



**CITY COUNCIL MEETING MINUTES ~ APPROVED
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.

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.

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.

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. 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.

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. 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.

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, 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.

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. 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.

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. 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.

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.

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.

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.

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.

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.

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.

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.

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. 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.

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. 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.

- 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 com-

plaints 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.

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder