



**CITY COUNCIL MEETING MINUTES ~ APPROVED  
NOVEMBER 14, 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](http://www.DunesCity.com)

**1. CALL TO ORDER**

Mayor Robert Forsythe called the Wednesday, November 14, 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 Susan Snow, Councilor Duke Wells, Councilor Tom Mallen, and Councilor Robert Orr.

**Absent and Excused:** Councilor Alan Montgomery.

**Also Present:** Administrative Assistant Ms. Rapunzel Oberholtzer, Dunes City residents, *Siuslaw News* reporter Mr. Jared Anderson, and City Attorney Mr. Ross Williamson.

**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 Wells 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. The motion was seconded by Councilor Mallen. The motion passed by unanimous vote.**

**6. ANNOUNCEMENTS / CORRESPONDENCE**

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

A. There is a blue green algae bloom occurring on Siltcoos Lake. Water testing by the

Oregon Health Authority determined levels of the bacteria to pose a possible threat to vulnerable populations such as children under five years of age, the elderly, pregnant women, and individuals with immune deficiency disorders. Testing will continue until the results reveal non-threatening levels. Individuals who wish to receive emails with updates on the bloom can contact City Hall and ask to be added to the email list.

- B. Preliminary results of the November 6 election suggest that all four candidates have been re-elected to the positions for which they ran. The question regarding the ban of marijuana businesses passed, the question to amend the Charter to change provisions relating to a municipal court failed, and the question regarding assessment of the five year half-cent ad valorem tax failed. Election results will not be final until certified on or before November 26, 2018.
- C. Sand Dunes Frontier received the coveted 2018 Eugene, Cascades and Coast Destination Award from Travel Lane County earlier this year. The plaque was destroyed when the historic building in which it was displayed burned to the ground this past September. A replacement plaque was presented to Sand Dunes Frontier during the October 31 Travel Lane County meeting in Florence.
- D. City Hall will be closed at noon on November 21 and will reopen on Monday, November 26 and will be closed from Monday, December 24, until Tuesday, January 2, 2019.
- E. The City Council is scheduled to hold a public hearing on a Conditional Use Permit for a boundary line adjustment at the December regular session. Councilors are asked to ensure their attendance at that meeting to keep costs to the City at a minimum.

City Administrator/Recorder Mills also announced that part-time Dunes City residents Donna Randall and Lou Inverness lost their home and belongings in Paradise, California, to the Camp Fire.

## **7. CITIZEN INPUT ON ITEMS NOT LISTED ON THE AGENDA**

Mayor Forsythe recognized Mr. Fred Hilden. Mr. Hilden introduced himself as a Dunes City resident and business owner as well as a former City Administrator and Recorder. He noted that he would be disappointed to see the City disincorporated because it does provide services to residents at a level that cannot be provided by the County.

Mayor Forsythe recognized Mr. Rory Hammond, a Dunes City resident. Speaking to the potential for the City's disincorporation, Mr. Hammond expressed concerns about how the ban on marijuana businesses and local building codes would be enforced and what would happen to the City's water rights. He explained that, in his opinion, the ballot question about the tax was confusing and the City did not do enough to educate residents about why the tax was necessary to preserve the services provided to citizens.

Mayor Forsythe recognized Ms. Bonnie Allen, who introduced herself a resident of Dunes City and the Chairman of the Planning Commission. She explained that since she moved to the City seven years ago she has been involved in water testing and land use code that are important issues with residents of the community. She explained that, in her opinion, if citizens want to continue to have local government rule and their values reflected in that, they should contribute to the cost of local government.

## **8. NEW BUSINESS**

### **A. Discussion on Options Available to the City for Disincorporation as a Result of the Voters Denying Imposition of a ½ Cent per \$1,000 Valuation Temporary Ad Valorem Tax**

Mayor Forsythe explained that the tax issue was raised several months ago in light of a question about whether or not Dunes City would continue to receive shared revenue from the State if the City did not levy a property tax as required by State Statute. He went on to explain that the revenue amounted to \$70,000-\$100,000 per year, and there was some concern about whether or not the City would have to repay any of the funds it has received over the years. He noted that the tax question on the ballot was intended to bring the City into compliance with State Statute by levying a minimal property tax.

Mayor Forsythe noted that the City Attorney has informed the Council that there are eight or nine other Oregon cities that do not have a property tax and they continue to receive shared revenue from the State. He went on to ask Councilors if they wished to begin discussing this issue or schedule a special session to do so.

City Administrator/Recorder Mills suggested that Mr. Williamson, the City Attorney, provide some background on shared revenue for the benefit of audience members. Mr. Williams explained that it is his opinion that the City faces no liability in continuing the way it has been doing business for the past several decades. He explained that the onus is on the State, it is the State's formula for calculating the amount of shared revenue a city receives, and the State Statute determines how the State distributes money. He also explained that he didn't believe there was any personal liability to any of the Councilors. He went on to say that having a tax base was the best long-term solution now that the City is aware its shared revenue may be re-evaluated by the State on a year-to-year basis.

There was some discussion about what the City could have done differently to advocate one way or the other for the ballot question and to educate citizens about the reason behind the tax. Mr. Williamson explained that in order for a group of citizens to spend money advocating for or against an issue a PAC is required, but there is no restriction on Councilors as individuals advocating for or against an issue.

In subsequent discussion, Councilors generally agreed that because there is no guarantee that the City will continue to receive shared revenue, the City is left in a state of limbo. Councilors generally agreed to schedule a Special Session to continue the discussion about shared revenue with input from residents, and revisit the ballot question about amending the City Charter to allow the City to hold municipal court outside of City Limits.

B. Outlet Control Structure Insurance Coverage

City Administrator/Recorder Mills explained that the City does not yet own the structure, but has an easement to it and is liable for repairs if it is damaged or fails. Following discussion, it was agreed that City Administrator/Recorder Mills should obtain a quote from CIS and present it for consideration by the Council at a future meeting.

C. West Lane Emergency Operations Group Rules of Procedure

City Administrator/Recorder Mills explained that WLEOG has asked members to review the revised Rules of Procedure and determine whether or not they are acceptable. Councilors did not offer any changes to the proposed Rules, and Mayor Forsythe asked City Administrator/Recorder Mills to inform WLEOG that they were acceptable as presented.

D. Resolution No. 10, Series 2018, Approving Entry into an Intergovernmental Agreement to Participate in the Western Lane Emergency Operations Group (WLEOG)

**Councilor Mallen made a motion to accept the Intergovernmental Agreement as presented. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

E. Appointment of Applicants to Water Quality Committee

City Administrator/Recorder Mills referred Councilors to copies of applications for appointment to the Water Quality Committee from Andy Serrano, Bill Schwarz and Keith Garvey that were included in their meeting packets. She explained that Mr. Serrano and Mr. Schwarz were fairly new to the Committee, but that Mr. Garvey has been serving on the Committee for some time—official appointment of applicants by the Council is a housekeeping action.

**Councilor Meyer made a motion to accept the applications to the Water Quality Committee. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

Mayor Forsythe and Councilor Orr thanked the applicants for volunteering.

F. Purchase of Blue Green Algae Test Kits

City Administrator/Recorder Mills explained that the State only tests drinking water sources for water systems but, as a result of the recent algae bloom on Siltcoos Lake where many residents have private intakes for water, the Water Testers have asked the City to consider purchasing test kits to have on hand. Mayor Forsythe suggested that as long as the cost was within the purchasing authority limits of the City Administrator/Recorder she could order the kits as needed.

## G. Sustainable City Year Request for Participation

City Administrator/Recorder Mills explained that the University of Oregon approached Dunes City about participating in the Sustainable City Year Program (SCYP) in which students from multidisciplinary courses get together with faculty and Oregon communities to develop a plan for a project that will benefit a particular City. City Administrator/Recorder Mills met with a representative group to talk about possible projects and the group will develop a plan to develop projects. The group will also assist the City in writing grants to fund the projects. She noted that the City would have to provide some matching funding for the work—volunteer time could offset any monetary costs to the City.

Councilors generally agreed that City Administrator/Recorder Mills should authorize the group to get started and provide status reports at future meetings.

## 9. EXECUTIVE SESSION

There was none.

## 10. OLD BUSINESS

### A. Animal Control IGA with Lane County

City Administrator/Recorder Mills explained that the City recently received another dog complaint and reminded Councilors that this issue had been discussed and postponed several times but was brought back again so that Councilors could review all of the information that it requested Mrs. Mills to provide and make a final decision. She noted that in order for the County to provide service to Dunes City, the County requires the City to enter into an IGA and to adopt the County Animal Control Code.

The pros and cons of the issue were discussed. It was noted that City residents pay for County services with their property taxes but do not get much response to calls for law enforcement. An IGA would give the City a mechanism to respond to animal concerns, and, with the IGA, the City would have to pay the cost of an officer's response from the time he left Eugene until the time he returned to duty in Eugene. There was some discussion about whether or not the City would pay fees for services in addition to the fees paid through property taxes.

Councilor Orr offered to meet with City Administrator/Recorder Mills to try to develop language for a proposal that the Council could accept.

Following discussion, Mayor Forsythe suggested that Councilor Orr and City Administrator/Recorder Mills work out the cost issue with the County so the City is not, essentially, paying extra for services it should be provided.

B. Adoption of Floodplain Management Regulation

City Administrator/Recorder Mills referred Councilors to a copy of the *Adoption of Flood Insurance Rate Maps by Participating Communities* publication that was included in meeting packets. She explained that the publication explains the rules and timelines for which communities must adopt new Flood Insurance Rate Maps—essentially, the City cannot ask for an extension of time for doing so.

C. Do Not Feed the Deer Signs

City Administrator/Recorder Mills explained that she had spoken with the Road Maintenance Manager at Lane County about installing additional deer warning signs in the City Limits. She went on to explain that the County would allow Dunes City to add signage to its three existing, County-approved signs as long as the City would do so at its own expense and provide maintenance.

Following discussion, Councilors generally agreed that City Administrator/Recorder Mills could secure County permission to install signs on the City's existing signs and order three "Do Not Feed Deer" signs at a cost of \$30-\$50 each.

**Councilor Mallen made a motion for City Administrator/Recorder Mills to purchase three signs. Councilor Orr seconded the motion. The motion passed with four votes in favor (Meyer, Mallen, Orr, and Wells) and one opposed (Snow).**

## 11. REPORTS

- A. Mayor's Report: Mayor Forsythe had no report for the month.
- B. Community Center Report: Councilor Wells reported that he had finished the roof on City Hall so it was ready for winter.
- C. Water Quality Report: Council President Meyer did not have anything to add to earlier discussions about water quality.
- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that work on Huckleberry Lane was finished and the final report submitted to the State for reimbursement. She also reported that she submitted two new grants to the State for work on Alder Drive and on Parkway Drive.
- E. Emergency Services Report: City Administrator/Recorder Mills reported that she attended the October WLEOG meeting and the Agenda and meeting materials were included in the Councilors' meeting packets. She went on to report that the Annual Expo will be held next March and an emergency communications test will take place in April.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that there were twelve building permits, two driveway permits and one grading

permit issued in October. She also reported that the Planning Commission, acting as the CAC for review of Chapter 153's new FEMA flood provisions, began its review in its October meeting, and the State formally adopted the City's Water Conservation Management Plan, which was submitted on time for the first time in years. A copy of the complete City Administrator/Recorder Report is on file at City Hall.

## **12. FOR THE GOOD OF THE ORDER**

Councilor Orr thanked City Attorney Ross Williamson for taking the time to attend the Budget Committee and Council meetings and explaining the State's shared revenue program.

Councilor Wells also thanked Mr. Williamson and thanked Dunes City voters for re-electing him to the Council.

Council President Meyer thanked voters for re-electing him.

Councilor Snow thanked the votes for electing her.

Mayor Forsythe thanked voters for electing him. He went on to encourage residents to become involved in City government and urged them to continue to provide input. He also suggested that he would like to get Commissioner Bozievich to work with Lane County's road maintenance department to correct drainage problems with its roads in Dunes City limits.

## **13. ADJOURNMENT**

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

Mayor Forsythe adjourned the meeting at 7:16 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 12<sup>th</sup> DAY OF DECEMBER 2018**

[Signed copy available at City Hall]  
Sheldon Meyer, Council President

ATTEST:

[Signed copy available at City Hall]  
Jamie Mills, City Administrator/Recorder