



**CITY COUNCIL SPECIAL SESSION MEETING MINUTES ~ APPROVED
NOVEMBER 11, 2019 AT 2:15 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 Monday, November 11, 2019, special session of the Dunes City Council to order at 2:15 pm.

2. ROLL CALL

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

Present: Mayor Robert Forsythe, Councilor Susan Snow, Councilor Robert Orr, and Councilor Tom Mallen.

Absent: Councilors Alan Montgomery and Councilor Duke Wells.

Absent and Excused: Council President Sheldon Meyer.

Also Present: Several Dunes City residents, Richard Booth, Rory Hammond and Jamie Gorder.

3. APPROVAL OF THE AGENDA

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

4. ANNOUNCEMENTS / CORRESPONDENCE

There were none.

5. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

There was none.

6. OLD BUSINESS

A. Teleconference with Water Right Attorneys Laura Schroeder and Jakob Wiley and Water Engineer Bob Long Regarding Future Water Right Action Consideration

Mayor Forsythe reminded everyone that the City has several water right permits that need to be acted upon or perfected at some point in the future.

City Administrator/Recorder Mills referred Councilors to a copy of an October 9, 2019, memorandum from Schroeder Law Offices that was included in their meeting packets and explained that, at the present time, the City is only using water under its Domestic Right of Use Permit S-33923 which allows only indoor use of water. She went on to explain that the City's other permits include S-44501 (Municipal Right of Use), S-54405 (Secondary Right of Use) for expanded domestic use and streamflow augmentation, and R-14131 (Storage Right).

City Administrator/Recorder Mills initiated the teleconference call to Schroeder Law Offices.

Ms. Shroeder explained that Dunes City's water right is unique in that it derived from a reservation, eventually becoming a permit. She went on to note that it was important for the City to hold on to the permit because it is unlikely that the State will issue more permits in the future. She also explained that the City has an Instream Right under Certificate 59892 with a priority date essentially identical to the date of the Municipal Right, which the City should also hold on to. (00:22:40)

Ms. Shroeder explained that each of the City's Permits require different uses and requirements, and she reviewed the status of each one. She noted several challenges the City faces in order to perfect the various permits, among which are Point of Diversion (POD) errors, incorrect reporting of water usage or, as in the case of some of the permits, no usage reports, and no municipal water system acceptable to Oregon Water Resources Development (OWRD). She outlined some actions that the City should take to mitigate some of the challenges such as, taking over the individual community water distribution systems in the City and/or developing a City treatment facility and transferring the usage from the Domestic Permit to the Municipal Permit.

Ms. Schroeder reviewed some first steps the City should take to correct errors in the usage: finish identifying all of the PODs for the Domestic Use, transfer the water rights for the community water systems from the Domestic Use to the Municipal Use permit, and develop the Storage Permit.

Mr. Bob Long, also on the teleconference call, introduced himself as a Water Resources Consultant that has been working with Schroeder Law Office to identify issues with and recommend strategies for becoming compliant with the permit conditions. One of the concerns he expressed is that the Outlet structure on Woahink Lake is not being used for water storage. His recommendation would be to develop that storage and keep records of it. (00:31:50)

Ms. Shroeder summarized that the City would need to take action soon to correct the problems with the permits, primarily with the Domestic, Municipal and Storage right

permits because the community water systems are illegally using water from the Domestic right and usage has not been reported.

There was some discussion among the Councilors and Ms. Schroeder and Mr. Long about the steps that need to be taken.

One of the primary concerns was the process for changing the community water systems over to the Municipal permit because the City would have to have control those systems or PODs. There was some discussion about that and the differences in how water quality would be monitored after changing to the Municipal permit.

There was lengthy discussion about property owners who have not yet acted on their water rights under the City's Domestic Use program. Ms. Schroeder suggested that the City encourage those owners to install PODs and start using the water, or that the City buy back those rights.

There was some discussion about water storage at the Outlet. Mr. Long explained that the City would have to show that it stores water during the spring at the level required by the Storage Permit, the water could be released to the creek during summer to increase the flow to Siltcoos Lake. Mr. Long also noted that the City should consider some maintenance to improve the Outlet—providing safer access and improving the debris screen among them.

Ms. Schroeder referred Councilors to the list of recommended actions outlined in her memorandum and encouraged them to consider the next steps to take action on the water resources.

7. FOR THE GOOD OF THE ORDER

There was no discussion.

8. 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 4:01 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 13th Day of NOVEMBER 2019

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder