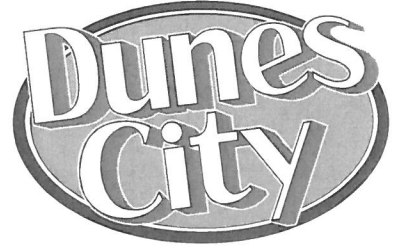


Dunes City Council ~ Regular Meeting



Wednesday, February 14, 2018 ~ 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 January 10, 2018
- B. City Council Special Session Meeting Minutes from January 22, 2018
- C. Bills of the Session through February 8, 2018
- D. Receipts of the Session through February 8, 2018

6. Announcements / Correspondence

- A. On March 20, 2018, 5:00 p.m., tsunami experts from the Office Of Emergency Management will be at City Hall to discuss tsunamis and their impacts with local citizens. This casual, question & answer format meeting should prove to be informative for everyone who attends.
- B. A Town Hall meeting with the City Council regarding public safety concerns will be held Wednesday, April 18, 2018, at 6:00 p.m. where all Dunes City residents are welcome to come discuss public safety concerns with the City Council, the Lane County Sheriff, Sergeant Michael Brewster of the Oregon State Police, and Florence Police Chief, Tom Turner.
- C. A Budget Committee meeting is scheduled for April 24, 2018, at 5:00 p.m., at which time there will be a review of the 3rd ¼ of FY 2017-2018 and introduction of the Budget meeting schedule for FY 2018-2019 Budget.

7. Old Business.

- A. LaneAct Representative..... Discussion/**Action Item**

8. New Business

- A. Appoint Member to the Budget Committee Discussion/**Action Item**
Rory Hammond

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.

- B. Travel Lane County Membership Dues..... Discussion/**Action Item**
- C. Hough, MacAdam, Wartnik, Fisher & Gorman, LLC
Notice of Termination..... Discussion/**Action Item**
- D. Request for approval of expenditures for required
grant application information Discussion/**Action Item**
- E. Ordinance adding Chapter 123 entitled Marijuana
Businesses to Title XII, Business Licenses Discussion.
- F. Ordinance amending Title XV zoning regulations to
require application for Conditional Use Permit to
produce more than 5 marijuana plants in the R-1 zone;
prohibiting all other marijuana businesses in the R-1
zone; requiring application for Conditional Use Permit to
conduct all other Marijuana businesses in the Community
Commercial District; and providing special standards that
must be met to receive an approved conditional use permit
for either type of CUP applicant Discussion/**Action Item**

9. Public Hearings. None

10. Executive Session. None.

11. 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.

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

14. For the Good of the Order

15. 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.



**CITY COUNCIL MEETING MINUTES ~ DRAFT
JANUARY 10, 2018 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, January 10, 2018, meeting of the Dunes City Council to order at 6:00 pm.

2. ROLL CALL

Roll Call was taken by City Administrator Jamie Mills.

Present: Mayor Robert Forsythe, Council President Sheldon Meyer, Councilor Duke Wells, Councilor Robert Orr, Councilor Alan Montgomery, and Councilor Susan Snow.

Absent and Excused: Councilor Tom Mallen.

Also Present: Administrative Assistant Rapunzel Oberholtzer, *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. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE CONSENT AGENDA

Councilor Orr made a motion to approve the Consent Agenda with amendments. The motion was seconded by Councilor Wells.

Councilor Orr pointed out a typographical error on page five of the December 13, 2017, minutes. Staff agreed to correct the error. Council President Meyer pointed out that the Bills of the Session had been amended.

The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Forsythe read from the list of announcements on the Agenda:

- A. Birthday wishes to Councilor Susan Snow on January 20th.
- B. A goal setting meeting has been set by the City Council for Tuesday, February 13, 2018, at 4:00 pm.
- C. A Town Hall meeting with the City Council regarding road concerns will be held on Tuesday, February 13, 2018, at 6:00 pm where all Dunes City residents are welcome to come discuss roadway concerns with the City Council and the Public Works Maintenance Supervisor.

7. Citizen Input on Items Not Listed on the Agenda

City Administrator Mills noted that most of the citizens signed in to make comments intended to address Old Business Item A re the agreement for use of water right under the Shared Domestic Water Supply Program. Mayor Forsythe asked if there was anyone signed in who wished to address a matter not on the agenda.

Mayor Forsythe recognized Mr. Aaron Bowen, who expressed concerns about what appeared to be nuisance issues such as trashed vehicles and environmental issues such as removal of natural vegetation. He noted that if the Conservation Committee was still in tact it should investigate those matters. He asked the Council to consider re-establishing the Committee if it was dissolved. (00:07:10)

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 that would draw water from the lake. (00:22:45)

Mayor Forsythe recognized Mr. Dick Booth, a Dunes City resident. Mr. Booth said that he had checked and found out that Dunes City has no drug testing for its employees. He went on to say that, in light of what he perceives the feelings of the community to be and legalization of recreational marijuana, the City should initiate a drug testing policy. Mr. Booth noted that he did not see anything on the agenda that would address the grow marijuana issue. He went on to say that he was not happy about that because the issue is the top priority in Dunes City and the Council should be doing everything it can to eliminate the commercial operations—it is what the Councilors' constituents want. (00:09:49)

8. OLD BUSINESS

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

City Administrator/Recorder Mills noted that Mr. Randy Reitz of South Coast Water District and Ms. Susan Douthit, the Regional Watermaster, were present to answer questions.

Council President Meyer noted that if the City allows Woahink water to be used by the people currently using Siltcoos water, the City would not be abusing its water right because those people are Dunes City residents and the City's water right is for all residents. (00:12:07) Ms. Douthit assured Councilors that the City's water right is for a specific use, from specific points of diversion. She went on to explain that the City's permit for shared domestic use encompasses most of Dunes City and the location that SCWD is proposing as a POD is within the permitted area. (00:13:20)

Ms. Douthit explained that the City's permit allows Dunes City to use a maximum of 1.4 cubic feet per second, seven days a week, 365 days a year, which means that as Dunes City's population grows, the City can provide water as long as it does not exceed the maximum amount. Council President Meyer clarified that the POD that SCWD intends to use is already included in the water right.

Councilor Orr asked if the additional water proposed to be used by SCWD would be enough to lower the Woahink Lake level. (00:17:02) Ms. Douthit explained that the Oregon Water Resources Department has not studied the effect of the proposed usage on Woahink, but the proposed 0.078 cfs is not a lot of water. Councilor Orr asked whether there would be enough water flowing out of Woahink into Siltcoos if SCWD uses the amount of water it proposes. Ms. Douthit explained that there is a requirement for a certain amount of instream water flow. She went on to say that she thought that the instream water right is junior to Dunes City's right, which means that Dunes City would have the right to draw water if the level of the lake is low, and the instream right would have to take whatever is left over. (00:19:25)

Councilor Snow asked if SCWD was giving up its water right for Siltcoos or whether it could potentially draw water from both Woahink and Siltcoos. Ms. Douthit explained that there are two different water rights involved, the Dunes City water right that includes lots of PODs and SCWD's water right on Siltcoos, which the district does not intend to relinquish. Mr. Reitz explained that SCWD planned to use its Siltcoos water right to provide water in the event of an emergency, (00:21:45) as suggested by OWR.

Mayor Forsythe asked Ms. Douthit what water use studies include and how much they cost. Ms. Douthit did not know and suggested that the City consult with a water engineer. City Administrator Mills noted that the City's water right permit requires the City to perform certain measurements, so at some point the City will need to hire an engineer to do those. (00:24:27)

Mr. Reitz noted that during the last Council meeting, Councilors asked whether SCWD was urgently in need of a decision and, at that time, he informed the Council that there was not an urgent need. Mr. Reitz explained that that is no longer the case, the owners of the dam flushed the dam and lowered the water level of the lake so that SCWD's intake valve was only about two feet under the water and drawing sand, silt, algae, etc. that re-

quired SCWD staff to perform daily maintenance on the system rather than the usual monthly maintenance. He went on to explain that although the lake level is back up, SCWD's plant is still in poor condition and struggling to maintain water quality standards set by the State. (00:26:50) Ms. Douthit explained that the dam owners had maintenance issues that required them to lower the water level in order to make repairs. Since the repair work, she went on to explain, there has not been much rain—the lack of rain at this time of the year was unexpected.

Councilor Wells pointed out that the water does not belong to the City, it belongs to the State; the City has a permit to use that water for the benefit of all residents in Dunes City, including the residents depending on SCWD's water now, and the City should be doing so.

In response to a question by Councilor Orr, Mr. Reitz provided a brief history about how he acquired ownership of SCWD. (00:32:30)

Mayor Forsythe suggested that the Council hear from residents who signed up to make comments on this issue. He recognized several people, who opted not to comment.

Mayor Forsythe recognized Mr. Ian Jarman, who introduced himself as a resident of Siltcoos Heights. (00:33:39) He explained that Siltcoos Heights is a more densely populated area than most of the rest of Dunes City with smaller, older homes that represent more affordable housing for families. Speaking to the water issue, he noted that the smaller homes have a relatively small demand for water. He went on to note that he had spoken with Mr. Mark Chandler, a long-time water tester for Dunes City, and Mr. Chandler does not recommend drinking the water. Mr. Jarman explained that his family subscribes to a water delivery service to supplement their potable water supply. Mr. Jarman thanked the Council for the opportunity for the neighborhood to get good, reliable water from Woahink Lake. (00:36:45)

Mayor Forsythe recognized Mr. Dick Booth, a Dunes City resident living on Siltcoos Lake. Mr. Booth explained that he and his family have been drinking and using the Lake water for years, supplemented by some bottled water, with no ill effects. He went on to say that he supported the proposed agreement to provide Woahink water to the Siltcoos Heights residents.

Mayor Forsythe recognized Mr. Wayne Bayliff. Referring to Councilor Orr's question to Ms. Douthit about the impact on Woahink if Woahink water is used to supply Siltcoos Heights, Mr. Bayliff noted that Ms. Douthit's answer was that the impact had not been studied and was not likely to be studied soon because of budget constraints. Mr. Bayliff suggested that there were other resources that might be able to perform a study to make sure that there will be no significant, long-term impact with consequences that can not be reversed, and he asked the Council to consider having a study before entering into the proposed agreement. (00:40:50)

Mayor Forsythe recognized Mr. John Stead, who noted that Dunes City's permit only allows for water to be drawn from Woahink Lake. He went on to explain that the residents on Little Woahink draw water from Little Woahink under a permit issued by the State for using water from "two unnamed streams" for human consumption, indoors only. Mr. Stead referred to a prepared statement and noted that Permit T-9854 authorizes 217 additional points of diversion so if the City wanted to add another POD the City would need to amend its permit. Referring to his prepared statement, Mr. Stead pointed out that the Comprehensive Plan policy B6 states that Siltcoos and Woahink are both classified only for utilization of water for domestic, livestock, and in-lake uses for recreation, wildlife, and fish life purposes. Mr. Stead went on to note that Comprehensive Plan Policy I9 states that commercial activity in residential districts shall be limited to the home occupation listed in the applicable zoning ordinance. Mr. Stead referred Councilors to his statement in which he provided highlights from Oregon Water Resources Department and Mid-Coast Basin Program regulations. (00:47:30)

A COPY OF MR. STEAD'S ENTIRE STATEMENT IS ON FILE AT CITY HALL.

Mayor Forsythe recognized Ms. Heidi Jarman, a Siltcoos Heights resident, who presented jars of water collected from three locations in Dunes City to illustrate the differences in quality. She explained that she wanted to petition, on behalf of other families in the neighborhood, for a better source for water. (00:49:15)

City Administrator/Recorder Mills pointed out that on at least two occasions many years ago, engineers performed impact studies. Ms. Douthit explained the implementation process if the agreement with SCWD is approved. She noted that if SCWD uses an existing POD for an existing place of use, which it intends to do, there would be no need to amend the City's existing permit. (00:51:00)

Councilor Meyer asked if it was true that the Woahink watershed is fed by the Little Woahink watershed and Woahink drains into Siltcoos, is there enough water in the watershed to supply drinking water. Ms. Douthit replied that that was her understanding, but there were also other waters draining into the watershed and Woahink may also be fed by an aquifer.

Councilor Montgomery made a motion to approve the agreement. Councilor Wells seconded the motion. The motion passed by unanimous vote.

B. LaneACT Representative

City Administrator/Recorder Mills reported that the LaneACT representative must be an elected official. There was some discussion about the meeting schedule and its conflict with Dunes City's Council meeting. Mayor Forsythe noted that attendance provides an excellent opportunity for Dunes City representatives to network, stay abreast of funding that might be available and give coastal residences a voice inland. He suggested the Council consider sending a Councilor on a rotating basis. He asked City Administrator/Recorder Mills to confirm the meeting time and day.

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

City Administrator/Recorder Mills explained that the expenditure of funds approved at the December Council meeting should have been for an evaluation of the sound system, not the cost of the sound system as was indicated by Staff. She went on to explain that the vendor will be in the area to perform another site evaluation and would be willing to split the cost of the evaluations between that site and Dunes City. The cost would then be about \$250.

Council President Meyer made a motion to spend an amount not to exceed \$500 for a sound system evaluation. The motion was seconded by Councilor Orr. The motion passed by unanimous vote. (01:01:00)

D. Dunes City Triathlon/Duathlon

Mayor Forsythe reported that he had had one meeting with Best in the West Events about the Tri/Du. He explained that the event is owned by Best in the West Events, not Dunes City, but Best in the West Events uses City resources. He noted that there is not a contract between the City and Best in the West so the question is whether or not the City should continue working to support the event.

City Administrator/Recorder Mills explained that Dunes City receives about one half of the sponsorship revenue generated by the event—about \$3,000 last year—and does not have any significant costs associated with it other than a little staff time for seeking sponsors, and a small reward to the organization that brings the most volunteers. She noted that one of the most time-consuming tasks is recruiting volunteers. Rapunzel explained that she volunteers all of her volunteer coordination time to Dunes City. Council President Meyer pointed out that the event is a huge financial benefit to the entire area.

Councilor Montgomery made a motion to participate this year. Council President Meyer seconded the motion. The motion passed by unanimous vote. (01:08:30)

9. NEW BUSINESS

Mayor Forsythe read a proclamation that was not on the agenda:

Mayoral Proclamation, State of Oregon, County of Lane, City of Dunes City.

WHEREAS, all children in Dunes City should have access to the highest quality education possible; and

WHEREAS, as Dunes City recognizes the important role that an effective education plays in preparing all students in Dunes City to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of Dunes City and surrounding areas; and

WHEREAS, Dunes City and the surrounding area is home to multiple excellent education opportunities from which parents can choose for their children; and

WHEREAS, educational variety not only helps to diversify the economy of the area, but also to enhance the vibrancy of our area; and

WHEREAS, our area has many high quality teaching professionals who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools, organizations to raise awareness of the need for effective educational options,

NOW, THEREFORE, I, ROBERT FORSYTHE, Mayor of Dunes City, do hereby recognize January 21st through the 27th of 2018 as Dunes City School Choice Week, and I call this observance to the attention of all of our citizens. (01:10:30)

A. Election of Council President

Mayor Forsythe asked current Council President Sheldon Meyer if he would like to remain in that position or if there was anyone else who would like to act as Council President. No one volunteered and Council President Meyer noted that he would assume the role if no one else wanted it.

Councilor Orr moved to approve Council President Meyer. Councilor Montgomery seconded. (01:11:15) There was no vote.

B. Appoint Budget Officer

City Administrator/Recorder Mills explained that the City is required to appoint a Budget Officer before the end of January of each year.

Council President Meyer made a motion to appoint Ms. Jamie Mills as Budget Officer. Councilor Wells seconded the motion. There was no vote.

C. Appoint Planning Commission Members

Mayor Forsythe referred to applications submitted by Ms. Bonnie Allen and Mr. Ric Ziegler.

Council President Meyer made a motion to appoint both Bonnie Allen and Ric Ziegler to the Planning Commission. Councilor Wells seconded the motion. The motion passed by unanimous vote.

D. Review of Audited Financial Statement for Fiscal Year 2016-2017

City Administrator/Recorder Mills pointed out that Councilors had received copies of the Audited Financial Statements in the mail. Mayor Forsythe noted that the auditors recommended that City Administrator/Recorder Mills have additional training in Quickbooks and that the City should have a second signature on all checks written. Other Councilors had no questions about the auditor's report.

E. Resolution Addressing Deficiencies Identified by Auditor

Council President Meyer made a motion to approve Resolution Series 2018 addressing the issue mentioned above. Councilor Orr seconded the motion. The motion passed by unanimous vote.

F. Authorization to Purchase New Boat Battery for Jerry Curran (Water Tester)

City Administrator/Recorder Mills explained that Mr. Curran is a volunteer who drives the water testers in his boat.

Council President Meyer made a motion to approve a new battery for water testing purposes at a cost not to exceed City Administrator Mills' signature authority. The motion was seconded by Councilor Wells. The motion passed by unanimous vote.

G. Ordinance Correcting Scrivener's Errors in Ordinance No. 206, Adopted July 9, 2010, Regarding Business Licenses – First Reading

City Administrator/Recorder Mills explained that Ordinance No. 246 is to correct scrivener's errors in Ordinance No. 206 which inadvertently put No. 206 into Title XI of Dunes City Code rather than Title XII.

Mayor Forsythe read the title of Ordinance No. 246, "An Ordinance correcting scrivener's errors contained in Ordinance No. 206, adopted by the City Council on July 9, 2010."

Council President Meyer made a motion to read the Ordinance by title only. The motion was seconded by Councilor Wells. The motion passed by unanimous vote.

10. PUBLIC HEARINGS

A. Ordinance Correcting Scrivener's Errors in Ordinance No. 206, adopted July 9, 2010, regarding Business Licenses.

Mayor Forsythe closed the Council meeting at 7:21 pm and opened the Public Hearing for Ordinance No. 246 at 7:22 pm.

There were no comments in favor of or opposed to Ordinance No. 246.

Mayor Forsythe closed the Public Hearing at 7:22 pm and reconvened the Council meeting at 7:23 pm.

11. OLD BUSINESS

- A. Ordinance Correcting Scrivener's Errors in Ordinance No. 206, adopted July 9, 2010, regarding Business Licenses – Second Reading and Deliberation.

Council President Meyer made a motion to pass the Ordinance correcting scrivener's errors in Ordinance No. 206 adopted July 9, 2010, regarding business licenses. The motion was seconded by Councilor Wells. The motion passed by unanimous vote.

(01:21:26)

12. REPORTS

- A. Mayor's Report: Mayor Forsythe reported that he has scheduled a town hall meeting for April 18 at 6:00 pm. Attending will be Sheriff Byron Trapp, Lane County Sheriff, Sergeant Mike Brewster, Oregon State Police, and Florence Police Chief Tom Turner. The purpose of the meeting is to give residents a chance to meet law enforcement officials and have an opportunity to ask questions and find out how the various agencies operate and respond to calls.

In response to a comment about marijuana issues made by a resident earlier in the meeting, Mayor Forsythe explained that Councilors have been advised not to discuss certain aspects. (01:24:28) Mayor Forsythe also explained that, as far as drug testing for employees' use of marijuana is concerned, there are no regulations about legal levels of marijuana in a person's system as there are for alcohol. (01:26:00)

- 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. He also reported that there will be progress on the sound system after the evaluation, and that the POW MIA flag is installed.
- C. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reminded everyone about the February 13 town hall meeting to discuss roads.
- D. Water Quality Report: Council President Meyer reported that water testers were scheduled to test on or about January 23.
- E. Emergency Services Report: City Administrator/Recorder Mills' reported that she was not able to attend the December WLEOG meeting, but minutes were included in the Councilors' meeting packets. She thanked Mr. Keith Garvey for volunteering to act as the City's emergency center coordinator while she was on vacation.
- F. City Administrator/Recorder Report: City Administrator/Recorder Mills' reported that 13 permits were issued in December; the City's Permit Tech is reviewing the process for

grading permits and will make a recommendation for changes; there were several complaints filed at City Hall, including one about an individual who claimed to be a representative of Dunes City and threatened to have an elderly woman evicted from her home; the Trust for Public Lands has expressed interest in helping to acquire the land for the hiking and biking trail between Pacific Avenue, Darlings Loop and Clear Lake Road; the work on Keichle Arm appears to be serving its purpose, but there has not been enough rain to fully test the improvements; and, an Amended Notice of Intent to Appeal the decision of the Council on Ordinance No. 245 has been filed with LUBA.

City Administrator/Recorder Mills explained that City Staff is reviewing the building permit process in general and making some changes.

13. FOR THE GOOD OF THE ORDER

Councilor Wells expressed concern about an individual, a resident of Dunes City, who, over the holiday, threatened to evict an 83-year-old widow from the mobile home she has occupied for more than thirty years. He went on to say that he hoped the woman would pursue legal action against the person who threatened her. Council President Meyer agreed with Councilor Wells' and noted that he was also aware of the incident.

14. ADJOURNMENT

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

Mayor Forsythe adjourned the meeting at 7:40 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 14th DAY OF FEBRUARY 2018.

Robert Forsythe, Mayor

ATTEST:

Jamie Mills, City Administrator/Recorder



**CITY COUNCIL SPECIAL SESSION MEETING MINUTES ~ DRAFT
JANUARY 22, 2018 AT 5:00 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 January 22, 2018, Special Session of the Dunes City Council to order at 5:00 pm.

2. ROLL CALL

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

Present: Mayor Robert Forsythe, Council President Sheldon Meyer, Councilor Susan Snow, Councilor Duke Wells, and Councilor Robert Orr.

Absent and Excused: Councilors Tom Mallen and Alan Montgomery.

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

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. Councilor Wells seconded the motion. The motion passed by unanimous vote.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Mayor Forsythe read aloud from the list of announcements on the Agenda:

- A. A Goal Setting Session has been set by the City Council for Tuesday, February 13, at 4:00 pm.
- B. A Town Hall meeting on the issue of streets and roads will be held on Tuesday, February 13, at 6:00 pm.

- C. A Town Hall meeting on the issue of public safety (police protection) will be held on Wednesday, April 18, at 6:00 pm. Mayor Forsythe invited everyone to attend, representatives from the Oregon State Police, the Lane County Sheriff's Office and the Florence Police Department are scheduled to be there.

6. NEW BUSINESS

- A. Resolution Series 2018, regarding approval of submission of grant application for acquisition of land for a hiking and biking trail that will connect the northern portions of the City (north of Darlings Loop) with the southern portions of the City (Pacific Avenue and the Westlake area)

City Administrator/Recorder Mills explained that three privately held lots have been for sale for some time; the price has come down to a point the City could afford if it receives the grant. She also noted that the Trust for Public Lands has expressed interest in helping the City with the project. She went on to say that the asking price is \$395,000 and there are two high producing wells on the land.

Council President Meyer made a motion to approve the Resolution. Councilor Orr seconded the motion. The motion passed by unanimous vote. (00:08:10)

7. EXECUTIVE SESSION

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

Mayor Forsythe announced that he would close the Special Session to go into Executive Session held pursuant to ORS 192.660(2)(h) to consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, and that only representatives of the news media and designated Staff would be allowed to attend Executive Session. He explained that the Council would retain the right to reconvene the Special Session after Executive Session.

Mayor Forsythe closed the Special Session at 5:10 pm. Mayor Forsythe reconvened the Special Session at 5:50 pm.

Mayor Forsythe asked Councilors for comments about their discussion with the City Attorney re the LUBA appeal.

Council President Meyer did not think it was necessary for the City Attorney to file a brief on behalf of Dunes City or be present at a hearing. (00:10:38) Councilors agreed.

Councilor Orr made a motion to authorize the City Administrator talk to the City Attorney and not spend the money to prepare a brief and make a presentation before LUBA. The motion was seconded by Council President Meyer. The motion passed by unanimous vote. (00:13:10)

8. FOR THE GOOD OF THE ORDER

Councilor Wells noted that many citizens have approached him to express their thanks to the Council for approving the water right agreement with South Coast Water District. He went on to say that over the last few months Councilors and others have been receiving a lot of email from one Dunes City resident and, recently, the emails and information attached has consisted of multiple pages that Staff copies for the Councilors. He noted that Staff researches the information, which uses Staff time. He suggested that the Council might address this issue.

Mayor Forsythe asked City Administrator/Recorder Mills to consult with the City Attorney to determine if there is a point at which the City does not have to make every page of every email available in full if Councilors are provided with a summary of the email subjects and content, with copies available to them upon request to Staff. (00:16:00)

City Administrator/Recorder Mills reported that DOJ, LOC and LCOG have negotiated a settlement in the argument of whether or not cities can contract for building inspection and building code compliance. The settlement has been introduced in bill form to the State Legislature. She explained that it looks like cities can contract out the building inspection services but a city must hire its own building official—the building official can be an existing city employee, but would have to attend classes to become certified.

City Administrator/Recorder Mills also reported that there is new legislation that requires all private employers to provide retirement benefits for employees—this applies to Cardinal Services, the employer of record for office staff. She explained that she is looking into options, but any option would have a significant impact on the budget.

9. ADJOURNMENT

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

Mayor Forsythe adjourned the meeting at 6:00 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 14th DAY OF FEBRUARY 2018.

Robert Forsythe, Mayor

ATTEST:

Jamie Mills, City Administrator/Recorder

BILLS OF THE SESSION: 1/09/2018 thru 2/07/2018

Campbell Productions			\$390.00
Central Lincoln P.U.D. (City Hall)			\$1,787.96
Central Lincoln P.U.D. (Street Lights)			\$162.94
Century Link			\$305.12
County Transfer & Recycling			\$25.34
Charter Business			\$70.00
Coastal Pavement Maintenance (Parkway Dr)			\$1,750.00
Jerry Curran (water tester boat volunteer - boat battery & fuel)			\$107.99
DCBS Fiscal Services (State Building Surcharge)			\$249.36
Dunes City Home Services			\$160.00
Hough, MacAdam, Wartnik, Fisher & Gorman, LLC			\$520.00
Lane Council of Governments			\$235.59
MCI/Verizon			\$53.93
Northwest Code Professionals			\$5,343.30
Oregon City Planning Directors Association			\$50.00
Oregon Department of Revenue			\$458.51
Oregon Mayors Association			\$103.00
Petty Cash			\$400.00
Richard Palmer			\$7,129.50
Shippin' Shack			\$42.14
Siuslaw News			\$76.00
Siuslaw Watershed Council			\$25.00
Speer Hoyt LLC General		\$1,159.40	
Speer Hoyt LLC MJ		\$1,103.30	
Speer Hoyt LLC Reavis v DC		\$130.90	
Speer Hoyt LLC LUBA Appeal		\$1,178.10	
		Speer Hoyt Total	\$3,571.70
The Dyer Partnership			\$875.00
U S Bank			\$4.00
		Intuit	\$4.00
U S Postal Service (annual box fee)			\$116.00
Vend West			\$0.00
Wells Fargo Financial Leasing, Inc			\$185.25
Wally's Septic Tank Pumping (Hardship Case)			\$575.00
Ybarra, Robert			\$167.50
Staff Wages			\$2,661.52
Employer share of payroll taxes			\$458.51
Employer PERS			\$385.14
		Total Employee Costs	\$3,505.17
Cardinal Services			\$5,333.49
Above bills in the amount of	\$33,778.79	approved per motion,	TOTAL \$33,778.79

ATTEST: _____

Mayor / Council President

RECEIPTS OF THE SESSION: 1/5/2018 thru 2/07/2018

Building Rental				\$0.00
Business License				\$170.00
Copy Charges				\$16.50
Donations				\$0.00
Franchise Fee, Cable TV				\$0.00
Franchise Fee, PUD				\$7,718.27
Franchise Fee, Telephone				\$0.00
Lien Searches				\$25.00
Permits, Conditional Use				\$0.00
Permits, Boundary Line Adjustment (PUD)				\$0.00
Permits, Driveway & Access				\$0.00
Permits, Electrical				\$685.00
Permits, Excavating & Grading				\$194.50
Permits, Manufactured Home Fees				\$0.00
Permits, Mechanical				\$424.50
Permits, Other (Inspections, LUCS, No Brushing, etc.)				\$200.00
Permits, Penalties				\$0.00
Permits, Plan Check Fees				\$484.25
Permits, Plumbing				\$0.00
Permits, Right of Way Use				\$0.00
Permits, Structural				\$745.00
Permits, Building Surcharge				\$364.65
Permits, State Surcharge				\$234.54
Permits, Vegetation / Tree Removal	Permits Total	\$8,500.78		\$0.00
Planning Grant				\$0.00
Refund (reimburse for Realtor's Lunch)				\$72.45
Refund (Lane Co for Terry Prop Taxes)				\$33.63
Returned Check Fee				\$5.00
RTMP Grant				\$0.00
Septic Inspections				\$500.00
Tax, Cigarette				\$320.56
Tax, Liquor (OLCC)				\$2,774.18
Tax, Oregon State Highway Apportionment				\$6,959.24
Tax, Lane County Motel Fund				\$818.41
Tax, School Excise				\$1,344.00
Triathlon Merchandising				\$0.00
Water Rights Application Fees				\$750.00
Water Admin Fees				\$100.00
			TOTAL	\$24,939.68



APPLICATION FOR APPOINTIVE OFFICE
(Please Print or Type)

1/11/2018 Date Budget Committee Position Applying For

Hammond Last Name Rory First Name R Middle Initial

[Redacted] Daalings Loop Street Address [Redacted] Mailing Address

[Redacted] Home Phone [Redacted] Work Phone [Redacted] Cell Phone [Redacted]

[Redacted] Email Address

In the event of an emergency, whom may be contact?

Cathryn Hammond Name [Redacted] Telephone

[Redacted] Your Current Occupation [Redacted] Your Prior Occupation(s)

Yes Are you a resident of Dunes City? 2 years How Long?

Education/Experience/Interests (additional sheets may be attached).

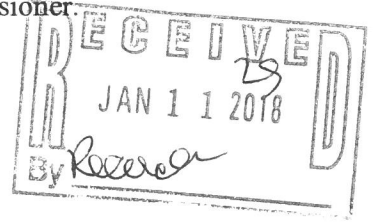
BS Business Adm, Past President Oregon Equestrian Trails
Member of Columbia County Budget Committee, Unix System Administrator
Data base Administrator

[Signature]
 Signature

Note: Your resume is required for City Councilor or Planning Commissioner.

Revised 01/14/2016

Ittech Cundo Stereo



Dunes City Recorder

From: Laura Fisher <laura.fisher@hmcwcpas.com>
Sent: Thursday, January 25, 2018 5:35 PM
To: Dunes City Recorder
Subject: 2018 financial statement engagement

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Jamie—

For the past few years businesses in Coos Bay-North Bend have found it quite a challenge to attract skilled employees into our area in order to replace the baby boomers who have been retiring.

Our office is no exception and as you probably know, Tina Jones is retiring in a few months. Although we have been searching for a few years, we have only recently found some new audit personnel but they do not yet have the experience necessary to work independently, particularly on more complex engagements such as Dunes City.

Because of our shortage of experienced staff we have to cut back on the amount of work we do. I'm sorry to tell you that we will not be able to provide financial statement services to Dunes City this year. I wanted to give you as much advance notice as possible so you have time to seek another firm.

There are several qualified firms in Oregon. Below are a few that are well respected and have offices in Eugene. You can also get a list by calling the State Board of Accountancy at [503-378-4181](tel:503-378-4181)

Connie Huntsman, CPA <https://www.cjhcpaoregon.com/>

Grimstad & Associates <http://grimstad-assoc.com>

Jones and Roth <http://www.jrcpa.com/home/specialties/nonprofit-organizations/>

Isler, CPA <http://islercpa.com/>

We have really appreciated your business and we hope that in a few years we will be in a position where we can bid on your engagement again.

Laura Fisher, CPA
Assurance Services Partner
Hough, MacAdam, Wartnik, Fisher & Gorman, LLC
3690 Broadway
North Bend, OR 97459
[541-269-9338](tel:541-269-9338)
Cell [541-297-2285](tel:541-297-2285)
Fax [541-267-0536](tel:541-267-0536)



PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS E-MAIL

ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW CHAPTER 123, ENTITLED MARIJUANA BUSINESSES TO TITLE XII, BUSINESS LICENSES, OF THE DUNES CITY CODE.

WHEREAS, the City of Dunes City, through its City Council, is responsible for enacting ordinances for the effective and efficient operation of the City of Dunes City for the benefit of its residents; and

WHEREAS, State law authorizes the operation of medical and recreational marijuana businesses and provides those business with immunity from state criminal prosecution; and

WHEREAS, although the State of Oregon has passed legislation authorizing marijuana businesses and providing criminal immunity under state law, the operation of those businesses remain illegal under federal law; and

WHEREAS, the City Council has home rule authority to decide whether, and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by State Statute; and

WHEREAS, whether a certain business should operate within a local jurisdiction is a local government decision, and local governments may enforce that decision through the general and police powers of that jurisdiction; and

WHEREAS, the City's licensing and regulatory system should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City Ordinance or local, regional, state or federal law; and

WHEREAS, the City Council of Dunes City wants to regulate the operation of marijuana businesses in the City in ways that protect and benefit the public health, safety and welfare of existing and future residents and businesses in the City; and

WHEREAS, this Ordinance is intended to impose restrictions, not provide authorizations; and

WHEREAS, the operation of a marijuana business without proper authority from either the Oregon Liquor Control Commission or the Oregon Health Authority is prohibited within the City;

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. A new Chapter 123 is hereby added to Title XII, Business Licenses, of the Dunes City Code of Ordinances to read as found in Exhibit A attached hereto and incorporated by reference herein.

Section 2. EFFECTIVE DATE. This Ordinance shall take effect on the 30th day after its adoption.

Section 3. SEVERABILITY. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, or superseded by State or federal legislation, rules, regulations or decisions, the remainder of this Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or State laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or State law, rule, or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect and shall thereafter be binding, without the requirement of further action on the part of the City.

Section 4. OTHER REMEDIES. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. Non-exclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

Section 5. CAPTIONS. The captions to sections through this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 6. SCRIVENER'S ERRORS. Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on the _____ day of _____, 201__.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon on this _____ day of _____, 201__.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

**ADOPTED BY THE DUNES CITY COUNCIL THIS _____ DAY OF _____,
201_____.**

Robert Forsythe, Mayor

ATTEST:

Jamie Mills, City Recorder

EXHIBIT A.

TITLE XII, CHAPTER 123 – MARIJUANA BUSINESSES

Sections:

- 123.100** **Definitions**
- 123.101** **License and Registration Required**
- 123.102** **Marijuana Business License Application/Renewal**
- 123.103** **Determination**
- 123.104** **Denial, Revocation, or Suspension of License**
- 123.105** **Marijuana Business License Fees, Relocations, Terms of License, Fee Exemptions and Delinquency**
- 123.106** **Summary Suspension**
- 123.107** **Appeal**
- 123.108** **Compliance with Oregon Marijuana Laws**
- 123.109** **Additional Specific Requirements**
- 123.110** **General Marijuana Business License Requirements**
- 123.111 to 123.998** *Reserved*
- 123.999** **Violations and Penalties**

CHAPTER 123 – MARIJUANA BUSINESSES

§123.100 Definitions. For purposes of this Chapter 123, the following definitions shall apply:

Licensee means a person who holds a license issued by the City to engage in a marijuana business in accordance with this Chapter 123.

Licensee Representative means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

Marijuana means all parts of the plant Cannabis family *cannabaceae*, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana Business means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, researching, testing, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for growing, processing, researching, testing, or dispensing of marijuana or marijuana items.

Marijuana Items means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

§ 123.101 License and Registration Required.

A. Marijuana businesses must possess a valid license issued under this Chapter 123 to operate with the City limits. The license required by this Chapter 123 facilitates the registration and the City's oversight of a marijuana business. The license required by this Chapter 123 should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other regulatory or license requirement imposed by any other provision of City Ordinance or local, regional, state or federal law.

B. To be eligible to apply for a license under this Chapter 123, marijuana businesses must be either registered with the Oregon Health Authority or licensed by the Oregon Liquor Control Commission and otherwise authorized by state law to operate a marijuana business.

C. The agent, or agents, of a nonresident proprietor engaged in any business for which a license is required by this Chapter shall be liable for any failure to comply with the provisions of this Chapter, or for any penalty assessed under this Chapter, to the extent, and with like effect, as if such agent, or agents, were themselves the proprietors or owners of the business.

D. A person engaged in business in more than one location or in more than one business licensed under this Chapter 123, shall make a separate application, and pay a separate license fee, for each business.

E. A person representing him or herself, or exhibiting any sign of advertisement that he or she is engaged in a business within the City on which a license fee is levied by this Chapter, shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee and subject to the penalties for failure to comply with the requirements of this Chapter 123.

§ 123.102 Marijuana Business License Application/Renewals.

A. License applications and/or renewals must be submitted to the City Administrator, or his or her designee on a form provided by the City. A separate license application must be submitted for each proposed Marijuana Business and for each proposed location, if more than one. The license application must be on a form provided by the City and, except as provided in subsection (B) of this Section 123.102, must include the following information:

1. The name of the Marijuana Business.
2. The location of the Marijuana Business with:

a. Documentation, including a Dunes City Conditional Use Permit and all supporting site plans and other evidence, to demonstrate the issuance of an approved Conditional Use Permit by Dunes City allowing the activity to be conducted within the zone in which the Marijuana Business is located, provided, however, that the approved Conditional Use Permit shall not be required of Marijuana Businesses that provide evidence of licensing with the Oregon Liquor Control Commission or registration with the Oregon Health Authority prior to the effective date of this Code provision. All supporting site plans and other evidence, along with the complete Conditional Use Permit application, shall still be required with a Marijuana Business License application, regardless of the initial date of state licensing or registration.

b. Documentation from the Oregon Health Authority that the business is registered at that location as:

- (1) A medical marijuana dispensary; or
- (2) A medical marijuana processing site.

c. Documentation from the Oregon Liquor Control Commission that the business is licensed at the location as:

- (1) A recreational marijuana producer; or
- (2) A recreational marijuana processor; or
- (3) A recreational marijuana wholesaler; or

(4) A recreational marijuana retailer.

3. The name and address of:

- a. The applicant, including all principals;
- b. Any person that has an ownership interest in the Marijuana Business, including all principals;
- c. Any person that owns the real property to be used by the Marijuana Business and any person who manages that property on behalf of the real property owner(s); and
- d. The natural person that has the responsibility for day-to-day operation or management of the Marijuana Business.

4. For each natural person, including all principals, described in Section 123.102(A)(3), a copy of the front and back of a valid driver's license or identification card issued by the State of Oregon or the state in which the person resides, or the person's passport and a copy of the person's state-issued marijuana worker permit.

5. The name, telephone number, and postal and e-mail addresses of the natural person to receive on behalf of the Marijuana Business, all correspondence about the license.

6. A detailed description of the type, category, nature and extent of the Marijuana Business, including, but not limited to, a description of the products to be provided by the Marijuana Business and the process by which such products will be manufactured.

7. If the Marijuana Business is a medical marijuana dispensary or recreational marijuana retailer, the proposed days and hours of operation of the medical marijuana dispensary or the recreational marijuana retailer.

8. Evidence to show that Siuslaw Valley Fire and Rescue has received the following information:

- a. A dimensional floor plan, drawn to scale, of the entire space in which the Marijuana Business is to be located. The floor plan shall indicate the location, nature and extent of the existing and proposed improvements and shall include the following minimum information:

- b. Labeling the principal uses of the floor area of a medical marijuana dispensary or recreational marijuana retailer including, but not limited to, entrance areas, office areas, retail areas, display cases, private consulting areas, and areas where marijuana will be packaged, distributed, stored and/or disposed;

- c. Labeling the principal uses of the floor area of the recreational marijuana producer including, but not limited to, entrance areas, office areas, growing and drying areas, and areas where marijuana will be packaged, stored and/or disposed;

d. Labeling the principal uses of the floor area of the medical marijuana processor or recreational marijuana processor including, but not limited to, entrance areas, office areas, processing and manufacturing areas, areas where marijuana will be packaged, stored and/or disposed, and areas where flammable materials will be used, stored or disposed; and

e. For all Marijuana Businesses, the location and widths of all entrances and exits, exterior lighting and light fixture information, and the general layout of circulation paths, and aisle width in compliance with all applicable building codes adopted by Dunes City and any other applicable laws.

9. A sworn statement whether the applicant, principals, persons with a financial interest, employees or volunteers have been convicted of a misdemeanor within the past five (5) years that relates to fraud, theft, manufacture or delivery of a Schedule 1 controlled substance, or have ever been convicted of a felony.

10. A plan for controlling and mitigating odor generated by the Marijuana Business. The plan shall describe in detail the odor control and mitigation systems, which may include, but are not limited to, ventilation systems and filtration systems, as well as any other best practices that will be used to prevent the odor of marijuana from traveling off the premises. For a recreational marijuana producer, such plan shall also include all ventilations systems used to control the environment for the plants and the plan must described how such systems operate with the odor control systems.

11. A plan for ensuring that any heat and glare created by the Marijuana Business will not be discernible at or beyond the property line.

12. A plan showing that exterior lighting will be directed away from and shall not reflect on adjacent properties.

13. A plan showing that no unreasonable noise, as described in Section 91.04 of the Dunes City Code of Ordinances, will be created or allowed to exceed the requirements as set forth in said Section 91.04 of the Dunes City Code of Ordinances.

14. A plan showing or describing the security measures to be utilized within and around the facilities.

15. If the plan showing or describing security measures identifies any canines to be used as guard dogs, evidence to show such dogs have been vaccinated and are licensed in accordance with the laws of the State and Lane County.

16. Certification that all applicable taxes and fees have been paid and there are no outstanding liens placed by any governmental entity, fines or violations existing against the property proposed for use by the Marijuana Business.

17. Written evidence indicating the water source that will serve the property proposed for use by the Marijuana Business.

18. Other information deemed necessary by the City Administrator or his or her designee.

19. The signature, under penalty of perjury, of the applicant, if a natural person, or if the applicant is other than a natural person, the signature of a natural person who is an authorized agent of the applicant, that the information contained in the application is current and accurate.

B. Applications will be reviewed for completeness and applicants will be notified of any missing information required to deem their application complete. The City may inspect the proposed licensed premises prior to issuing a license and at any time during normal business hours following the issuance of a license. If, during the inspection, the City determines that the applicant or the licensed premises are not in compliance with this Chapter 123 or any other provisions of any other Chapter of the City's building, development, zoning, nuisance or other City Ordinance or Code, the applicant will be provided with notice of the failed inspection and that the requirements of this Chapter have not been met. Applications shall be processed in the order they are deemed complete by the City Administrator, or his or her designee.

C. Continuing obligation to update information.

1. Except as provided in paragraph 2 of this Section 123.102(C), information provided in a license application or renewal application must be kept current at all times, including after a license is issued. Each Marijuana Business shall notify the City Administrator, or his or her designee, in writing within ten (10) business days of any change in the information previously provided to the City.

2. A Marijuana Business is not required to notify the City of the names of new employees or volunteers of the Marijuana Business. The Marijuana Business shall maintain a copy of the State-issued marijuana worker permits for each employee and volunteer, and shall make these available for inspection by the City upon request.

§ 123.103 Determination

A. *Consideration.* Within thirty (30) days after receiving a complete initial or renewal application and license fee for a Marijuana Business license, the City Administrator will issue the license if the City Administrator finds that the facility is registered as a marijuana business with the Oregon Health Authority or licensed as a marijuana business with the Oregon Liquor Control Commission and that all other requirements under this Chapter 123 have been met, or will notify the applicant, in writing, of the reason for a delay in issuance. The City license will list the specific category of marijuana business license being issued.

B. *Approval.* If an application for a new or renewed Marijuana Business License is approved, the City Administrator shall notify the applicant in writing. The notice shall state any conditions or limitations placed on the license as a condition of maintaining the license which are necessary to protect the public health, safety or welfare, or which are required by this Chapter 123.

§ 123.104 Denial, Revocation, or Suspension of License.

A. In addition to the denial for failure to meet the requirements of this Chapter, the City Administrator may deny, suspend, or revoke any Marijuana Business License issued under this Chapter 123 upon a finding that:

1. The licensee fails to meet the requirements of, or is doing business in violation of this Chapter 123.

2. The licensee is in violation, as determined by the applicable governing jurisdiction, of applicable federal, State, or local requirements and such violation reasonably relates or has a nexus to the licensee's Marijuana Business activities.

3. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the application, related materials, or license.

4. Notwithstanding the federal Controlled Substances Act, the applicant fails to meet all requirements of local, state, and federal laws and regulations, including, but not limited to, other permitting or licensing requirements and land use regulations; or

B. The City Administrator shall provide written notice to the applicant or licensee of a denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant of the right to appeal under Section 123.107 of this Chapter 123.

C. The notice shall be given at least fifteen (15) days before a revocation becomes effective. If the violation ends within fifteen (15) days, the City Administrator may discontinue the revocation proceedings.

D. A person whose application for a Marijuana Business License has been denied or whose License has been revoked may, after ninety (90) days from the date of denial or revocation, apply for a license upon payment of the application fee and submission of an application form and related documents.

E. A person whose application for a Marijuana Business License has been denied or whose License has been revoked for a total of two (2) times within a one (1) year period, or who has a total of four (4) denials or revocations, shall be disqualified from applying for a license for a period of two (2) years from the date of the last revocation or denial.

F. *Transfer of License.* The Marijuana Business License may not be transferred to another party under any circumstances.

§ 123.105 Marijuana Business License Fees, Relocations, Terms of License, Fee Exemptions and Delinquency.

A. Each application for a Marijuana Business License must be accompanied by a non-refundable Marijuana Business License application fee and an annual license fee. Fees shall be set by the City Council by resolution. This Marijuana Business License fee shall be in addition to, and not in

lieu of, any other license or permit fee, charge, or tax required under any other Municipal Code section or City Ordinance. Marijuana Business License fees, as set by the City Council by resolution, may be increased or decreased at any time by the City Council.

1. **Marijuana Business License Application Fee.** The Marijuana Business License application fee amount shall be charged when a new or expired Marijuana Business License application is processed and shall be limited to recovering the administrative cost of processing the application. The Marijuana Business License application fee shall be set from time to time by resolution of the City Council. Persons holding expired Marijuana Business Licenses will be charged a new Marijuana Business License application fee to reapply.

2. **Marijuana Business License Annual Fee.** Persons renewing an existing, non-expired Marijuana Business License shall pay only the annual Marijuana Business License fee. The Marijuana Business License fee shall be determined by resolution of the City Council and may be increased or decreased at any time by the City Council.

B. **Relocation of an Existing Business.** In the event a Marijuana Business relocates in such a way as to necessitate review of applicable zoning ordinances, the licensee shall reapply to the City Administrator and pay the applicable Marijuana Business application fee. The Marijuana Business License annual fee shall be transferable to the new location. The City may issue the Marijuana Business License upon finding that the new location meets the requirements of the Dunes City Code of Ordinances.

C. **License Term.** A Marijuana Business License issued under this Chapter 123 shall be valid from the date of issuance until the next following December 31, after which it shall expire.

D. **Renewal Notice.** Notice of renewal of Marijuana Business Licenses shall be sent by December 1st of each preceding year and shall be due in thirty (30) days (by January 1st of the current year). Accounts not paid by January 20th shall be declared expired.

E. **Delinquency.** Late payments of renewal fees will not be accepted. If payment is not made as provided in this Chapter 123, the license will be declared expired. The holder of the expired license must re-apply for a Marijuana Business license as if making application for the first time.

§ 123.106 Summary Suspension.

A. Upon determining that a Marijuana Licensed Business is conducting activity that presents an immediate danger to person or property, the City Administrator may suspend the License for the activity or device.

B. The suspension shall take effect immediately upon notice of the suspension being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the Marijuana Business License application for the License being suspended. Such notice shall state the reason for the suspension and inform the licensee of the provisions for appeal under Section 123.107 of this Chapter 123.

§ 123.107 Appeal.

In the event that an applicant, or other responsible party for a Marijuana Business License under this Chapter 123 is denied such License, or in the event a License is suspended or revoked, the applicant or license holder shall have the right to appeal. The written notice of appeal, together with the payment of appeal fees as set by resolution of the City Council, to the City Council shall be filed with the City Administrator within fifteen (15) business days after the denial of license or license suspension or revocation. If the written notice of appeal is received more than seven (7) days prior to the next regularly scheduled meeting, the City Council shall hear and make a determination in regard to the appeal at its next regular meeting after the filing of notice of appeal. If the written notice of appeal is received less than seven (7) days prior to the next regularly scheduled meeting, the City Council shall hear and make a determination in regard to the appeal at the first regularly scheduled meeting that falls after the seven (7) days period has expired. The decision of the Council on such appeal shall be final and conclusive.

§ 123.108 Compliance with Oregon Marijuana Laws.

A. A medical Marijuana Business must, at all times, be registered and in good standing with the Oregon Health Authority as a medical marijuana dispensary or medical marijuana processor. A medical Marijuana Business shall comply with all applicable laws and regulations administered by the Oregon Health Authority.

B. A recreational Marijuana Business must, at all times, be licensed and in good standing with the Oregon Liquor Control Commission as a recreational marijuana producer, recreational marijuana processor, recreational marijuana wholesaler, or recreational marijuana retailer. A recreational Marijuana Business shall comply with all applicable laws and regulations administered by the Oregon Liquor Control Commission.

§ 123.109 Additional Specific Requirements.

A. Marijuana Businesses shall comply with all provisions of the Dunes City Code of Ordinances.

B. Marijuana Businesses shall only dispense marijuana or marijuana containing products within a building or fully enclosed structure.

C. Marijuana Businesses shall not manufacture or produce on-site any extracts, oils, resin, or similar marijuana derivatives.

D. Marijuana Businesses shall not offer or provide free marijuana, or marijuana infused products.

E. All Marijuana Businesses shall be permanent in nature. Marijuana Businesses must be located in a permanent building and may not be located in a trailer, cargo container, or motor vehicle. Marijuana Businesses may not be located in a home, residential unit, or be occupied by another use aside from a Marijuana Business. Marijuana Businesses must apply for a business license and shall not

be allowed to apply for a temporary status. Marijuana Businesses shall not qualify for a home occupation status.

F. Persons under twenty-one (21) years of age may not enter a Marijuana Business, unless State law otherwise expressly permits entry.

G. Medical and recreational marijuana dispensaries and marijuana retailers shall not be permitted to operate outside the hours of 9:00 a.m. to 7:00 p.m.

H. Marijuana Businesses may not be located within one thousand (1,000) feet from any of the following facilities, measured in a straight line from the closest property line on which the Marijuana Business is located to the closest edge of the property line on which the facility is located. These distance limitations between facilities are based upon the facilities surrounding the Marijuana Business location at the time the Marijuana Business first submits a completed license application pursuant to Section 123.102:

1. A public park;
2. A campground or resort which serves children under eighteen (18) years of age;
3. A commercial or residential recreational facility which serves children under eighteen (18) years of age; or
4. A school bus stop location which serves children under eighteen (18) years of age, at the location of the stop at the time the Marijuana Business License is issued.

I. No more than one Marijuana Business may be located on the same property, parcel, address, or tax lot.

J. Marijuana Businesses shall be equipped with an air filtration and ventilation system which contains all marijuana- and hemp-related odors within the property or facility and does not allow marijuana-related odors to escape beyond the property lines of the property on which the Marijuana Business is located.

K. No drive-up or drive through service shall be permitted for Marijuana Businesses.

§ 123.110 General Marijuana Business License Requirements.

In addition to any other requirements of this Chapter 123, each applicant, Licensee, and Licensee Representative(s) shall:

A. A person who is registered by this Chapter 123 to have a Marijuana Business license shall cause the license to be prominently posted in a place available to the public at the location for which the license is issued. If the principal location or office of the business is not located within the City, the business employee, agent, or representative must possess a copy of the license when doing business within the City.

B. Nothing in this Chapter 123 shall be construed to apply to any person transacting and carrying on business within the City which is exempt from a license fee of the City by virtue of the Constitution of the United States, the Constitution of the State of Oregon, or applicable federal or State law.

C. No person whose income is based solely on a wage or salary shall, for the purpose of this Chapter 123, be deemed a person transacting or carrying on any business in the City, and it is the intention that all license fees will be borne by the employer.

D. The levy or collection of a license fee, or issuance of a business license, shall not be construed to be a license or permit by the City to the person engaged therein in the event such business shall be unlawful, illegal, or prohibited by federal, State or local law.

E. Nothing contained in this Chapter 123 shall be taken or construed as vesting any right in any license as a contract obligation on the part of the City.

§ 123.111 to § 123.998 *Reserved.*

§ 123.999 **Violations and Penalties.**

A. Violations of the provisions of this Chapter 123 shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) per day until the violation is cured or no longer exists. The process by which violations will be addressed is set forth in Chapter 36 of the Dunes City Code of Ordinances.

B. Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provisions of this Code, or when necessary to investigate an application for, or revocation of a license, under any of the procedures prescribed in this Chapter, officials responsible for enforcement or administration of this Chapter, or their duly authorized representatives, may enter onto any site or into any structure, for the purpose of investigation, provided they do so in a reasonable manner. No secured building or property shall be entered without the consent of the owner or occupant unless under authority of a warrant or other applicable legal authority.

C. Any business which is established, operated, moved, altered, enlarged or maintained contrary to the licensing requirements shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.

D. In addition to the enforcement provisions of this Chapter, upon request by the City Council, the City Attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this Chapter.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 155.2.1.111 TO ADD MARIJUANA PRODUCERS TO THE LIST OF CONDITIONAL USES THAT REQUIRE A CONDITIONAL USE PERMIT IN THE R-1 ZONE; ADDING A NEW SECTION 155.2.1.270 TO ADD SPECIAL STANDARDS THAT MARIJUANA PRODUCERS AND MARIJUANA PRODUCTION MUST MEET IN THE R-1 ZONE; AMENDING SECTION 155.2.2.111 TO ADD MARIJUANA PROCESSORS TO THE LIST OF CONDITIONAL USES THAT REQUIRE A CONDITIONAL USE PERMIT IN THE COMMUNITY COMMERCIAL DISTRICT; ADDING A NEW SECTION 155.2.2.220 TO ADD SPECIAL STANDARDS THAT MUST BE MET FOR MARIJUANA PROCESSORS IN THE COMMUNITY COMMERCIAL DISTRICT; AND OTHER MATTERS RELATED THEREO.

WHEREAS, the City of Dunes City, through its City Council, is responsible for enacting ordinances for the effective and efficient operation of the City of Dunes City for the benefit of its residents; and

WHEREAS, State law authorizes the operation of medical and recreational marijuana businesses and provides those business with immunity from state criminal prosecution; and

WHEREAS, although the State of Oregon has passed legislation authorizing marijuana businesses and providing criminal immunity under state law, the operation of those businesses remains illegal under federal law; and

WHEREAS, the City Council has home rule authority to decide whether, and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by State Statute; and

WHEREAS, whether a certain business should operate within a local jurisdiction is a local government decision, and local governments may enforce that decision through the general and police powers of that jurisdiction; and

WHEREAS, the City's licensing and regulatory system should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City Ordinance or local, regional, state or federal law; and

WHEREAS, the City Council of Dunes City wants to regulate the operation of marijuana businesses in the City in ways that protect and benefit the public health, safety and welfare of existing and future residents and businesses in the City; and

WHEREAS, this Ordinance is intended to impose restrictions, not provide authorizations; and

WHEREAS, the operation of a marijuana business without proper authority from either the Oregon Liquor Control Commission or the Oregon Health Authority is prohibited within the City;

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Amend Section 155.2.1.111 to add the term “Marijuana Producers” to the list of uses required to obtain a condition use permit to occur in the R-1 Zone.

Section 2. Add a new Section 155.2.1.270 to read as follows:

“155.2.1.270 Marijuana Producers

“For purposes of this Section 155.2.1.270, the following definitions apply:

“Marijuana means all parts of the plant Cannabis family *cannabaceae*, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana Producer means the growing, or other production, of five (5) or more plants of the Cannabis family *cannabaceae*, or any part of the plant Cannabis family *cannabaceae* and the seeds of the plant by any business licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority.

“Marijuana Business means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, researching, testing, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for growing, processing, researching, testing, or dispensing of marijuana or marijuana items.

“In addition to all other requirements set forth in this Chapter 155.2.1, Marijuana Producers shall comply with the following additional standards:

“A. All Marijuana Producers shall hold, in good standing, a license issued by the Oregon Liquor Control Commission or registration entered by the Oregon Health Authority.

“B. The facility must comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.

“C. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.

“D. Facilities must use an air filtration and ventilation system which is certified by an Oregon licensed mechanical engineer to ensure, to the greatest extent feasible, that all odors associated with the marijuana production is confined to the licensed premises.

“E. Facilities must maintain adequate outdoor lighting over each exterior exit, however, such lighting shall be placed to avoid reflection or glare on adjacent properties.

“F. Heat and glare created by the Marijuana Producer must not be discernible at or beyond the property line.

“G. Exterior lighting shall be directed away from and shall not reflect on adjacent properties.

“H. No unreasonable noise, as described in Section 91.04 of the Dunes City Code of Ordinances, will be created or allowed to exceed the requirements as set forth in said Section 91.04 of the Dunes City Code of Ordinances.

“I. Written evidence must be provided to show that a plan showing and describing the security measures to be utilized within and around the facilities has been provided to the Lane County Sheriff’s Department and Siuslaw Valley Fire and Rescue.

“J. Written evidence must be provided to show that all applicable fees have been paid and there are no governmental liens, fines or violations existing against the property proposed for use by the Marijuana Producer.

“K. Written evidence must be provided to show the water source that will serve the property proposed by the Marijuana Producer.

“L. Marijuana Producers may not be located within one thousand feet (1,000’) from the following facilities, measured in a straight line from the closest property line on which the Marijuana production will take place to the closest edge of the property line on which the facility is located. These distance limitations between facilities are based upon the facilities surrounding the proposed Marijuana Producer facility at the time the proposed Marijuana Producer facility application for Conditional Use Permit is first submitted pursuant to Section 155.2.1:

“a. A public park;

“b. A campground or resort which serves children under eighteen (18) years of age;

“c. A commercial or residential recreational facility which serves children under eighteen (18) years of age; or

“d. A school bus stop location which serves children under eighteen (18) years of age, at the location of the stop at the time the Conditional Use Permit is issued.

“M. No more than one Marijuana Business may be located on the same property, parcel, address, or tax lot.

“N. No drive-up or drive through services shall be permitted.

“O. Any other conditions deemed necessary by the Planning Commission or the City Council to protect the public health and safety of the residents of Dunes City.

Section 3. Amend Section 155.2.2.111 to add the term “Marijuana Processors” to the list of uses that require a Condition Use Permit in the Community Commercial District of Dunes City.

Section 4. Add a new Section 155.2.2.220 to read as follows:

“155.2.2.220 Marijuana Processors.

“For purposes of this Section 155.2.2.220, the following definitions apply:

“**Marijuana** means all parts of the plant Cannabis family *cannabaceae*, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

“**Marijuana Processor** means any business licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority, for processing, wholesaling, research, testing, or selling marijuana or marijuana items.

“**Marijuana Business** means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, researching, testing, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for growing, processing, researching, testing, or dispensing of marijuana or marijuana items.

“In addition to all other requirements set forth in this Chapter 155.2.2, Marijuana Processors shall comply with the following additional standards:

“A. All Marijuana Processors shall hold, in good standing, a license issued by the Oregon Liquor Control Commission or registration entered by the Oregon Health Authority.

“B. The facility must comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.

“C. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.

“D. Facilities must use an air filtration and ventilation system which is certified by an Oregon licensed mechanical engineer to ensure, to the greatest extent feasible, that all odors associated with the marijuana production is confined to the licensed premises.

“E. Facilities must maintain adequate outdoor lighting over each exterior exit, however, such lighting shall be placed to avoid reflection or glare on adjacent properties.

“F. Heat and glare created by the Marijuana processing must not be discernible at or beyond the property line.

“G. Exterior lighting will be directed away from and shall not reflect on adjacent properties.

“H. No unreasonable noise, as described in Section 91.04 of the Dunes City Code of Ordinances, will be created or allowed to exceed the requirements as set forth in said Section 91.04 of the Dunes City Code of Ordinances.

“I. Written evidence must be provided to show that a plan showing and describing the security measures to be utilized within and around the facilities has been provided to the Lane County Sheriff’s Department and Siuslaw Valley Fire and Rescue.

“J. Written evidence to show that all applicable fees have been paid and there are no governmental liens, fines or violations existing against the property proposed for use by the Marijuana Processor.

“K. Written evidence to show the water source that will serve the property proposed by the Marijuana Processor.

“L. Marijuana Processors may not be located within one thousand feet (1,000’) from the following facilities, measured in a straight line from the closest property line on which the Marijuana processing will take place to the closest edge of the property line on which the facility is located. The distance limitations between facilities are based upon the facilities surrounding the proposed Marijuana Business location at the time of submission of a completed application for Conditional Use Permit:

“a. A public park;

“b. A campground or resort which serves children under eighteen (18) years of age;

“c. A commercial or residential recreational facility which serves children under eighteen (18) years of age; or

“d. A school bus stop location which serves children under eighteen (18) years of age, at the location of the stop at the time the Conditional Use Permit is issued.

“M. No more than one Marijuana Business may be located on the same property, parcel, address, or tax lot.

“N. No drive-up or drive through services shall be permitted.

“O. Any other conditions deemed necessary by the Planning Commission or the City Council to protect the public health and safety of the residents of Dunes City.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect on the 30th day after its adoption.

Section 6. SEVERABILITY. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, or superseded by State or federal legislation, rules, regulations or decisions, the remainder of this Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of

this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or State laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or State law, rule, or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect and shall thereafter be binding, without the requirement of further action on the part of the City.

Section 7. OTHER REMEDIES. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. Non-exclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

Section 8. CAPTIONS. The captions to sections through this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 9. SCRIVENER'S ERRORS. Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on the _____ day of _____, 201__.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon on this _____ day of _____, 201__.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

ADOPTED BY THE DUNES CITY COUNCIL THIS _____ DAY OF _____, 201__.

Robert Forsythe, Mayor

ATTEST:

Jamie Mills, City Recorder

1/18/2018

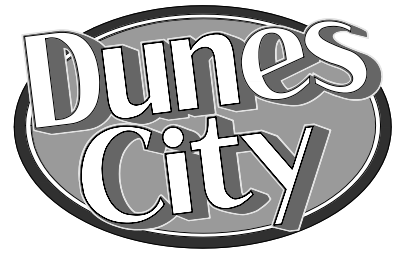
Here is the data from our last sampling-Dec 1, 2017 and the average of the past years data. Let me know if you have any specific questions. Everything is in line with our long term averages. I don't see any issues of concern in the data.

	Dec 2017	2017 Average
6 sampling events		
Secchi disc clarity	22 ft (excellent)	18.5 ft
pH	7.2	7.2
Turbidity	0.5	0.8
Temperature	12 C or 53.6 F	
Total Nitrogen 4.5 micrograms per liter - 2 samples		
Total Phosphorus liter - 2 samples		220 micrograms per
Chlorophyll-a liter - 4 samples		1.4 micrograms per

Regards-Mark

Emergency Services Report to City Council

February 14, 2018 ~ Prepared by Jamie Mills



I attended and conducted the West Lane Emergency Operations Group meeting held on January 22, 2018. The Agenda and packet materials are included in this packet.

Discussion took place regarding plans for a training event on May 25th. Frank Nulty reported that research has been done that ties subduction zone events (such as Cascadia) seem to always occur when there is a full moon and a king tide at the same time. Mr. Nulty pointed out that we will have a full moon and a king tide, with a high of 8.5 feet and a low of negative 4 feet, on Wednesday, January 31st. He recommended we all be prepared, just in case.

ARES/RACES reported that they are working on a wifi/mesh network that will use current equipment, such as laptops and computers, so that communication during an event can take place via email and there will be no immediate need for personnel to be trained in HAM radio. They hope to have the software, etc., installed at Dunes City Hall, Mapleton, and other outlying locations in the near future.

The next WLEOG meeting will be held at Dunes City on Monday, February 26th at 10:00 a.m.

WEST LANE EMERGENCY OPERATIONS GROUP
Siuslaw Valley Fire and Rescue
2625 Hwy 101
Florence, OR 97439

January 22, 2018

AGENDA

10:00 AM

Members

City of Florence Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians Dunes City
Mapleton Fire District Peace Harbor Medical Center Port of Siuslaw
Siuslaw Valley Fire and Rescue Western Lane Ambulance

Associate Members

American Red Cross Apex Helicopter Greentrees Village Florence Area Chamber
Florence Area Humane Society Florence Emergency Cold Weather Shelter Lane Community College
Lane County Public Health Oregon Department of Transportation Oregon Episcopal Diocese
Oregon Parks and Recreation Oregon State HSPR Program Senior and Disabled Services
Siuslaw School District United States Coast Guard West Lane ARES/RACES Camp Baker

Call to order

Roll Call/Establishment of Quorum

Approval of Minutes: Of the Regular WLEOG meeting of December 18, 2017

Reports & Discussion Items:

Emergency Management Coordinator's

Report Chair's Report

CERT Coordinator Report

Financial Statements

Profit and Loss Budget vs. Actual, Year to date (2017-2018) Bank account register

Other Business/Round Table

Next Meeting: Monday February 19, 2018 Location TBD

WEST LANE EMERGENCY OPERATIONS GROUP
MINUTES December 18, 2017

MEMBERS PRESENT:

Siuslaw Valley Fire & Rescue: Jim Langborg
WLA: Matt House
CTCLUSI: Brian DuBray
Dunes City: Not Present
City of Florence: Megan Messmer
Peace Health: Pat Kirby
Mapleton Fire: Department: Not Present
Port of Siuslaw: Dina McClure

ASSOCIATE MEMBERS:

West Lane ARES/RACES: Present
Greentrees: Present
American Red Cross: Not Present
United States Coast Guard: Not Present
Florence Area Chamber: Present
Florence Emergency Cold Weather Shelter: Not Present
Lane County Public Health: Present
Oregon Episcopal Diocese: Not Present
Oregon Parks and Recreation: Not Present
Florence Area Humane Society: Not Present
Lane Community College: Not Present
Oregon Department of Transportation: Not Present
Oregon State HSPR Program: Not Present
Senior and Disabled Services: Not present
Siuslaw School District: Not Present
Apex Helicopter: Not Present

CALL TO ORDER

The meeting was called to order by Megan Messmer 10:00 a.m.

APPROVAL OF MINUTES: Pat Kirby made a motion and Jim Dickerson seconded the motion to approve the minutes from the November 15, 2017 Meeting, Motion was then approved.

Agenda Items:

Chairs Report: Megan has had Communications with Linda Cook, she is working on a Preparedness Road Show for 2018 to include Tsunami Awareness, Linda will be here in March and is also working on fuel points for emergency vehicles in the event of an emergency.

Megan received some info from the Hazard Mitigation Plan and will mail out that info to the group.

Homeland Security Grants open again, Brenda at Public works is working on a grant for solar powered light and a generator, Chief Langborg suggested that the City Works Building be the primary EOC and that SVFR be the secondary.

Public works have moved and have a new IT Manager.

WLEOG is looking for a voice for the radio spot Jim Dickerson was suggested and will go ahead and do the radio spot.

Emergency Management Coordinator's Report: No Report

CERT: Frank Nulty reports that he is working on what type of goals can be used for Public Outreach.

Introduced the New Camp Baker Rangers suggests working with them and adding them to our Associate member list. Matt House made a motion and Megan Messmer seconded the motion to approve Camp Baker Rangers to be Associate Members of the WLEOG Group, Motion was approved

Other Business: Matt House updated the group on the AVI training looking at the dates in May around the 22nd, 23rd and 24th? Will have more info at the January Meeting. He is also working on getting the Stop the Bleed Training.

Public Health has seen a lot of Flu but not in a major outbreak status, child injuries are on the rise with the cold weather and carbon monoxide percentage is rising as the temperatures drop.

FINANCIAL REPORT

Current balance is \$33,414.10 Bills paid since 11/18/2017 were \$1024.54; to; West Coast Media Group &100.00; Coast Broadcasting \$288.00; Central Lincoln \$29.56; VIASAT EXCEDE Internet \$59.98; Siuslaw News \$372.00; Don Mahardy \$175.00; 27.7% of the Budget has been expended YTD excluding Contingency.

ADJOURNMENT

The meeting was adjourned by Megan Messmer @ 10:35 a.m.

The next scheduled WLEOG Meeting will January 22, 2017 at 10:00 a.m. at Siuslaw Valley Fire and Rescue.

**Mary Dimon
Administrative Assistant
Recording Secretary**

10:53 AM
 01/11/18
 Cash Basis

W.L.E.O.G.
Profit & Loss Budget vs. Actual
 July 2017 through June 2018

	Jul '17 - Jun 18	Budget	\$ Over Budget	% of Budget
Income				
4000 - Member Contributions				
4001 - WLAD	5,327.44	5,327.44	0.00	100.0%
4002 - Siuslaw Valley Fire	5,327.44	5,327.44	0.00	100.0%
4003 - City of Florence	5,327.44	5,327.44	0.00	100.0%
4004 - Tribal Police	2,663.72	2,663.72	0.00	100.0%
4005 - Port of Siuslaw	1,331.86	1,331.86	0.00	100.0%
4006 - Dunes City	1,331.86	1,331.86	0.00	100.0%
4007 - Mapleton Fire Department	428.56	428.56	0.00	100.0%
4008 - Peace Harbor Hospital	5,327.44	5,327.44	0.00	100.0%
Total 4000 - Member Contributions	27,065.76	27,065.76	0.00	100.0%
4600 - Interest Income	7.44			
Total Income	27,073.20	27,065.76	7.44	100.0%
Expense				
5000 - Materials & Services				
5005 - Advertising	5,392.00	8,200.00	-2,808.00	65.8%
5006 - Neighborhood Training Programs	0.00	1,500.00	-1,500.00	0.0%
5009 - Dues and Fees	20.00	200.00	-180.00	10.0%
5010 - Siren Maintenance Agreement	0.00	2,150.00	-2,150.00	0.0%
5011 - Satellite Phones	0.00	1,500.00	-1,500.00	0.0%
5012 - Radios	1,638.72	1,200.00	438.72	136.6%
5014 - Miscellaneous Supplies	450.03	500.00	-49.97	90.0%
5015 - Education/Prof. Dev.	175.00	3,000.00	-2,825.00	5.8%
5017 - Internet/Website Service	1,091.76	2,300.00	-1,208.24	47.5%
5019 - Special Districts Dues/Ins	135.00	2,500.00	-2,365.00	5.4%
5024 - CERT Recognition Event	0.00	200.00	-200.00	0.0%
5025 - Community Events	0.00	200.00	-200.00	0.0%
5026 - CERT Program Coordinator	0.00	2,000.00	-2,000.00	0.0%
5027 - Siren Battery Replacement/Labor	0.00	1,000.00	-1,000.00	0.0%
Total 5000 - Materials & Services	8,902.51	26,450.00	-17,547.49	33.7%
6900 - Contingency	0.00	615.75	-615.75	0.0%
Total Expense	8,902.51	27,065.75	-18,163.24	32.9%
Net Income	18,170.69	0.01	18,170.68	181,706,900.0%

10:49 AM
01/11/18
Accrual Basis

W.L.E.O.G.
Profit & Loss
December 11, 2017 through January 11, 2018

	<u>Dec 11, '17 - Jan 11, 18</u>
Income	
4600 · Interest Income	1.34
Total Income	<u>1.34</u>
Expense	
5000 · Materials & Services	
5005 · Advertising	660.00
5012 · Radios	546.24
5014 · Miscellaneous Supplies	29.56
5017 · Internet/Website Service	159.98
Total 5000 · Materials & Services	<u>1,395.78</u>
Total Expense	<u>1,395.78</u>
Net Income	<u><u>-1,394.44</u></u>

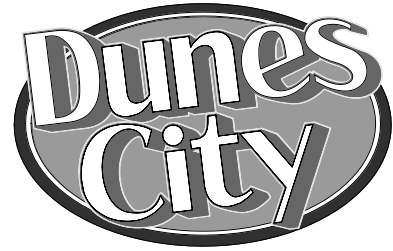
W.L.E.O.G.

1/11/2018 10:56 AM

Register: Oregon Pacific Bank
 From 12/11/2017 through 01/11/2018
 Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
12/12/2017	1391	Siuslaw News	5000 · Materials & Ser...	VOID:		X		33,414.10
01/05/2018			4600 · Interest Income	Interest		X	1.34	33,415.44
01/11/2018	EFT	VIASAT INC	5000 · Materials & Ser...		59.98	X		33,355.46
01/11/2018	1402	Siuslaw News	5000 · Materials & Ser...	Invoice #'s 488...	372.00			32,983.46
01/11/2018	1403	Westcoast Media Gro...	5000 · Materials & Ser...	Invoice# 17-20...	100.00			32,883.46
01/11/2018	1404	Day Wireless Systems	5000 · Materials & Ser...	Invoice #5974...	546.24			32,337.22
01/11/2018	1405	Coast Broadcasting	5000 · Materials & Ser...	WLEOG/ Dece...	288.00			32,049.22
01/11/2018	1406	Central Lincoln	5000 · Materials & Ser...	Acct. # 305763...	29.56			32,019.66

City Administrator/City Recorder Report to City Council



February 14, 2018 ~ Prepared by Jamie Mills

There were 13 building permits issued in January: 5 mechanical, 5 electrical, 1 grading, 1 structural and 1 demolition. There was 1 vegetation removal in the right-of-way permit issued in January for maintenance of Dunes City rights-of-ways by a local resident volunteer.

The CAC met on January 24th and the Planning Commission met on January 25th. The CAC made a recommendation to the Planning Commission to require production of more than 5 marijuana plants to be a use in the R-1 zone that requires approval of a Conditional Use Permit. It was further recommended that marijuana processors and retailers be a non-permitted use in the R-1 Zone and that it require approval of a Conditional Use Permit to take place in the Community Commercial District. The Planning Commission explored that topic and asked staff to draft ordinance language for review. The Planning Commission also discussed goals for the Planning Commission for the coming year. Planning Commissioner Brett McKnight resigned from the Planning Commission, but before doing so, asked Planning Commissioner Ric Ziegler to serve as the CAC Chairman until the CAC can elect a new chairman.

Permit Tech Debbie Larson resigned the position and we now have Permit Tech Debbie Lafferty being trained for the job. I still await an answer regarding the mandatory retirement question from legal counsel.

HB 4086 regarding Building Codes and Inspections, is currently being considered by the State Legislature. The bill corrects two issues, one that specialized certifications need to be considered valid, regardless of the inspector's employer, and secondly, that the right of cities to use third party contractors to provide building inspection programs must be clarified to avoid them being shut down. The discussion is still that cities must hire a Building Official, or send one of their employees to the training to become a Building Official, but still allow the Building Inspector to be a contractor for the City, although some consideration is being given to inter-governmental agreements so smaller cities can contract with larger cities for the services.

Our Auditors have resigned and I am awaiting an opinion from legal counsel as to whether I have to prepare and release a bid proposal or if I can just contact firms by letter.

Water usage under the City's Shared Domestic Water Supply Program was reported at just over 12 million gallons, which equals about .03 cubic feet per second. Our permit allows a total of 1.4 c.f.s. to be diverted.

Respectfully submitted,

Jamie Mills
Recorder/City Administrator

Dunes City, Oregon - Mail Tracking Log -
January 2018

1/2/2018	Mail	LOC		Calendars x 8	Recorder
1/4/2018	Hand	Richard Palmer		Work Orders x 4	Recorder
1/4/2018	Mail	LaneAct		Agenda	Recorder
1/8/2018	Fax	William Arnold		Water Right Contract	Recorder
1/8/2018	Mail	LOC		Local Locus x 10	Recorder/Council
1/8/2018	Mail	Governing Magazine		Magazine	Recorder
1/8/2018	Mail	Wells Fargo		Letter-Insurance Request	Recorder
1/8/2018	Mail	Umpqua Bank		Statement	Recorder
1/8/2018	Mail	Oregon Bank		Statement x 2	Recorder
1/8/2018	Mail	Cascade Escrow		City Lein Search	Recorder
1/8/2018	Mail	HMW CPA		Invoice	Recorder
1/8/2018	Mail	Charter Services		Insuranace Record	Recorder
1/8/2018	Mail	Travel Lane County		Invoice	Recorder
1/8/2018	Mail	Census		Report	Recorder
1/8/2018	Mail	NW Professional Code		DCBS Report	Recorder
1/8/2018	Mail	Wally's Septic		Statement & One Report	Recorder
1/8/2018	Mail	US Bank		Visa Statement	Recorder
1/8/2018	Mail	Cascade Escrow		Deed for Road Dept. Property	Recorder
1/8/2018	Email	First American Title		City Lein Search	Recorder
1/9/2018	Hand	Bill Johnston		Information	Recorder
1/9/2018	Email	Speer Hoyt LLC		Invoice	Recorder
1/9/2018	Email	Licensing Marijuana OLCC		Confirmation for Licenses Approval	Recorder
1/10/2018	Email	Amber Tucker		Letter	Recorder
1/11/2018	Hand	Richard Palmer		Invoice-Cloud Nine	Recorder
1/11/2018	Hand	Rory Hammond		Budget Committee Application	Recorder
1/16/2018	Mail	Wells Fargo		Invoice	Recorder
1/16/2018	Mail	Dyer Partnership		Invoice	Recorder
1/16/2018	Mail	William Arnold		Water Right Contract	Recorder
1/16/2018	Mail	Wally's Septic		Statement and Report	Recorder
1/16/2018	Mail	Oregon Bank		1099	Recorder
1/16/2018	Mail	Coast Pavement Maintenance		Invoice	Recorder
1/16/2018	Hand	Pauline Orozco		Wally's Septic Pumping Receipt	Recorder
1/16/2018	Hand	Robert Ybarra		Invoice	Recorder
1/16/2018	Fax	Cascade Escrow		City Lein Search	Recorder
1/16/2018	Email	Jody Newby		Wally's Pumping Receipt	Recorder
1/17/2018	Mail	Preferred Long Distance		Statement	Recorder
1/17/2018	Email	Linda Tipton		Public Information Request	Recorder
1/17/2018	Hand	Jared Anderson		Public Information Request x 2	Recorder

Dunes City, Oregon - Mail Tracking Log -
January 2018

1/19/2018	Mail	Hershner Hunter	McKnight-Dumas Lot Line Adjustment	Recorder/Planning
1/22/2018	Fax	Cascade Escrow	City Lein Search	Recorder
1/22/2018	Mail	Charter Services	Invoice	Recorder
1/22/2018	Email	First American Title	City Lein Search	Recorder
1/24/2018	Fax	Dunes City Home Services	Invoice	Recorder
1/24/2018	Mail	Wally's Septic	Statements and Reports	Recorder
1/25/2018	Mail	Oregon City Planner	Membership	Recorder
1/25/2018	Mail	Vantiy Holding, LLC	1099 For Credit Card Sales	Recorder
1/26/2018	Hand	Brett Mcknight	Resignation from Planning Committee	Recorder
1/26/2018	Mail	CenturyLink	Invoice	Recorder
1/29/2018	Mail	Campbell Productions	Invoice	Recorder
1/29/2018	Mail	Central Lincoln PUD	Invoice x 2	Recorder
1/29/2018	Mail	Linda Tipton	Thank You Letter	Recorder
1/29/2018	Mail	Wally's Septic	Statement x 2 Reports	Recorder
1/29/2018	Email	NetFirm	Invoice	Recorder
1/29/2018	Email	Chad Cordell	Request for Receipt	Recorder
1/30/2018	Email	Cardinal Services, Inc.	Invoice	Recorder
1/30/2018	Hand	Vend West Services, Inc.	Invoice	Recorder
1/30/2018	Hand	Steve Burton	Info Request	Recorder

Dunes City Hall

February 2018

February 2018

Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2018

Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 28	29	30	31	Feb 1	2	3
4	5	6	7 5:00pm CAC Meeting	8	9 Closed	10
11	12	13 4:00pm City Council Goal Setting Meeting 6:00pm Town Hall Meeting (Dunes City Hall)	14 3:00pm Lane Act (Eugene) 6:00pm City Council Meeting	15	16 Closed	17
18	19 Presidents Day	20	21	22 5:00pm Planning Commission Meeting	23 Closed	24
25	26 10:00am WLEOG (Dunes City)	27	28	Mar 1	2	3

Dunes City Hall

March 2018

March 2018							April 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	8	9	10	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 25	26	27	28	Mar 1	2	3
4	5	6	7	8	9	10
11	12	13	14 3:00pm Lane Act (Eugene) 6:00pm City Council Meeting	15	16	17
18	19 10:00am WLEOG (SVFD)	20	21	22 5:00pm Planning Commission Meeting	23	24 SOLV Spring Beach Clean up
25	26	27	28	29	30	31

Dunes City Hall

April 2018

April 2018

May 2018

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Su	Mo	Tu	We	Th	Fr	Sa
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Apr 1	2	3	4	5	6 Closed	7
8	9	10	11 3:00pm Lane Act (Eugene) 6:00pm City Council Meeting	12	13 Closed	14
15	16 10:00am WLEOG (SVFD)	17	18 6:00pm Town Hall Meeting - Public Safety	19	20 Closed	21 SOLV IT for Earth Day
22	23	24 5:00pm Budget Meeting	25	26 5:00pm Planning Commission Meeting	27 Closed	28
29	30	May 1	2	3	4	5