



**CITY COUNCIL MEETING MINUTES ~ APPROVED  
SEPTEMBER 11, 2019 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, September 11, 2019, meeting of the Dunes City Council to order at 6:02 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 Duke Wells, Councilor Susan Snow, and Councilor Alan Montgomery.

**Absent and Excused:** Councilor Robert Orr.

**Also Present:** Administrative Assistant Rapunzel Oberholtzer 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 Mallen made a motion to accept the Agenda. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

**5. APPROVAL OF THE CONSENT AGENDA**

**Councilor Snow made a motion to approve the Consent Agenda as presented. Councilor Mallen 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 Mayors' Emergency Management Summit 2019 is scheduled for Thursday, September 12, at the First United Methodist Church of Eugene, 1376 Olive Street, in Eugene. Mayor, Councilors and City Officers and employees are invited. RSVPs were due August 22 and two spots were reserved. The event begins at 8:30 am and continues until 4:00 pm with a light breakfast and buffet lunch served. This event is free and there are no parking fees.
- B. Friday, October 11, City Councilors and the Mayor are invited to attend a gathering of Lane County leaders entitled "Community Vitality and Natural Hazards: Assets, Opportunities and Resilience in Lane County" from 9:00 am to noon at the Lane County Public Service Building, Harris Hall, 125 E. 8<sup>th</sup> Avenue, in Eugene. The event is free but you must RSVP.
- C. A teleconference with water attorney Laura Schroeder is scheduled for the next City Council meeting.

City Administrator/Recorder Mills also announced that she received notice from Charter that fees for several services will increase on or after September 6. She also announced that Charter has informed customers that on or around October 15 FOX college sports channels will no longer be available.

## **7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING**

Mayor Forsythe recognized Mr. Charles Bang, a Dunes City resident who wished to comment on vegetation removal from property adjacent to his. Mr. Bang remarked that he recently learned that lots on Doonbrae Lane near his property had been sold and that the lots were being logged, the wood chipped, and the chips distributed around the lots. He noted that he was especially concerned about the distribution of chips on the lot just above his as the chips will funnel water onto his property in the rainy season. He explained that the run-off will disturb the hillside that is in excess of a 40 degree angle and create the possibility of mud flows. He noted that work on the steep hillside needs to be carefully monitored and, any work on slopes over 15% needed to be engineered, which has not been done in this case.

Mr. Bang went on to explain that he called the City Administrator at City Hall on August 20 to complain about the work in progress and was told that the City would issue a stop work order until City Staff could look into the situation. He said that no stop work order was ever issued and the contractor was back at work. He noted that a neighboring lot also has a steep grade and that the contractor should get a standard Erosion and Soil Control (ESC) Plan prepared by a professional, certified engineer. He also pointed out that the Lane County GIS map shows the lot in question has a grade in excess of 15%. Mr. Bang said that the owner of the property claimed that no grading was done, but there has been grading. He said that the City needs to follow its rules. He suggested that Councilors walk the property to see what is going on because, as it is, a mud flow from improper grading with the funnel of chips could create a death trap for neighbors below the property.

Mayor Forsythe recognized Mr. Gregory Bang, a Dunes City resident, who said that the City needs to look into this matter because there has been grading on a slope of over 40% that could result in a deadly mud flow during heavy rains.

Mayor Forsythe thanked the gentlemen for their comments and said that the work will be looked into.

## **8. PRESENTATIONS/TRAINING**

### **A. Successful Governance for Local Officials – Being Ethical and Avoiding Conflicts of Interest – L3**

City Administrator/Recorder Mills reminded Councilors that the agenda item is lesson number three of the training required by CIS and that Councilors could come into the office to take the course, and the others, if they need help accessing the CIS website.

## **9. NEW BUSINESS**

### **A. Proclamation Declaring the week of September 16 through September 22, 2019 as Home Inventory Week**

Mayor Forsythe read aloud the Proclamation suggested by the Oregon Department of Consumer and Business Services as part of National Preparedness Month.

*State of Oregon  
County of Lane  
City of Dunes City*

*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, 2019, 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.*

*Signed this 11<sup>th</sup> day of September, 2019*

*Robert Forsythe, Mayor*

**B. Resolution Series 2019, No. 12 (9/11/2019) Setting Fees for Filing Erosion Control Plans**

City Administrator/Recorder Mills reminded Councilors that fees for submitting Erosion Control Plans had not yet been adopted by the Council, the Resolution sets forth the fees the City will collect when Plans are submitted. Mayor Forsythe read aloud the Resolution.

*CITY OF DUNES CITY  
RESOLUTION SERIES 2019, NO. 12*

*A Resolution setting fees for submission and approval of Erosion Control Plan.*

*WHEREAS, Dunes City Code, Title XIV, Chapter 141, entitled Erosion and Sediment Control, requires the preparation, submission, review and approval of an Erosion and Sediment Control plan prior to issuance of any development permit to be obtained and before construction or disturbance begins within any area that: is greater than 4,000 square feet or moves more than 50 cubic yards of any material, does not disturb land within 100 horizontal feet of the high water level of any lake, and does not occur on lands having slope of 15% or greater; and*

*WHEREAS, Dunes City Code, Title XIV, Chapter 141.003(A) provides that an Erosion and Sediment Control Plan review fee shall be assessed in accordance with the provisions of this section 141.003(A) or shall be set forth in the fee schedule adopted by the Dunes City Council; and*

*WHEREAS, Dunes City Code, Title XIV, Chapter 141.005 requires an Erosion and Sediment Control Plan inspection to be conducted by either the City Engineer, the Planning Official, or other authorized City Representative, and that the costs therefore will be billed to the responsible party and payable within Thirty (30) days of receipt; and*

*WHEREAS, no fee schedule has ever been adopted by the City that set the Erosion and Sediment Control Plan review fee; and*

*WHEREAS, the City desires to be reimbursed for time and resources committed by staff in the review and subsequent inspection(s) of an Erosion and Sediment Control Plan implementation;*

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNES CITY THAT:*

- 1. The following fee will be added to the permit fee schedule of Dunes City:*
  - A. Erosion and Sediment Control Review Fee \$100.00*
  - B. Simple Erosion and Sediment Control Plan First Inspection - \$100.00*
  - C. Simple Erosion and Sediment Control Plan subsequent inspections - \$50.00*
  - D. Standard and road and driveway Erosion Control Plan inspections shall be done by the City Engineer and billed to the responsible party for costs incurred.*
- 2. This Resolution takes effect immediately upon adoption.*

**ADOPTION:**

*This Resolution is passed and adopted on the 11<sup>th</sup> day of September, 2019.*

**Council President Meyer made a motion to accept the Resolution. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

**C. Consideration of Participation in PERS Employer Incentive Fund**

City Administrator/Recorder Mills referred Councilors to copies of spread sheets illustrating the amounts that various cities owe to PERS and the amounts that cities will pay if they opt into the PERS Employer Rate Relief Program. She explained that the Program provides some relief to cities that owe significant amounts to PERS. She went on to explain that Dunes City owes \$87,205 to cover future retirement benefits of former employees, but if the City contributes \$54,208, the EIF will contribute \$13,552. She went on to explain that the City could pay the \$54,208 now and decrease the percentage rate it pays to PERS or continue paying into PERS monthly at increasing percentage rates over time. She noted that the budget includes a \$50,000 contingency that could be used to pay off the balance owed to PERS.

There was some discussion during which it was generally agreed that Councilors would prefer to pay the \$54,208 and pay a lower contribution to PERS now rather than face paying more to PERS over time.

**Council President Meyer made a motion to roll the contingency fund into the PERS account to get the matching funds and reduce City indebtedness. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

#### D. Replacement of Door Locks in City Hall

City Administrator/Recorder Mills explained that she was concerned that someone had been entering the office even though all of the keys had been accounted for, and she wanted to change the locks so that only the currently authorized personnel had access. She estimated that the cost to replace outside locks would be about \$100 each for five locks. She went on to explain that reprogrammable electronic locks would eliminate the need to keep track of keys.

Councilors authorized City Administrator/Recorder Mills to spend up to \$500 to upgrade locks.

#### E. Replacement of Computer System with Server

City Administrator/Recorder Mills explained that the City continues to experience issues with its computers. She went on to explain that a consultant suggested that the City acquire a server for storing data and providing backup. She informed Councilors that she has asked a consultant specializing in the technology to provide a quote to update the computer systems and install a server.

#### F. Consideration of Appointment to Siltcoos Lake Testers

City Administrator/Recorder Mills referred Councilors to an application from Mr. James McDonald for water testing on Siltcoos Lake.

**Councilor Snow made a motion to appoint Mr. McDonald as a water tester. The Motion was seconded by Council President Meyer. The motion passed by unanimous vote.**

### 10. EXECUTIVE SESSION

There was none.

### 11. OLD BUSINESS

#### A. Discussion/Selection of Emergency Storage Container

Councilor Montgomery explained that he had looked into pricing for the cargo containers the City is considering using for emergency storage and found that shipping costs seem to be the biggest difference. City Administrator/Recorder Mills noted that she had asked a contractor to provide a quote for a 40' X 10' stick-built, reinforced building that would blend in with the look of City Hall.

B. IGA with Lane County

City Administrator/Recorder Mills reminded Councilors that during the August meeting they discussed renewing the IGA with Lane County for road work. She explained that, after further investigation, she found that the City has a current contract in force until next year, so this subject could be revisited when the current contract is about to expire.

C. Set Town Hall for Westlake Area Future

City Administrator/Recorder Mills reminded Councilors that this item was from the July Goal Setting Session.

Following discussion, Councilors agreed to schedule this Town Hall for an evening in early November.

D. Set Town Hall for Citywide Infrastructure Discussion

City Administrator/Recorder Mills reminded Councilors that this item was from the July Goal Setting Session.

Following discussion, Councilors agreed to schedule this meeting after the teleconference with water attorney Laura Schroeder.

E. Report on Status of Water Meters/Contract with OWS

City Administrator/Recorder Mills referred Councilors to a copy of a Meter Reading Service Agreement with Oregon Water Services. She explained that there would be a one-time charge of \$100 for initial set up and \$180 per month thereafter for meter reading services.

During discussion, Councilors agreed that by entering into the Agreement, the City would save money because it would not have to purchase equipment and software to read meters.

**Councilor Montgomery made a motion to have City Administrator/Recorder Mills sign the Agreement with Oregon Water Services for meter reading services. The motion was seconded by Councilor Mallen and passed by unanimous vote.**

F. Status of Unimproved Roadways in Tsiltcoos Lake Club

City Administrator/Recorder Mills referred Councilor to a copy of a memorandum she prepared to provide an update on actions and events that had transpired to date. She explained that, at this point, the County quitclaimed all interest in the unimproved roadways to Dunes City. She noted that as the City attempted to move forward with a process to dispose of the roadways, the City Attorney expressed concern about the legality of the County's process and advised the City not to take any further action until it was sorted out.

The City Attorney is still looking into the matter.

G. Consideration of Agreement with Oregon Water Services

This was resolved under Agenda item E.

## 12. REPORTS

- A. Mayor's Report: Mayor Forsythe announced that he would not be able to attend the October meeting.
- B. Community Center Report: Councilor Wells reported that he had installed emergency eye wash kits throughout the building. He also reported that City Administrator/Recorder Mills had acquired a two-burner wood stove that he will clean up and ready for installation in the fireplace area. He went on to report that he cleaned the gutters on City Hall so they should be in good shape for the onset of winter weather.
- C. Water Quality Report: Councilor Snow reported that Siltcoos Lake was tested about an hour after it rained early in the month so the test results are somewhat skewed.
- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that there is no news about the grants for which the City applied. She also reported that Richard Palmer is fixing a pothole on Parkway Drive and that the City of Florence did some trimming on Woodland Lane on behalf of Dunes City.
- E. Emergency Services Report: City Administrator/Recorder Mills reported that she attended the WLEOG planning meeting in which Board Members were asked to review the draft Emergency Operations Plan and be prepared to recommend changes and to review the Emergency Support Functions to ensure names and contact information is up to date.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that she attended the Oregon Coastal Caucus at Three Rivers Casino on August 21 and 22, during which she learned, among other things, about a number of opportunities for water infrastructure projects and planning for future emergency risks associated with water supply. She went on to report that she met with the Eagle Scout candidate who is improving the basketball hoop at the end of Spruce Drive in Westlake and asked for input about installing a bench by the court area. Councilors agreed that the bench could be dedicated to volunteers with key volunteer names engraved on it. She also reported that she is working with DEQ and the Watershed Council to obtain equipment and supplies necessary for a second set of testing equipment to use on Siltcoos Lake.

## 13. FOR THE GOOD OF THE ORDER

Councilor Montgomery announced that he has noticed an increase in the amount of butterfly brush growing on his property and it is a nuisance. He went on to explain that the State has



listed it as a noxious weed. He suggested that the City could recommend residents mow the bushes in the spring to prevent spreading.

Mayor Forsythe suggested that City Staff look at the State's list of noxious weeds that will bloom in the spring, make a list, and inform residents via email, a newsletter or a letter about how to prevent the spreading and eliminate them.

#### **14. ADJOURNMENT**

**Council President Meyer made a motion to adjourn. Councilor Montgomery seconded the Motion. There was no vote taken.**

Mayor Forsythe adjourned the meeting at 7:13 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 9<sup>th</sup> DAY OF OCTOBER 2019**

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

ATTEST:

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