As a marijuana user ----Medical for pain, I am 78 and never smoked in my life. Pain pills do more harm to your body than anything that is available, What is the problem? It is not as harmful as booz and it seems like about every body drinks some kind of alcohol. I can't drink and never have it won't help with pain, If Dune city don't want any Marajuna in Dune City than stop selling booz.
   this is my oppinion. Roberta Dalbeck

On Wed, Sep 6, 2017 at 12:40 PM, admin <admin@dunescityhall.com> wrote:

Good Afternoon,

Attached are Press Releases from Dunes City.

Dunes City Council appointed a new mayor. Congratulations Robert Forsythe for being Dunes City’s next Mayor.

With Robert Forsythe’s appointment we now have a vacancy on our City Council and we are accepting applications.

If you would like to comment on the Marijuana Ordinance please submit your response in writing by September 12, 2017.

Please call the office if you have any questions.
Linda Stevens
Administrative Assistant
City of Dunes City
82877 Spruce Street
PO Box 97
Westlake, OR 97493
541-997-3338

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I'm against yet another means of if providing people with a mechanism of escaping reality!

I'm especially against providing this as an option to people who have not yet become adults, or especially providing those recognized as legally "responsible adults," with drugs as an option. (Though that is both their responsibility and burden!)

Granted that the local attempt to produce "medical marijuana" has been given the ok (if not blessing) by state and district politicians whose support has been purchased, or accept that some voters, under the influence of drugs, are more easily "lead" then those in full position of their mental faculties. The increase in the number of growers and suppliers of this drug, and the drop in resultant price and increasing desire for this product will inevitably lead to the legal (and illegal) increasing production of this commodity for recreational use. It's obvious (to anyone with a functioning brain), the desire to produce "medical marijuana" is just the "foot in the door." The eventual, even short term intent (in my opinion), is to provide an opportunity to drop into the burgeoning "drug culture" that appears to be the consequence of the loosing moral acceptance of the use of mind altering drugs.

The long term financial, economic and moral impact are not supportable at the state and district levels, much less at the local level (given the states and districts avoidance of support for smaller communities.) There are numerous examples of this divergent behavior in Europe, and even in the US. Choosing to ignore these examples is at the very best another form of escapism and short sightedness!

It may be too late, given the state and district politicians acceptance and even support of the use of recreational drugs, but (especially) I am against becoming a community that provides, much less supports this industry!

Sent from my iPad

On Sep 6, 2017, at 12:40 PM, admin <admin@dunescityhall.com> wrote:

<image001.jpg>

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<Press Release Public Comment 20170905.pdf>
<Press Release CC Vacancy 20170905.pdf>
<dc_application_appointive_office_201003.pdf>
Email us at dunescitycitizens@yahoo or join Dunes City Residents group on Facebook for more information.
LET THE VOICES OF DUNE CITY BE HEARD!

Only with substantial attendance and support by you at the next Dune City Hall meeting can this be accomplished. (Opt Out slips are encouraged.)

Through a caring, respectful, and thoughtful O.C.C. and the Spirit of Oregon, there will be no negative impact. Oregon needs another leadership direction. Oregon’s economy needs another leadership direction. Oregon needs another leadership direction. Oregon needs another leadership direction.

Other Oregon cities and counties have been successful in using Ordinance similar to our Ordinance 245 to stop beginning illegal businesses in our back yards. Ordinance 245 has first reading. Ordinance 245 has first reading. Legal, fair, and right for all. Legal, fair, and right for all. Legal, fair, and right for all.

City’s reputation will be enhanced. If commercial marijuana is grown within our residential areas, your home values will drop and our total value of our city will plummet and Dune City voters allowing collection of 3% excise tax on RETAIL marijuana sales in Dunes City has been interpreted as approval of ALL marijuana grow operations. Police federally illegal, can use the banking system causing large amounts of cash held on their premises.

Allowing marijuana business to accommodate heavy demands by such a business. You will lose your power grid in brown areas caused by heavy use of commercial marijuana businesses. Dune City doesn’t have commercial grade power lines to accommodate heavy demand by such a business. This is serious! You may be at risk of losing your water supply if you are on a well.

NO ONE KNEW!

Dune City council is allowing Commercial Marijuana grow operations to be placed in our Residential zones areas. Without giving proper notice to the neighborhoods of citizens as they know where they are. Few people have known of this until just a couple of weeks ago.

DUNE CITY RESIDENTS
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<th>Secchi</th>
<th>Temp</th>
<th>Cond</th>
<th>Sample</th>
<th>Depth</th>
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I attended the West Lane Emergency Operations Group meeting held on August 28, 2017 at the Port of Siuslaw.

Chief Langborg informed everyone that he thought the deadline for submission of the tsunami signage and the emergency drill grants was at 5:00 p.m., but it was at 3 p.m., so he missed the deadline. The good news is Florence will be getting the new signage anyway. Chief Langborg also announced that the ban on burning had been lifted, but pointed out that those of us on the coast seem to ignore the fact that this area is prone to wildfires, but the Chetco Bar Fire down by Brookings drills home the point that we, too, are susceptible to wildfire and need to be prepared.

Megan Mesmer reported that the WLEOG preparedness expo is scheduled for September 23rd at the Florence Events Center. Jenna Bartlett is organizing the event and will be providing a confirmed schedule of speakers/programs in the near future. Megan also introduced Dan, a new intern at Florence City Hall whose focus will be on nailing down emergency preparations for continuity of governance in and following a catastrophic event. She also reported that Hwy 101 will be again under construction as crews will be replacing some City water lines in preparation for the big re-paving project next year.

CERT representative Frank Nulty reported on the demonstration/drill that took place in Newport recently that exposed vulnerability as to fuel replenishment. He reported that entities that are relying on propane to fuel their emergency generators will not be able to get propane brought in. Consequently, discussions need to occur as to what will happen when the emergency propane runs out. I reported on Dunes City’s meeting with Central Lincoln PUD and a recommendation by the PUD that Dunes City install a solar power project, with the biggest concern being space to store the batteries. I also reported that the proposed purchase of the property across the street from City Hall would provide a place to establish such a storage area. Meghan also reported that that was part of Dan’s job, to research and identify options and bring them back for consideration and possible action.

In other business, the County Health Department reported that the Air Quality Index has been of great concern to Lane County and all are hoping the wind will pick up and blow the smoke away. She reported that the LRAPA website has an interactive map that can provide information on the advisory level and the recommendations to follow. She also reported there is an Oregon Smoke blog on line that is also following the health advisories issued as a result of the wildfires.

The next meeting will be held at Lane Community College on Monday, September 18th at 10:00 a.m.
There were 18 building permits issued in August, including 8 electrical, 3 mechanical, 5 structural, and 2 plumbing. There were 3 public works permits issued in August, including 1 grading and 2 right of way vegetation removal permits.

The CAC and the Planning Commission met on August 31st. A discussion was had on the marijuana ban issue. Work on Title 15 is progressing.

Two Site Reviews were done this month, one to address concerns regarding construction being done in Woahink Lake and another regarding construction of a new home that may require the filing of a variance application with the Planning Commission to address setback issues.

The Woodland Lane road repairs were done and a water bar was installed on Friday, September 8th. Work continues on brushing and sweeping all of the roadways. The City is attempting to move forward with Kiechle Arm Road repairs, however, settlement on the best way to proceed has still not been reached so it is likely that work will not be completed before the rainy season. The final repairs to the culvert collapse on Parkway Drive will be scheduled in the near future and residents on the lower portion of Parkway Drive are asked to use caution during the paving process. No word on whether the City will receive the special allotment grant for work to be done on Huckleberry Lane and Wright Road.

August’s complaints have to do primarily with gun shots, illegal camping/parking, and in-water construction. The office also received numerous telephone calls and emails regarding marijuana issues and suggestions on how the City might increase its revenues.

Negotiations on the franchise agreement with Charter Communications is very near completion. The property transaction is expected to close next week.

The credit card machine at Dunes City is now up and operational, although it has not yet been utilized.

Respectfully submitted,

Jamie Mills
Recorder/City Administrator