



**CITY COUNCIL MEETING MINUTES ~ APPROVED
NOVEMBER 13, 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

1. CALL TO ORDER

Mayor Robert Forsythe called the Wednesday, November 13, 2019, 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 Duke Wells, Councilor Tom Mallen, Councilor Robert Orr, Councilor Alan Montgomery, and Councilor Susan Snow.

Absent and Excused: None.

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 Orr 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 amended Bills of the Session. 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. Roundtable discussion with the Oregon Land Conservation and Development Commission will be held at noon on November 21 at Reedsport City Hall, 451

Winchester Avenue.

- B. Dunes City Hall will close at noon on Wednesday, November 27, and reopen regular hours on December 2, 2019.
- C. Oregon Land Use Law conference in Portland, December 4 and 5. Contact Dunes City Hall if interested in more information.
- D. The Oregon Fish and Wildlife Service will be conducting deer inventories in this area between now and the end of December. This process requires shining spotlights into yards late at night. The City has requested to be notified of exact dates so we can notify individuals included on our interested parties list in hope of reducing the number of phone calls regarding intruders during those times. If you are not on the interested parties list, contact City Hall to be added.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Mayor Forsythe recognized Mr. Alan Snow, a Dunes City resident, who expressed reservations about the proposed Rebecca's Trail project, noting that he knew of no one in the Westlake area who was in favor of the project and that he had concerns about the area becoming an attraction and campsite for homeless people. City Administrator/Recorder Mills pointed out that the City was still in negotiations for the purchase of the property and no plans for development have been finalized.

Mayor Forsythe recognized Mr. Gary Lapping, a Dunes City resident, who also expressed concerns about the proposed Trail, explaining that he also did not know of anyone in the Westlake area who was in favor of the project. He went on to say that he had heard that there used to be a road, of sorts, between Westlake and Darlings but in the sixty years that he has lived in Westlake he has never seen one.

Mayor Forsythe recognized Ms. Juliana Johnson, a Dunes City resident, who explained that she was one of the residents who submitted a complaint about a neighbor feeding deer in her area, resulting in an over-population of the animals. She urged the Council to take action with ODFW to cull the deer herd.

Mayor Forsythe recognized Ms. Bonnie Lucas, a Dunes City resident, who also expressed concern about the number of deer in her neighborhood, noting that she was almost attacked on her deck by a buck that seemed to want her Triscuit crackers. She also urged the Council to take action to reduce the number of deer.

Mayor Forsythe recognized Ms. Bonnie Allen, a Dunes City resident, who explained that the deer in her neighborhood routinely ate her newly planted plants around her house until she installed a fence. She went on to say that she knew this was a semi-rural area when she moved here and she would rather see residents and the City find another way to control deer without killing them.

Councilors discussed the growing number of complaints about the deer population. Mayor Forsythe pointed out that a ODFW representative was scheduled to appear at the December Council meeting where residents and Councilors could discuss the issue and potential resolutions further.

Mayor Forsythe recognized Mr. Jerry Curran, a Dunes City resident, who urged the Council to reconsider its decision last month not to test the water in Little Woahink Lake, noting that with the pending subdivision it was important to monitor the water quality. City Administrator/Recorder Mills explained that she had contacted a DEQ representative about the possibility that one of their staff could perform the testing to establish a benchmark.

Mayor Forsythe recognized Mr. Rick Briggs, a Dunes City resident, who did not have any comments not already covered by Mr. Curran.

8. PRESENTATIONS/TRAINING

A. Next Assignment: Successful Governance for Local Officials – Community Leadership

City Administrator/Recorder Mills noted that this was the last class assigned.

9. OLD BUSINESS

A. Update on Resident Request for Ordinance Regarding Deer

City Administrator/Recorder Mills referred Councilors to copies of the complaint filed by Dunes City residents Patricia Burke, Bonnie Lucas and Juliana Johnson of Westlake that was included in their meeting packets along with numerous photos and a narrative. She explained that she had contacted ODFW and was told that the over-population of deer and bear seems to be a statewide problem.

Mayor Forsythe suggested that the agenda for the December meeting include an open forum discussion so that residents and Councilors could all have an opportunity to discuss Dunes City's problem with the ODFW representative. There were no objections.

B. Water Testing on Little Woahink to Establish a Benchmark

City Administrator/Recorder Mills explained that this item was back on the agenda because after reviewing the conditions attached to the Court Order for the subdivision on Little Woahink Lake, she noticed that there was a requirement for the developer to correct any issues with water pollution resulting from work on the development, but that there was no way to determine, without a benchmark, whether or not the water quality became degraded. She went on to explain that she would like to see an independent water tester perform the benchmark testing and she has asked water consultant Steve Hager to suggest the types of tests that should be performed. Councilors did not object to proceeding in the manner she described.

C. Set Town Hall Meeting for Discussion of Westlake Vision

Following discussion, Councilors agreed to set a date for May, 2020.

D. Set Budget Committee Meeting

Following discussion, Councilors agreed to set the date for December 11, prior to the scheduled City Council meeting.

E. Reconsideration of Participation in PERS Employer Incentive Fund

City Administrator/Recorder Mills explained that she had submitted the application as required for participation in the EIF but was subsequently informed that the cost savings estimates originally provided by PERS was incorrect and the City would not save as much money as it expected. Mayor Forsythe suggested going forward with the application anyway. Councilors voted unanimously to proceed with the application.

10. EXECUTIVE SESSION

There was none.

11. NEW BUSINESS

A. Holiday Office Closure Determination

Following discussion, Councilors agreed to close the City Hall offices from noon on Tuesday, December 24 through January 1.

B. Why Is Dunes City Still A City?

Mayor Forsythe introduced the agenda item by reminding everyone that several months ago Councilors became concerned about the fact that the City was receiving shared revenue from the State without having a City property tax, as required by ORS 221.770. He went on to remind everyone that the City had attempted to levy a small tax on property owners in order to comply with State law, but the ballot measure to approve the tax failed in the November 2018 election. He continued by noting that the Council had asked Representative McKeown and Senator Roblan to find out why the City is receiving shared revenue income but, to date, the City has not received an answer to the question.

Mayor Forsythe explained that he would like to know definitively why the City is receiving the shared revenue, even though the City has no property tax. He suggested that City Administrator/Recorder Mills call the Department of Revenue to find out. There was some discussion among the Councilors after which they agreed that Mrs. Mills should make the call to the DOR and report back to the Council. Councilors agreed that the revenue was needed so that the City could continue to provide services to residents.

Mayor Forsythe noted that code enforcement is one of the services the City provides but, also due to a failed ballot measure, the City does not have the resources to enforce code violations. City Administrator/Recorder Mills explained that if she received a complaint she would investigate it and make a determination, possibly hold a hearing involving both parties, enter findings and order, calculate the amount of the fine, and then serve the violating party. She went on to explain that the violator could appeal her decision (as Code Enforcement Officer) to the City Council. After the appeal period lapses or if the Council upholds the decision, she would have the authority to issue a lien against the property or negotiate a settlement or abatement.

Discussion about code enforcement continued among the Councilors during which it was noted that code enforcement appeared to be a lot of work for the City Administrator/Recorder. City Administrator/Recorder Mills explained that at the present time she does not have the time to do code enforcement effectively, but she could focus more on it after she finishes updates to some of the spreadsheets she has been working on and can turn them over to Staff for regular maintenance.

Mayor Forsythe pointed out that the City could look at taking the complaint resolution work out of City Hall and moving it to a local jurisdiction officer. He went to note that the City needed to make sure its shared revenue income was secure before taking steps to change some of its procedures.

12. REPORTS

- A. Mayor's Report: Mayor Forsythe said his previous comments served as his report.
- B. Community Center Report: Councilor Wells reported that he cleaned the gutters at the back of City Hall and cleaned the moss off the kiosk. City Administrator/Recorder Mills reported that the well pump and the pressure tank had to be replaced and the water filter medium needed to be replaced as well.
- C. Water Quality Report: Councilor Snow reported that testing is continuing on both lakes but the Water Quality Committee could use more water testers.
- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that there was no significant work done during October.
- E. Emergency Services Report: City Administrator/Recorder Mills reported that she was out of town and did not attend the October WLEOG meeting but the meeting handouts were included in the Councilors' meeting packets.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported: there was a total of eleven permits issued in October; annual water meter readings are mostly complete and the information will be sent to the State by the end of the month; South Coast Water District experienced a couple of water line breaks which have been repaired; a long-standing complaint between two property owners has moved into the

enforcement phase because the individual who violated code has failed to comply with previous agreements—both parties have involved attorneys; a new property owner was told by his grading contractor that he did not need a City permit, which is not the case. The work that was done violates not only Dunes City Code but also State law. The contractor will be reported to the Oregon State Construction Contractors Board as well as DEQ. Contractors who fail to comply with City Code will be fined and/or have their City business licenses revoked and will be reported to the CCB.

13. FOR THE GOOD OF THE ORDER

Councilor Snow reported that the Eagle Scouts working on the overlook trail and the basketball court have almost finished their projects. She suggested that the Council write thank you notes to the Scouts.

14. 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 7:01 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 11th DAY OF DECEMBER 2019

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder