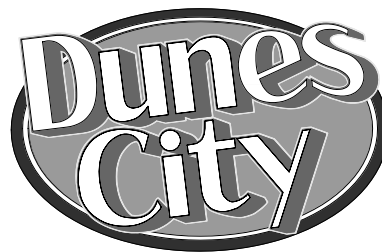


Dunes City Council ~ Regular Meeting

Wednesday, October 10, 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.....** Councilor Duke Wells
- 2. Roll Call** City Administrator
- 3. Pledge of Allegiance to the Flag.....** Councilor Duke Wells
- 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 September 12, 2018
- B. Bills of the Session through October 1, 2018
- D. Receipts of the Session through October 1, 2018

6. Announcements / Correspondence

- A. The Planning Commission, acting as the Citizen Advisory Committee, has started review of the proposed flood ordinance.
- B. There will be a Budget Committee meeting held Wednesday, November 14, 2018, beginning at 5:00 p.m.

7. Citizen Input on Items not listed on the Agenda

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

8. New Business

- A. Annual Report on Citizen Involvement Program..... Bonnie Allen, Chair
Planning Commission

9. Executive Session - None.

10. Old Business

- A. Feeding Animals Discussion
- B. Reavis v. Dunes City v. Montgomery..... Update

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

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

- C. Half-Court Basketball Court at Byrd Park..... Discussion

11. Reports

- A. Mayor's Report..... None.
B. Community Center Report..... D. Wells
C. Water Quality Report S. Hager
D. Public Works Maintenance Supervisor's Report..... R. Palmer
E. Emergency Services Report..... J. Mills
F. City Administrator/Recorder/Planning/Staff Report..... J. Mills

12. For the Good of the Order

13. 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.

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**CITY COUNCIL MEETING MINUTES ~ DRAFT
SEPTEMBER 12, 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, September 12, 2018, meeting of the Dunes City Council to order at 6:00 pm.

2. ROLL CALL

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

Present: Mayor Robert Forsythe, Council President Sheldon Meyer, Councilor Tom Mallen, Councilor Alan Montgomery, and Councilor Susan Snow.

Absent: Councilors Duke Wells and Robert Orr.

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

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE CONSENT AGENDA

Councilor Mallen made a motion to approve the Consent Agenda with amended Bills of the Session. Council President Meyer seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Mills read from the list of announcements on the Agenda:

- A. The next Planning Commission Special Session is tentatively scheduled for Monday, September 24, at 5:00 pm.

- B. New draft FEMA flood maps have been released and a public meeting is scheduled for Tuesday, September 18, from 4:00 pm to 6:30 pm at the Florence Events Center where property owners and other interested parties can provide comments and ask questions to improve the maps and ensure their accuracy. Dunes City property owners directly impacted by the maps should have received a letter from the City with a copy of a portion of the maps that show the impacts to their property. Residents can contact City Hall for further information.
- C. Volunteers have scheduled a trash pickup on roads around Woahink Lake for Saturday, October 6. Everyone is to meet at the boat landing at Honeymen at 11:00 am and should be done by 2:00 pm or, perhaps, earlier. At this time it is unknown if another plastics count will be taken. Be sure to wear bright clothing and gloves and bring supplies. Safety vests are available for borrowing at City Hall during office hours, 10:00 am to 4:00 pm Monday through Thursday, except holidays.
- D. September 16 through 22, 2018, has been declared Home Inventory Week by the Oregon Division of Financial Regulation. Knowing that disasters can and do happen, residents of Dunes City are encouraged to build an inventory of their belongings by taking photos of each room in your home paying close attention to what's on the walls, in closets, and storage spaces, and to write a brief description of each item, noting the make, model, price, and other details that might help should filing a claim for loss should be necessary. Next, meet with your insurance company or agent to make sure you have the right coverage and will know what to expect when and if you should ever have to file a claim.
- E. City Administrator/Recorder Mills also announced that Dunes City has won the 2018 CIS/League of Oregon Cities Annual Safety Award. The award will be presented at the LOC Annual Conference at the Hilton in Eugene on Friday, September 28, from 5:45 pm to 6:00 pm. Dunes City is invited to send a representative to accept the award.

7. CITIZEN INPUT ON ITEMS NOT LISTED ON THE AGENDA

Resident John Scott explained that he wished to speak about the issue of feeding animals. Mayor Forsythe suggested that Mr. Scott wait to make comments during discussion about the agenda item in which there is a request for an ordinance to prohibit feeding of animals.

8. NEW BUSINESS

- A. Mayoral Proclamation Declaring September 16 through September 22, 2018, As Home Inventory Week

Mayor Forsythe read aloud the Mayoral Proclamation:

Whereas, each September is recognized as National Preparedness Month; and

Whereas, Oregonians have witnessed and experienced natural disasters in our own community; and

Whereas, every community member can take active steps to protect their families and neighbors from natural and manmade disasters; and

Whereas, every family and business in Dunes City is encouraged to take active steps to be financially secure after a disaster; and

Whereas, every community member is encouraged to make sure they are properly insured against fire, flood, earthquakes, and storms; and

Whereas, every community member is encouraged to create a home inventory to include as part of their disaster preparedness kit;

Now, therefore, I, Robert Forsythe, Mayor of Dunes City, do hereby declare that the week of September 16 through September 22, 2018, be known as Home Inventory Week, and join cities across Oregon to encourage everyone to build a home inventory of their personal property, and speak with an insurance agent to make sure they are financially prepared for a disaster.

B. Mayoral Proclamation Declaring October To Be Domestic Violence Awareness Month

Mayor Forsythe read aloud the Mayoral Proclamation:

Whereas, home should be a safe and trustworthy place, but for too many Oregonians it is instead fraught with terror due to domestic violence; and

Whereas, the crime of domestic violence violates an individual's privacy and dignity, security and humanity, due to systematic use of physical, emotional, sexual, economic, and psychological control and abuse to children and the elderly; and

Whereas, domestic violence is not limited to physical or verbal abuse, but includes intimate terrorism (such as isolation, covert control, reproductive coercion, economic and sexual exploitation) and online abuse (such as stalking, humiliation, doxing, rape and death threats) and these forms of terror are often unrecognized by our laws and norms; and

Whereas, domestic violence affects not only the person being abused but also children, neighbors, friends, family, coworkers, faith communities, and others; seeing or hearing abuse can be particularly terrifying for children and people with trauma histories; and children witnessing violence is recognized as a form of abuse itself; and

Whereas, the triad of forced financial dependence, reproductive abuse, and familial isolation creates monumental barriers to leaving an abusive relationship, and dangerous situa-

tions are further exacerbated by worsening economic realities, especially the lack of truly affordable housing; and

Whereas, it is survivors of violence, and the advocates who partner with them daily on safety planning and support measures, to whom we look for guidance on raising awareness of domestic violence, and ultimately working to build community norms of healthy relationships; and

Whereas, Womenspace continues to provide safety, hope and healing to domestic violence survivors of all genders through advocacy and support and focuses on education prevention and has served thousands of people in Lane County for more than 40 years; and

Whereas, too many Oregonians have lost their lives due to domestic violence; we remember those women, men, and children who have died and are taking a firm stance to prevent domestic violence; and

Whereas, the impact and the cost of domestic violence is wide-ranging and devastating directly affecting individuals, children and society, in this community, throughout the United States, and the world.

Now, Therefore, I, Robert Forsythe, Mayor of Dunes City, do hereby proclaim October, 2018, to be Domestic Violence Awareness Month in Dunes City, and urge all people to actively participate in the scheduled activities and programs to work towards eradicating domestic violence, improving victim safety, and holding perpetrators of domestic abuse accountable for their actions against individual victims and our society.

C. October Regular Session of the City Council

City Administrator/Recorder Mills explained that, to date, two Councilors have announced that they will not attend the scheduled Council meeting on October 10. Following discussion, Councilors agreed to appoint Councilor Wells to preside over the meeting.

D. Schedule Budget Committee Meeting

City Administrator/Recorder Mills asked Councilors to schedule a Budget Committee. It was agreed to hold the meeting on Wednesday, November 14, beginning at 5:00 pm.

E. Citizen Request for an Ordinance Prohibiting the Feeding of Wild Animals, Except Birds

City Administrator/Recorder Mills explained that Mr. John Scott, a Dunes City resident, submitted an email request for the City Council to consider adopting an ordinance to prohibit the feeding of all wild animals, except birds. Mayor Forsythe recognized Mr. Scott who explained that the reason he made the request was because the deer population in Dunes City has increased significantly in recent years, in part, because people are feeding them and predators are not killing enough to keep the population in check. He went on to explain that feeding deer concentrates large numbers in one location from which they can

transmit various diseases from one animal to another. He noted that people may not realize that feeding deer can cause health issues in them and create nuisance animals. (00:18:50)

Councilors discussed the issue. There was some question about whether or not it was illegal in the State of Oregon to feed wild animals. It was generally agreed that the City did not have anyone qualified to enforce an ordinance, even if one was created. It was also agreed that the City should do some educational outreach and, perhaps, post signage around town. It was suggested that the City could invite an ODFW representative to speak at a town hall meeting or a Council meeting. Mayor Forsythe asked City Administrator/Recorder Mills to find out if there was a State Statute prohibiting feeding of deer or other wildlife so that the Statute could be referenced in any newsletter articles or other educational material for residents. He also asked her to find out if the State or the County could provide "Do Not Feed" signage that could be affixed to existing deer signs on City roadways. (00:26:00)

F. Citizen Request for an Ordinance Prohibiting the Raising of Chickens in the City Limits

City Administrator/Recorder Mills explained that the City has received a number of complaints about its lack of response to citizen concerns. To address those complaints, she is now bringing citizen comments and requests for action directly to the Council so it can decide whether or not action should be taken.

City Administrator/Recorder Mills explained that Mr. Charles Bang, a Dunes City resident, submitted an email saying that having chickens in the residential area is not a good idea as they attract bears, cougars, raccoons, skunks, and rats.

Mayor Forsythe recognized Mr. Ron Kimble, a Dunes City resident. Mr. Kimble explained that his family has raised chickens for several years and he has not had any problems with bears and cougars because of them. Councilors generally agreed that being able to raise chickens was part of the charm of living in a semi-rural area like Dunes City and that current Code allows residents to keep a few small animals.

Councilor Montgomery made a motion to take no action. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

Mayor Forsythe pointed out that if a rooster is making too much noise it could be considered a nuisance and affected residents can file a complaint with the Code Enforcement Officer who would investigate. (00:33:00)

G. Request from the US Census Bureau for the Creation of a Local Complete Count Committee for the 2020 Census

City Administrator/Recorder Mills referred Councilors to their copy of a letter from the US Census Bureau that was included in their meeting packets. She explained that the

Census Bureau is reaching out to communities to encourage them to form Complete Count Committees ahead of the 2020 census in an effort to make sure that all citizens are counted at one time.

Following discussion, Mayor Forsythe suggested that the next newsletter contain an article about the Complete Count Committee and a request for volunteers.

H. Referral of Proposed Ordinance Regarding Flood Insurance Maps and Flood Prevention Land Use and Building Specification Requirements to a Citizens Advisory Committee for Review and Comment

City Administrator/Recorder Mills referred Councilors to copies of a redline document that was distributed prior to the start of the meeting. She explained that the State has proposed Code for cities to adopt and recommends that Dunes City get started with reviewing the proposed language. She noted that the City is required to adopt the code language within a specific timeframe after FEMA's public meetings about the new flood maps.

During discussion Councilors raised some concerns about reviewing the proposed language and drafting an adopting ordinance within the timeframe allocated. Councilors agreed to refer the proposed language to a Citizens Advisory Committee as soon as possible to start the process, but asked City Administrator/Recorder Mills to contact State representatives to find out if the City could get an extension of time to adopt the new code.

(00:41:10)

9. EXECUTIVE SESSION

- A. Held pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed
- B. Held pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

Mayor Forsythe announced that he would adjourn the regular meeting to go into Executive Session held pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and pursuant to ORS 192.660(2)(f) to consider information or records exempt by law from public inspection. He also announced that only designated Staff and members of the media would be allowed to attend Executive Session and members of the media could not report on the proceedings of the meeting.

Mayor Forsythe adjourned for Executive Session at 6:42 pm. Councilor Montgomery did not attend the first Executive Session, but was invited into the second Session. Mayor Forsythe reconvened the regular Council meeting at 7:08 pm.

10. OLD BUSINESS

A. Any Decision(s) Relating to Items Discussed in Executive Session

Mayor Forsythe announced that no action was needed.

B. Animal Control IGA/Ordinance

City Administrator/Recorder Mills referred Councilors to copies of Lane County's Animal Control Code and Dunes City's Ordinance No. 178 regulating animals within the City limits that were included in meeting packets.

Councilor Snow requested to table further discussion. Councilor Montgomery seconded the request. Councilors voted unanimously to table the discussion.

It was agreed to revisit the subject during the November Council meeting.

11. REPORTS

A. Mayor's Report: Mayor Forsythe had no report, but noted that he was going through old documents that belonged to the Merz family, long time Dunes City residents, and he expected to find some documents of historical interest to the City.

B. Community Center Report: Councilor Wells was absent, there was no report.

C. Water Quality Report: Council President Meyer reported that the water quality is still very good on Woahink Lake.

D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that work continues on Kiechle Arm Road improvements, and work will begin soon on Huckleberry Lane.

E. Emergency Services Report: City Administrator/Recorder Mills reported that she was unable to attend the August WLEOG meeting, but included the meeting agenda in Councilors' meeting packets along with proposed changes to WLEOG Rules of Procedure and member agreements that Councilors are asked to review and comment upon.

F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that the CAC reviewing Chapter 155.1-.3 completed its work and forwarded its recommendations to the Planning Commission. She also reported that among the complaints received in August there was speed boat racing on Woahink Lake; she noted that complaints about such activities on the lake should be filed with the Sheriff's office. She went on to report that she attended the Oregon Coastal Caucus Economic Summit in Lincoln City where she learned about legislative priorities at both federal and State levels, and learned that Dunes City is the "poster child" for Building Codes Division issues. In that regard, she reported that it appeared that additional legal review of BCD's rule mak-

ing process and the Justice Department's opinion could take place. In addition, Mrs. Mills reported that Councilor Snow, who is committee secretary to Boy Scout Troop 721 has asked if there are any projects in the City that the Scouts could help with, such as installing a basketball court in Byrd Park or rebuilding the gazebo in Petersdorf Park. Councilors generally supported the idea of a basketball court and asked City Administrator/Recorder Mills to get more information for the Council.

12. FOR THE GOOD OF THE ORDER

Council President Meyer reported that ODOT finally replaced the "Gardner" sign with a correctly spelled "Gardiner" sign.

13. ADJOURNMENT

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

Mayor Forsythe adjourned the meeting at 7:24 pm.

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

Duke Wells, Acting Council President

ATTEST:

Jamie Mills, City Administrator/Recorder

BILLS OF THE SESSION: 9/07/2018 thru 10/02/2018

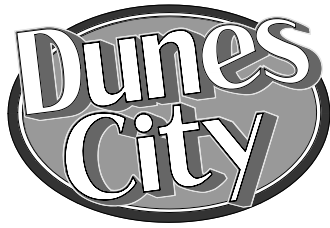
Campbell Productions			\$390.00
Central Lincoln P.U.D. (City Hall)			\$107.37
Central Lincoln P.U.D. (Street Lights)			\$1,787.57
Century Link			\$311.31
Charter Business			\$70.00
County Transfer & Recycling			\$24.51
MCI/Verizon			\$0.00
D.J. Miller (Keichle Arm Rd)			\$4,605.58
Northwest Code Professionals			\$2,771.81
PERS			\$2,974.56
Refunds			\$4.00
Richard Palmer			\$0.00
Robert Ybarra (lawn maintenance)			\$0.00
Siuslaw News			\$98.00
Siuslaw School District 97J			\$0.00
Speer Hoyt LLC General		\$95.00	
Speer Hoyt LLC Building Program Issue		\$0.00	
Speer Hoyt LLC Reavis v DC		\$793.50	
Speer Hoyt LLC Property Acquisition		\$0.00	
Speer Hoyt LLC Street Repair		\$76.00	
	Speer Hoyt Total		\$964.50
Terri English (Dunes City Home Services)			\$240.00
U S Bank			\$766.79
	Coastal Summit	\$408.95	
	Supplies & Postage	\$357.84	
U S Postal Service (Newsletter mailing)			\$245.10
Vend West			\$0.00
West Coast Media Group			\$0.00
Wells Fargo Financial Leasing, Inc			\$185.25
Wobbe & Associates (Survey Huckleberry Ln)			\$0.00
Staff Wages			\$5,149.25
Employer Portion of Taxes			\$0.00
PERS			\$0.00
	Total Employee Costs	\$5,149.25	
Cardinal Services			\$0.00
Above bills in the amount of	\$20,695.60	approved per motion,	TOTAL <u>\$20,695.60</u>

ATTEST: _____

Mayor / Council President

RECEIPTS OF THE SESSION: 9/7/2018 thru 10/02/2018

Building Rental	\$0.00
Business License	\$255.00
Copy Charges	\$3.00
Donations	\$0.00
Triathlon	\$5.00
Fines	\$0.00
Franchise Fee, Cable TV	\$0.00
Franchise Fee, PUD	\$4,520.13
Franchise Fee, Telephone	\$0.00
Interest	\$0.00
Lien Searches	\$125.00
Permits, Conditional Use	\$0.00
Permits, Boundary Line Adjustment (PUD)	\$0.00
Permits, Electrical	\$310.00
Permits, Excavating & Grading & Driveway	\$0.00
Permits, Manufactured Home Fees	\$0.00
Permits, Mechanical	\$156.00
Permits, Other (Inspections, LUCS, No Brushing, etc.)	\$240.00
Permits, Penalties	\$0.00
Permits, Plan Check Fees	\$520.65
Permits, Plumbing	\$260.00
Permits, Right of Way Use	\$0.00
Permits, Structural	\$801.00
Permits, Building Surcharge	\$214.35
Permits, State Surcharge	\$174.96
Permits, Vegetation / Tree Removal	\$0.00
PERMITS TOTAL	\$2,676.96
RTMP Tourism Grant	\$15,123.00
Septic Inspections	\$0.00
Tax, Cigarette	\$0.00
Tax, Liquor (OLCC)	\$1,765.04
Tax, Oregon State Highway Apportionment	\$9,051.46
Tax, Lane County Motel Fund	\$3,075.08
Tax, School Excise	\$0.00
Water Rights Application Fees	\$0.00
Water Admin Fees	\$300.00
TOTAL	\$36,899.67



COMMITTEE FOR CITIZEN INVOLVEMENT (CCI)
ANNUAL REPORT TO CITY COUNCIL
OCTOBER 10, 2018

Background:

In October of 2013, the Dunes City Council adopted Ordinance No. 223 which amended the Citizen Involvement Program (CIP) portion of the City's Comprehensive Plan and established the Dunes City Committee for Citizen Involvement (CCI) as required by Oregon State Land Use Planning Goal 1. Ordinance No. 223 also appointed the Dunes City Planning Commission to serve as the City's CCI. The primary objectives of the CCI are to assist the City Council with the continued development of a CIP that promotes and enhances citizen involvement in land use planning, to assist in the implementation of the CIP, and to evaluate the process being used for citizen involvement. The CCI reports to the City Council and provides information on the effectiveness of the City's CIP in an annual report to the Council.

In September of 2016 the Planning Commission, in its role as CCI, directed City Staff to publish and post public notice soliciting applicants to a Citizen Advisory Committee (CAC) to review proposed changes to Dunes City's Land Use Code Chapter 155 (Zoning and Development) Sections 155.1, 155.2 and 155.3 and provide recommendations to the Planning Commission. With only one citizen application at the time, the Planning Commission also appointed its members to the CAC. In October of 2017, three new applicants were appointed, and in November two more applicants were appointed.

The CAC began its review in November, 2016, continued through 2017, and completed its work in August of 2018.

In summary:

With a total of five residents appointed to the CAC since its inception, we see indication that citizens are interested in learning about and being involved in changes to Dunes City's land use code. The CAC appointed to review Chapter 155.1-.3 is the City's first CAC to successfully complete its assigned task. Kudos to CAC members Bonnie Allen, Keith Garvey, Chris John, Ed Kopilec, Ken Pesnell, Barry Sommer, John Stead, and Ric Ziegler.

Also, as evidenced by last year's outpouring of citizen interest in marijuana businesses in Dunes City and South Coast Water District's application to use Dunes City's water right, it is apparent that residents are concerned about regulations and decisions that shape our City.

In 2018, the Planning Commission responded to the increased number of residents attending meetings by setting a goal to review, on a quarterly basis, citizen comments and concerns expressed during meetings and to determine whether the Commission should take any action. This year public attendance at regular Planning Commission meetings has dwindled and, to date, there have been no issues that required further attention by the Commission.

Later this year, the Planning Commission expects to assign Chapter 155.4 to a CAC for review. The Planning Commission will explore ways to make recruitment efforts more fruitful with a goal to eliminate the need for Commissioners to sit as members of the CAC. The Commission will continue to monitor citizen input.

Respectfully submitted,

Bonnie Allen
Chairperson
Dunes City Planning Commission

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

GERALD and DONNA REAVIS, husband and wife,

Plaintiffs,

vs.

CITY OF DUNES CITY, an Oregon municipal corporation; ALAN MONTGOMERY; and AMP-II, LLC,

Defendants.

No. 16CV26295

GENERAL JUDGMENT OF DISMISSAL

THIS MATTER came before the Court for trial before the Honorable Charles M. Zennaché on September 5, 2018, and at that time Defendants Alan Montgomery and AMP-II, LLC, appeared by and through their counsel, Allen E. Gardner, and Defendant City of Dunes City appeared by and through its counsel, John A. Wolf. Plaintiffs failed to appear. At that time, Mr. Gardner indicated that Plaintiffs' counsel had stated that Plaintiffs would not appear, and orally moved for judgment of dismissal with prejudice as to all of Plaintiffs' claims, which motion was granted by the Court. Mr. Wolf thereupon stated that cross-claims existed by City of Dunes City against Defendants Alan Montgomery and AMP-II, LLC, and represented that the parties had entered into a settlement agreement, but that performance of the terms of that agreement were disputed as between the Defendants. The Court observed that performance of a settlement agreement was not a part of the issues before the Court and could properly be considered by separate action. Mr. Gardner then orally moved for dismissal of the pending cross-claims, which motion was granted by the Court.

The Court being fully advised, it is therefore hereby,

ADJUDGED AND ORDERED that Plaintiffs' claims herein are dismissed with prejudice in their entirety and that the cross-claims of City of Dunes City are dismissed in their entirety without prejudice; there are no other claims pending in this action.

IT IS FURTHER ADJUDGED AND ORDERED that costs and disbursements herein ~~are awarded as follows:~~

may be awarded by supplemental judgment pursuant to ORCP 68.

GENERAL JUDGMENT OF DISMISSAL - Page 1

1 ~~City of Dunes City is awarded judgment against Plaintiffs for prevailing party fee in the sum of~~
2 ~~\$85.00 pursuant to ORS 20.190(1)(b)(A); and~~
3 ~~Alan Montgomery and AMP II, LLC, are awarded judgment for costs and disbursements against~~
4 ~~City of Dunes City for filing fee of \$532.00, and for prevailing party fee in the sum of \$325.00 pursuant to~~
5 ~~ORS 20.190(2)(a)(A), for a total of \$857.00.~~

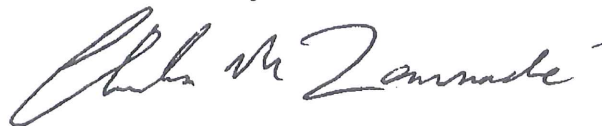
6 MONEY AWARD #1

7 ~~CREDITOR: CITY OF DUNES CITY~~
8 ~~CREDITOR'S ATTORNEY JOHN A. WOLF~~
9 ~~DEBTOR: GERALD and DONNA REAVIS~~
10 ~~TYPE OF JUDGMENT: Money~~
11 ~~PRINCIPAL AMOUNT: \$85.00~~
12 ~~INTEREST: 9% from date of Judgment~~

13 MONEY AWARD #2

14 ~~CREDITOR: ALAN MONTGOMERY and AMP II, LLC~~
15 ~~CREDITOR'S ATTORNEY ALLEN E. GARDNER~~
16 ~~DEBTOR: CITY OF DUNES CITY~~
17 ~~TYPE OF JUDGMENT: Money~~
18 ~~PRINCIPAL AMOUNT: \$857.00~~
19 ~~INTEREST: 9% from date of Judgment~~

20
21 Signed: 9/26/2018 03:39 PM

22 

23
24 **Charles M. Zennaché, Circuit Court Judge**

ALLEN E. GARDNER
GARDNER, POTTER, BUDGE, SPICKARD & CASCAGNETTE, LLC
725 Country Club Road
Eugene, OR 97401
voice: (541)687-9001 telefax: (541)484-7404 email: allen@gardnerpotter.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

GERALD and DONNA REAVIS, husband and wife,

Plaintiffs,

vs.

CITY OF DUNES CITY, an Oregon municipal corporation; ALAN MONTGOMERY; and AMP-II, LLC,

Defendants.

No. 16CV26295

CERTIFICATE OF COMPLIANCE WITH
UTCRC 5.100

The attached GENERAL JUDGMENT OF DISMISSAL AND SATISFACTION OF JUDGMENT is ready for judicial signature because:

1. ☐ Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
2. ☐ Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
3. ☒ I have served a copy of this order or judgment on all parties entitled to service and:
 - a. ☐ No objection has been served on me.
 - b. ☐ I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. ☒ After conferring about objections, **JOHN WOLF, ATTORNEY FOR CITY OF DUNES CITY**, agreed to independently file any remaining objection.
4. ☐ The relief sought is against an opposing party who has been found in default.
5. ☐ An order of default is being requested with this proposed judgment.
6. ☐ Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
7. ☐ This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

DATED this the 20th day of September, 2018.

/s/ Allen E. Gardner

Allen E. Gardner, OSB #802334

Of Attorneys for Alan Montgomery and AMP-II, LLC

9-23-2018

SCOTT

ED

BILLY

KEVIN

JERRY

9/23/18

Date: Weather:

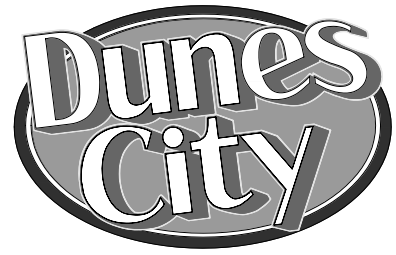
Air Temp:

Personnel:

Site	Time	Secchi	Temp	Cond	Sample	Depth	O2# and O2	Chla?	Nutr?	pH	Turb
Outlet					XXXXX	sfc	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
N43.54N 112.4	22		19.3	63.4							
Atlas	10:15	20.4	19.2	63.4		sfc	XXXXX			7.33	86
			19.2	?	XXXXX	Z=20m	0.90	XXXXX	?	XXXXX	XXXXX
			18.8	?	XXXXX	15m	7.46	XXXXX	XXXXX	XXXXX	XXXXX
			19.5	?	XXXXX	10m	ERROR	XXXXX	XXXXX	XXXXX	XXXXX
			19.3	?	XXXXX	2m	8.18	XXXXX	XXXXX	XXXXX	XXXXX
Br. 1	11:15	19	18.9	63.2		sfc	?			6.93	59
Br. 2	11:25	22	18.4	63.3		XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Br. 3	11:35	22	18.5	63		XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
W'lake	4:54	18.2	64.9			sfc	?			7.22	5.43

Emergency Services Report to City Council

October 10, 2018 ~ Prepared by Jamie Mills



I attended the West Lane Emergency Operations Group meeting held on Monday, September 17th at the Siuslaw Valley Fire and Rescue Station #1 in Florence. The Agenda and packet materials are included in this packet.

The members of the WLEOG Board reviewed the proposed changes to WLEOG Rules of Procedure for the 2018-2019 Fiscal Year and for the Agreements between WLEOG and the member entities. When a finalized version of the document is prepared, it will be presented to the City Council for approval.

Each of the member entities that were present at the meeting gave updates on the work of their organization toward emergency preparation.

The next WLEOG meeting will be held at the Fire Station in Florence on Monday, October 15th at 10:00 a.m.

WEST LANE EMERGENCY OPERATIONS GROUP

Siuslaw Valley Fire and Rescue

2625 Hwy 101
Florence OR 97439

September 17, 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
Oregon Coast 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 August 20, 2018

Reports & Discussion Items:

Chair's Report

Tabled from August 20 meeting Review WLEOG Agreement and WLEOG Rules of Procedure

CERT Coordinator Report

Financial Statements Profit and Loss Budget vs. Actual, Year to date (2018-2019) Bank account register.

Other Business/Round Table Next Meeting: Monday October 15, 2018 Location TBD

WEST LANE EMERGENCY OPERATIONS GROUP
MINUTES August 20, 2018

MEMBERS PRESENT:

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

ASSOCIATE MEMBERS:

West Lane ARES/RACES: Present
Greentrees: Not Present
American Red Cross: 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: 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: Present
Siuslaw School District: Not Present
Apex Helicopter: Not Present
Camp Baker: Present

CALL TO ORDER

The meeting was called to order by Megan Messmer 10:04 a.m.

APPROVAL OF MINUTES: Jim Dickerson made a motion and Pat Kirby seconded the motion to approve the minutes from the July 16, 2018 Meeting, Motion was then approved unanimously.

Agenda Items:

- **Emergency Preparedness Expo:** Jenna reported to the group that the Emergency Expo is this weekend Sat. Aug. 25 at the FEC, 300 water bottles will be given to the attendee's. there will be 5 speakers. There is also 2 booths' open for vendors. Jenna is looking into changing the date for next year's Expo to promote more vendors. Frank Nulty has 10 door prizes
- Jim Dickerson informed the group that the siren testing was normal and that the siren would need about to have an antenna placed to help with the volume of the siren this is about a \$300-\$800-dollar fix.

Pat Kirby made a motion to use the budgeted amount to fix the siren, Brian DuBray seconded the motion was passed unanimously. He also informed the City that the Tsunami Siren sign that displays the testing dates and times, is missing from the 3rd street siren.

Dickerson also spoke to the group about the placement of the mass casualty trailer's that are being stored north of town at the Sutton Lake Fire station, Dickerson suggests that the trailer be moved and stored in a more accessible location. Megan Messmer suggested the Airport and said it is available. The red cross is fine with the placement as long as they have access to the trailers if needed for maintenance and an incident in which they would be utilized. The red cross was assured they would have access.

Chairs Report: Megan Messmer passed handed out the WLEOG agreement, she has made some changes to make sure it is consistent and would like input and suggestions, Messmer will email this agreement out and asked the members to please send comments or suggestions directly to her. A full discussion of the agreement will be tabled until the September meeting with hope of having more members present. Pat Kirby asked about the mission statement for WLEOG and if anyone had a copy of it.

CERT: Frank Nulty reports that Daniel Olson is working on the water purification system. Nulty also reports that the evacuation maps are getting low, Messmer suggest that we wait for the State of Oregon to update the map before we order more.

Other Business:

- Camp Baker thanked the city for the use of their signs they used to help cross campers on Hwy 101, it really helped to slow the traffic down so that the campers could get across the hwy safely. The summer camps are over until next season.
- ARES/RACES Bob Pine reports that the radio group was granted the license for the Justice Center and for SVFR.
- Lane Public Health reports that they are still seeing cases of Pertussis and that the air quality is effecting some people.

FINANCIAL REPORT

Current balance is \$39,442.29 Bills paid since 7/25/2018 were \$618.38 to; Coast Broadcasting \$488.00; Central Lincoln \$30.38; West Coast Media \$100.00; VIASAT INC. \$59.98; 2.4% of the Budget has been expended YTD excluding Contingency.

Future Agenda Business:

ADJOURNMENT

The meeting was adjourned by Megan Messmer @ 10:55 a.m.

The next scheduled WLEOG Meeting will be September 17, 2018 at 10:00 a.m. at Siuslaw Valley Fire and Rescue.

Mary Dimon
Administrative Assistant
Recording Secretary

1:07 PM

09/12/18

Accrual Basis

W.L.E.O.G.
Profit & Loss
August 20 through September 17, 2018

	<u>Aug 20 - Sep 17, 18</u>
Income	
4600 · Interest Income	3.37
Total Income	<u>3.37</u>
Expense	
5000 · Materials & Services	
5005 · Advertising	488.00
5009 · Dues and Fees	38.01
5014 · Miscellaneous Supplies	30.31
5017 · Internet/Website Service	100.00
Total 5000 · Materials & Services	<u>656.32</u>
Total Expense	<u>656.32</u>
Net Income	<u><u>-652.95</u></u>

Profit & Loss Budget vs. Actual

Cash Basis

July 2018 through June 2019

	Jul '18 - Jun 19	Budget	\$ Over Budget	% of Budget
Income				
4000 · Member Contributions				
4001 · WLAD	5,487.26	5,487.26	0.00	100.0%
4002 · Siuslaw Valley Fire	5,487.26	5,487.26	0.00	100.0%
4003 · City of Florence	5,487.26	5,487.26	0.00	100.0%
4004 · Tribal Police	2,743.63	2,743.63	0.00	100.0%
4005 · Port of Siuslaw	1,371.82	1,371.82	0.00	100.0%
4006 · Dunes City	1,371.82	1,371.82	0.00	100.0%
4007 · Mapleton Fire Department	441.42	441.42	0.00	100.0%
4008 · Peace Harbor Hospital	0.00	5,487.26	-5,487.26	0.0%
Total 4000 · Member Contributions	22,390.47	27,877.73	-5,487.26	80.3%
4600 · Interest Income	4.76	0.00	4.76	100.0%
Total Income	22,395.23	27,877.73	-5,482.50	80.3%
Expense				
5000 · Materials & Services				
5005 · Advertising	976.00	8,500.00	-7,524.00	11.5%
5006 · Neighborhood Training Pr...	0.00	1,500.00	-1,500.00	0.0%
5009 · Dues and Fees	38.01	200.00	-161.99	19.0%
5010 · Siren Maintenance Agree...	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	0.00	1,200.00	-1,200.00	0.0%
5014 · Miscellaneous Supplies	60.69	500.00	-439.31	12.1%
5015 · Education/Prof. Dev.	0.00	3,000.00	-3,000.00	0.0%
5017 · Internet/Website Service	319.96	2,300.00	-1,980.04	13.9%
5019 · Special Districts Dues/Ins	0.00	2,500.00	-2,500.00	0.0%
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...	0.00	1,000.00	-1,000.00	0.0%
Total 5000 · Materials & Services	1,394.66	26,750.00	-25,355.34	5.2%
6900 · Contingency	0.00	1,127.73	-1,127.73	0.0%
Total Expense	1,394.66	27,877.73	-26,483.07	5.0%
Net Income	21,000.57	0.00	21,000.57	100.0%

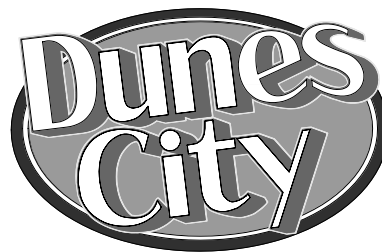
Register: Oregon Pacific Bank

From 08/20/2018 through 09/17/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
08/28/2018	1443	Central Lincoln	20000 · Accounts Paya...	Acct.# 305763...	30.31	X		39,352.00
08/31/2018			4600 · Interest Income	Interest		X	3.37	39,355.37
08/31/2018	1444	Coast Broadcasting	20000 · Accounts Paya...	Inv.#'s 816-001...	488.00			38,867.37
08/31/2018	1445	Westcoast Media Gro...	20000 · Accounts Paya...	Inv.# 18-2285 ...	100.00			38,767.37
09/04/2018		Confederated Tribes ...	11000 · Accounts Rece...				2,743.63	41,511.00
09/12/2018	1446	Oregon Govennment ...	20000 · Accounts Paya...	Inv.# AIE09296	38.01			41,472.99

City Administrator/City Recorder Report to City Council



October 10, 2018 ~ Prepared by Jamie Mills

There were 15 building permits issued in September: 3 structural, 4 electrical, 5 mechanical, and 3 plumbing. There was 1 Public Works permit issued in September for vegetation removal in the right-of-way.

The Planning Commission met on Monday, September 24th, where it finalized its review of 155.4 and referred that section of the Code to the CAC. No applicants were received to serve on the CAC for review of the Code provisions related to flooding. So the Planning Commission appointed themselves to serve as the CAC for the flood provisions of Code (Chapter 153).

Letters are going out to Dunes City residents asking them to provide information regarding the source of their drinking water. Many residents have wells. Those wells may or may not have State issued well identification numbers. It is in the residents' best interest to ensure their wells are registered with the State and given a number, to avoid potential difficulties that may occur in the future.

New part-time administrative assistant Monica Severino resigned the position on September 27th, and we have hired a new part-time administrative assistant who is a Dunes City resident. Abby DuBois started with the City on September 24th. She will work 5 hours on Monday and 5 hours on another day of every week, excluding holidays.

Cougar sightings continue in the City limits. Residents are asked to NOT feed the deer, or any other wildlife for that matter, and to use caution – particularly in the early morning and late afternoon hours.

The Water Quality Committee is revisiting the Quality Assurance Project Plan (QAPP) to update the information and assign duties to address changes that have occurred with the membership of the water testers.

The Huckleberry Lane project has been completed. Grant applications have been submitted for work to be done on Alder Drive to widen the roadway and right-of-way by cutting into the hillside, installing erosion control measures, shoring up the down-hill side of the roadway, and widening the pavement and roadside. A second grant application has been submitted to re-do Parkway Drive between Buckskin Bob and Hilltop, because the roadway is collapsing and sliding into the drainage gully. There are numerous pot holes and drainage repairs that also need to be addressed as soon as possible, money permitting.

Respectfully submitted,
Jamie Mills, City Administrator/Recorder

Incoming Mail Log September 2018

DATE	HOW	FROM WHO	WHAT IT IS	WHO IT GOES TO
9/4/2018	Email	Berkshire Hathaway	Requested county records & septic map	Permit
9/4/2018	FAX	Floyd Larson	Wally's sending in paperwork re: inspection	Permit
9/4/2018	Mail	Knife River Corp.	Invoice 1973297 Large Eco Blocks	Recorder
9/4/2018	Mail	County Trans & Recycling	Invoice 99864378	Recorder
9/4/2018	Mail	Florence Coastal Hardware	Invoice	Recorder
9/4/2018	Mail	US BANK	Invoice	Recorder
9/4/2018	Mail	Central Lincoln	Invoice	Recorder
9/4/2018	Mail	MCI	Invoice	Recorder
9/4/2018	Mail	Oregon Linen	Invoice	Recorder
9/4/2018	Mail	USPS	Returned Mail-Shannon Allison	Recorder
9/4/2018	Mail	USPS	Returned Mail-Brian Robbers	Recorder
9/4/2018	Mail	USPS	Returned Mail-Parviz Shoail	Recorder
9/5/2018	Mail	Michael Hall	Water Meter Reading	Permit
9/5/2018	Mail	Douglas Owen	Water Meter Reading	Permit
9/5/2018	Mail	Vendwest	Invoice	Permit
9/5/2018	Email	Cardinal Services	Invoice	Permit
9/6/2018	Hand	Pam Palmer	Work Order Richard Kiechle Arm	Permit
9/5/2018	Email	NW Code Professionals	Invoice	Permit
9/6/2018	Mail	Linda Shumate	DSL Waterway Registration	Permit
9/6/2018	Mail	Lane Area Commission on Transport Agenda		
9/6/2018	Mail	OLCC Tax Distribution	Invoice	Recorder
9/6/2018	Mail	Cigarette Tax Distribution	Invoice	Recorder
9/6/2018	Mail	CIS	Loss Run Report 8/31/2018	Recorder
9/10/2018	Mail	Oregon Pacific Bank	Statement	Admin
9/10/2018	Mail	Oregon Pacific Bank	Statement	Admin
9/10/2018	Mail	Umpqua Bank	Statement	Admin
9/10/2018	Mail	Siuslaw News	Invoice	Admin
9/10/2018	Mail	Baumann, Erich	2 water meter readings	Admin Asst
9/11/2018	Email	Dyer Partnership	Certificate of Work Comp Coverage	Admin
9/11/2018	Email	BOLI E-Commerce	Receipt for Order of Poster	Admin
9/17/2018	Mail	USPS	Mailing Transaction Receipt	MJS
9/17/2018	Mail	Wally's Prepayment Ledger	Statement	MJS
9/17/2018	Mail	Wells Fargo	Invoice	MJS
9/17/2018	Mail	Wally's Septic	Septic Inspection Report- 83750 Rio Dr	MJS
9/17/2018	Mail	Wally's Septic	Septic Inspection Report- 83605 Manzanita Dr.	MJS
9/18/2018	Mail	PERS	Statement re: L Stevens	JLM
9/19/2018	Mail	Returned mail	John Stead "Unable to forward"	JLM

9/20/2018	Mail	Lane County Tax Collector	Certified Invoice x 3	MJS
9/20/2018	Mail	CIS TRUST	Invoice showing credit	MJS
9/20/2018	Mail	Wally's Prepayment Ledger	Statement	MJS
9/20/2018	Mail	Wally's Septic	Septic Inspection Report-83471 S. Cove Way	MJS
9/20/2018	Mail	Wally's Septic	Septic Inspection Report-83923 Cloud Nine Rd.	MJS
9/20/2018	Email	Dan Scarberry	Water Meter Reading	MJS
9/24/2018	Email	First American Title	City Lien Search	MJS
9/24/2018	Email	PERS	Employer Statement	AMD
9/24/2018	Mail	Lane County Property Tax Manageme	Tax Statement	AMD
9/24/2018	Mail	Lane County Property Tax Manageme	Tax Statement	AMD
9/24/2018	Mail	Lane County Property Tax Manageme	Tax Statement	AMD
9/24/2018	Mail	Campbell Productions	Invoice	AMD
9/24/2018	Mail	Preferred Long Distance	License Tax Invoice	AMD
9/24/2018	Mail	Spectrum Business	Invoice	AMD
9/24/2018	Fax	Pacific Corrugated Pipe Co.	Sales Quote	MJS
9/27/2018	Mail	Water Resources Department	Water Management & Conservation Plan Review	AMD
9/27/2018	Mail	Century Link	Invoice	AMD

Dunes City Hall

October 2018

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 30	Oct 1	2	3	4	5 Closed	6 11:00am Trash Pick up at Woahink Lake (Boat Dock)
7	8	9	10 3:00pm Lane Act (Eugene) 6:00pm City Council Meeting	11	12 Closed	13
14	15 10:00am WLEOG (SVFD)	16	17	18	19 Closed	20
21	22	23	24	25 5:00pm Planning Commission Meeting	26 Closed	27
28	29	30	31	Nov 1	2	3

Dunes City Hall

October 2018

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 30	Oct 1	2	3	4	5 Closed	6 11:00am Trash Pick up at Woahink Lake (Boat Dock)
7	8	9	10 3:00pm Lane Act (Eugene) 6:00pm City Council Meeting	11	12 Closed	13
14	15 10:00am WLEOG (SVFD)	16	17	18	19 Closed	20
21	22	23	24	25 5:00pm Planning Commission Meeting	26 Closed	27
28	29	30	31	Nov 1	2	3