



**CITY COUNCIL MEETING MINUTES ~ APPROVED
DECEMBER 13, 2017 AT 6:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

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

1. CALL TO ORDER

Mayor Robert Forsythe called the Wednesday, December 13, 2017, meeting of the Dunes City Council to order at 6:00 pm.

2. ROLL CALL

Roll Call was taken by Administrative Assistant, Rapunzel Oberholtzer.

Present: Mayor Robert Forsythe, Council President Sheldon Meyer, Councilor Duke Wells, Councilor Robert Orr, and Councilor Alan Montgomery. There is one vacancy on the Council.

Absent and Excused: Councilor Tom Mallen and City Administrator/Recorder Jamie Mills.

Also Present: Administrative Assistant Linda Stevens, *Siuslaw News* community reporter Mr. Jared Anderson and many Dunes City residents.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. SWEARING IN OF NEW COUNCIL MEMBER

Administrative Assistant Linda Stevens administered the Oath of Office to newly appointed Councilor, Ms. Susan Snow.

5. APPROVAL OF THE AGENDA

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

6. APPROVAL OF THE CONSENT AGENDA

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

7. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Forsythe wished Councilor Wells a happy birthday.

8. GUEST SPEAKER

A. Siuslaw Valley Fire and Rescue Update from Chief Jim Langborg

Mayor Forsythe introduced Siuslaw Valley Fire and Rescue Chief Jim Langborg, whom he invited to the meeting to provide an overview of SVFR services and answer residents' questions.

Chief Langborg explained that SVFR is a fire district that provides fire and rescue services and prevention services in the greater Florence area from north of Florence south to about the Douglas County line and east to mile post nine on Highway 126. He went on to explain that SVFR also has mutual aid agreements with Gardiner, Winchester Bay and Reedsport, as well as Yachats, Mapleton, Swisshome, and Lane County, but mutual aid can be extended to anywhere it is needed, even to California. The Western Lane Ambulance District, he explained, has a similar footprint as SVFR but extends a bit farther east to about mile post twenty-two. WLAD provides ambulance services, advanced life support and paramedic emergency medical services. He noted that SVFR and WLAD respond to many of the same calls and have an Intergovernmental Agreement between the two agencies. Chief Langborg offered to answer questions.

Mayor Forsythe asked Chief Langborg to clarify the difference between a special district and a city service. Chief Langborg explained that incorporated cities such as Florence and Dunes City generally occupy a designated geographic area and the cities are responsible for certain services within that area, but a special district provides specific services. In the case of SVFR, it is a special district that provides fire protection and prevention within a specific geographic area and is funded by taxes assessed on property owners within that area. WLAD, he went on, is slightly different in that it is considered a health district and is funded by property taxes at a slightly higher rate, an operating levy and fees collected.

A resident asked how SVFR interacted with the State Forestry Department. Chief Langborg explained that Oregon Department of Forestry is one of SVFR's mutual aid partners, but ODF primarily provides fire protection and prevention services to State forest lands. SVFR works with ODF, but is responsible for protecting structures. ODF also assesses taxes on property owners who are within the forest lands areas, as defined by ODF. He went on to explain that SVFR is working to obtain grant funding that will allow SVFR to provide more fire protection and aid to other areas and agencies, including ODF, as needed.

A resident asked if SVFR has noticed that there are more fires, or more dangerous fires, from marijuana grows. Chief Langborg replied that, locally, there have been no such issues that required SVFR response.

A resident asked when burning was allowed, when it was not and whom to notify. Chief Langborg replied that burn season was typically October through May. He went on to explain that a burn permit is required for open burning where it is allowed, and the permits are available online. He noted that open burning should only include natural vegetation.

Councilor Orr asked if our area had bans on woodstove fires as there are in the Eugene area from time to time. Chief Langborg explained that the coast usually did not have that issue.

A resident recounted how burning activity in his neighborhood has created smoky conditions for several days at a time, and he asked if there was anything he could do or anyone he could notify. Chief Langborg suggested that the resident politely ask the neighbor to burn at another time when the weather is better. He noted that SVFR will inspect a fire from a pollution control and hazard standpoint, but SVFR is not the pollution control enforcement agency and does not have the authority to suppress a legally operated burn. He noted that if a burn is occurring outside of burn season, and SVFR determines that it is a hazard, SVFR will put it out. He went on to suggest that if pollution is an issue, residents should contact LRAPA (Lane Regional Air Protection Agency).

There were no other questions. Mayor Forsythe thanked Chief Langborg for attending the meeting.

9. Citizen Input on Items Not Listed on the Agenda

Mayor Forsythe recognized Ms. Diane Diffendorfer, who had questions about using Woahink water for Siltcoos. She explained that she has lived in Dunes City since 1973 and has noticed the lake level going down considerably, especially during the summer months. She noted that the City is required to keep a certain amount of water over the dam, and she wanted to know what influence there would be on the water system.

Mayor Forsythe recognized Ms. Debra Thomas, who had concerns about bringing eighty-five new homes into the Woahink water right and what impact there would be on people who have pumps in Woahink if new homes are built in that area or elsewhere in Dunes City.

Mayor Forsythe recognized Mr. Dick Booth, a Dunes City resident. He explained that he is very interested in the Council's activities, and proceeded to read from a prepared statement.

"Sometimes councilors over explain making it very difficult to understand the point they are trying to make. Solution: follow the principle that brevity is clarity.

"Transparency has been lacking as made obvious by the community dispute on the marijuana issue. Our city charter is very clear that all city actions are to be transparent. Solution: expand the testimony time to allow citizens to have the necessary time for their entire testimony and have verbal exchange between councilors and citizens. Have testimony and exchange occur in such a manner and sequence that it can reflect the deliberations of the council when new thoughts arise.

“It is my understanding that the planning commission when Paul Gargus [sic] was chairman completely rewrote ordinance 255 [sic] in such a manner that the current dispute over marijuana could not have occurred. Solution: adopt the already completed revisions to ordinances instead of wasting more planning commission time.

“I believe that an overwhelming majority of our citizens want to remain a city. Solution: Quit wasting time considering disincorporating and spend our resources on what we want to do to remain a city.

“At times the council seems to be acting out of fear. Good decisions almost never result from actions taken from fear. Solution: Do not act from fear, act by doing the right thing with integrity.”

Mr. Booth thanked the Council for the opportunity to read his statement, noting that he had a long history with Dunes City and wanted to see it continue to be a nice place to live.

A COPY OF MR. BOOTH’S STATEMENT IS ON FILE AT CITY HALL.

Mayor Forsythe recognized Mr. David Davis, a Dunes City resident. Mr. Davis explained that he would like some clarity on whether there was enough volume of water in Woahink to serve eight-five new water users and all of the potential new homes in Dunes City.

10. OLD BUSINESS

A. Agreement for Use of Water Right Under Shared Domestic Water Supply Program Between Dunes City and South Coast Water District

Rapunzel referred Councilors to a copy of the proposed Agreement that was included in their meeting packets and explained that City Administrator/Recorder Mills had invited Ms. Susan Douthit, the Regional Watermaster, to attend this meeting but Ms. Douthit was unable to do so.

Council President Meyer noted that it would be very wise for the City to have someone from State Water be present to explain what the City can and cannot do, and what the City’s water rights allow the City to do and not do. He went on to explain that he had met with City Administrator/Recorder Mills and Ms. Douthit, and from that conversation it seems that the State is not as concerned about whether or not the City has enough water—the City has plenty of water to share with all Dunes City residents, not just those lucky enough to live on Woahink Lake. He went on to add that he would like to hear that from Ms. Douthit or another expert. He recommended that the Council wait until January, get more input and have the ability to hear and understand what people’s concerns are on all sides of the issue.

Councilor Orr agreed with Council President Meyer’s recommendation, and went on to say that he had anticipated being able to ask a number of questions of an OWRD person.

Councilor Montgomery asked if there was a representative of Siltcoos *[sic]* Water District present. Mr. Randy Reitz acknowledged that he was present and could answer questions. Councilor Montgomery asked Mr. Reitz if postponing the matter until January would affect him negatively. Mr. Reitz replied that it would not, but noted that he was prepared to provide some answers to questions that were left on the table after the last meeting. He explained that he spoke with Ms. Douthit as well and she explained that all of the City's tax lots would be covered under the City's water right. He went on to explain that there would be no additional burden put on that water right by SCWD.

Councilor Wells noted that that had been his understanding from last month's meeting, but he was willing to wait until hearing from the State representative, as long as it wouldn't encumber SCWD.

Mayor Forsythe explained that he wanted to hear from experts that the City would not see a draw down in ten years that affects everything. He went on to say that he basically understood how aquifers work but this is something that the Council needs to be really convinced about, and the citizens, before the Council takes action. He went on to say that he would prefer to make a decision after hearing from experts.

Councilor Montgomery made a motion to table further discussion until the January meeting. Councilor Orr seconded the motion.

Mr. Reitz noted that he understood there was a question about whether or not written agreements with the Sauter Drive residences were in place. He went on to say that they were. Mr. Reitz' associate, who was present with him in the audience, explained that the reason SCWD was requesting an alternate water source was because of the quality of the water, not the volume.

Council President Meyer explained that he had asked Ms. Douthit the question from last month's meeting about whether or not the City would be double dipping. He went on to say that the answer he thought he heard was by taking water out of Woahink and storing it in the facilities that are now taking the water out of Siltcoos and storing it in the facilities, it's the same amount of water.

Councilor Orr remarked that one of the questions he would like to have answered is relative to the size of the lakes that the Council is talking about, how much water is coming out in a percentage or other format that can tell the Council whether or not this is a large amount of water coming out or a small amount. Mr. Reitz explained that if the eighty-five residences that are proposed do go online, SCWD would be using .078 cfs, which is five percent of Dunes City's total water right. He went on to explain that SCWD's current water right on Siltcoos Lake is 68 gmp (.14 cfs) and the eight-five residences only use 32 gmp.

Mayor Forsythe asked Staff to find out if representatives from OWRD could attend the January Council meeting and, if not, set up a special session for when they could be available.

The motion passed by unanimous vote.

11. NEW BUSINESS

A. Goal Setting Session Scheduling

Following discussion, Councilors agreed to schedule Tuesday, February 13, 2018, for a Goal Setting meeting beginning at 4:00 pm.

B. Memorandum of Agreement Relating to Delegated Building Inspection Program

Administrative Assistant Rapunzel referred Councilors to a copy of the Agreement that was included in their packets. She explained that the City Attorney had reviewed the language in the termination clause and had no concerns about it as long as Northwest Code Professionals was also satisfied with it, and they were.

Councilor Orr made a motion to finalize the Agreement. Councilor Wells seconded the motion. The motion passed by unanimous vote.

C. Request for Approval of Expenditure of Funds for City Council Sound System Evaluation and Improvement

Administrative Assistant Rapunzel explained that City Administrator/Recorder Mills had a quote for \$500, but was also hoping to get a quote from a local company that might be less expensive.

Councilor Wells made a motion to spend \$500 on improvements. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

D. Request for Approval of Expenditure of Funds on Sign Improvement Project at the Boat Dock

Administrative Assistant Rapunzel explained that the City received a grant for \$1,800 to cover the cost of sign improvement and total cost for the project would be about \$2,000.

Councilor Montgomery made a motion to approve the expenditure. Council President Meyer seconded the motion. The motion passed by unanimous vote.

12. PUBLIC HEARINGS

There were none.

13. EXECUTIVE SESSION

There was none.

14. REPORTS

- A. Mayor's Report: Mayor Forsythe reported that he and Council President Meyer and Councilor Snow had met that morning with Sheriff Byron Trapp and two of his deputies. He went on to report that budget cuts forced the Sheriff's department to reduce the number of deputies available across Lane County. Mayor Forsythe explained that the Sheriff recommended that Dunes City residents report crimes so that crime rates are reported more accurately. He went on to explain that, in the event of an emergency, the Sheriff's office will call on Florence police and State Police for additional help if a deputy is not available to respond. He went on to note that he would schedule a meeting with State Police as well.
- B. Community Center Report: Councilor Wells reported that the emergency propane tanks have been moved to the pad at the back of City Hall and the project will be completed as soon as they are anchored down and inspected.
- C. Water Quality Report: Council President Meyer reported that the water quality is still very good. He went on to report that he tracked test results at one location at a particular time of the year and has found that since 1996, the water has been clearer every year.
- D. Public Works Maintenance Supervisor's Report: There was no report.
- E. Emergency Services Report: City Administrator/Recorder Mills' report was included in the Councilors' meeting packets.
- F. City Administrator/Recorder Report: City Administrator/Recorder Mills' report was included in the Councilors' meeting packets.

15. FOR THE GOOD OF THE ORDER

Councilor Orr thanked Mayor Forsythe for taking the time to investigate law enforcement issues.

Councilor Wells asked that Staff receive a holiday bonus like they did last year.

Councilor Montgomery asked if there was a meeting format that would allow for citizens to give comments and get feedback from Councilors. Mayor Forsythe explained that there was and he is looking into it.

Mayor Forsythe welcomed Councilor Snow to the Council.

Administrative Assistant Rapunzel noted that Ms. Bonnie Allen was present in the audience to speak on behalf of Sunset Cove homeowners.

Mayor Forsythe recognized Ms. Allen, who introduced herself as a Sunset Cove resident, a former member of the water quality committee, and secretary for the Woahink Lake Association. Ms. Allen explained that she represented not only herself but also the owners of thirteen

of the sixteen lots in Sunset Cove. She asked to enter into the record a letter she wrote to Mr. Randy Reitz of Oregon Water Services and South Coast Water District. The letter expresses support for SCWD's proposal to use one of the Sunset Cove points of diversion to draw water from Woahink Lake and pump it through a line running through the Sunset Cove Common Area to the storage tanks near the fire station.

A COPY OF MS. ALLEN'S LETTER IS ON FILE AT CITY HALL.

Administrative Assistant Rapunzel referred Councilors to copies of several documents that were distributed prior to convening the meeting:

- A copy of a November 26 email from Ms. Catherine Caudle re agriculture use in the R-1 Zone,
- A copy of a Good Governance Report for 2017, and
- A copy of an Amended Notice of Intent to Appeal in Catherine Caudle vs Dunes City.

COPIES OF THE ABOVE REFERENCED DOCUMENTS ARE ON FILE AT CITY HALL.

Councilor Wells made a motion to give Staff a holiday bonus. Council President Meyer seconded the motion. The motion passed by unanimous vote.

16. ADJOURNMENT

Council President Meyer made a motion to adjourn. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.

Mayor Forsythe adjourned the meeting at 7:01 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 10th DAY OF JANUARY 2018.

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder