



**CITY COUNCIL MEETING MINUTES ~ APPROVED
JANUARY 8, 2020 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, January 8, 2020, 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 Susan Snow, Councilor Tom Mallen. Councilor Robert Orr arrived at 6:02 pm.

Absent: Councilor Alan Montgomery.

Also Present: Planning Secretary 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 Snow made a motion to approve the Agenda. Councilor Mallen 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. Councilor Wells 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. Dunes City has one opening for appointment to the Planning Commission for the term ending January 12, 2022, and two openings on the Budget Committee.
- B. The Dunes City Council will hold a goal setting session on Thursday, January 16, at 4:00 pm to discuss goals for the 2020-2021 Fiscal Year.
- C. The Planning Commission will hold a public hearing on Ordinance No. 253 (Flood Damage Prevention) on Thursday, January 23, at 6:00 pm..
- D. The City Council will hold a public hearing on Ordinance No. 253 (Flood Damage Prevention) during its next regularly scheduled session on February 12, 2020, at 6:00 pm.
- E. The Siuslaw School District has raised the per square foot excise tax to \$1.35 for residential and \$.67 for commercial construction.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Mayor Forsythe recognized Mr. Derek Wells, a Dunes City resident who explained that he was concerned about rumors the City was contemplating a program to cull or relocate deer from certain areas of the City where residents have complained about overpopulation. He went on to explain that his concern prompted him to do a survey of homes in the Hilltop Drive area and during the survey of twenty-one homes he found only one household that supported removing the deer. He noted that he was a hunter but enjoyed seeing the deer in the neighborhood and giving his son the opportunity to see them up close. He went on to note that his neighbors felt the same way. He urged the Council to reconsider any plan to cull or relocate the animals.

A COPY OF MR. WELLS' SURVEY NOTES IS ON FILE AT CITY HALL.

Mayor Forsythe recognized Ms. Jamie Gorder, a Dunes City resident. Ms. Gorder explained that she and her husband bought their home in Dunes City largely in part so that they and their son could enjoy seeing wildlife in the neighborhood. She went on to explain that she was concerned that one of the options that was suggested for dealing with the overpopulation of deer was a relocation program. She presented a report that described relocation programs in other areas where it has been found that the mortality rate of relocated deer is estimated to be as high as 85% and costly. Her report also described that other locales have found that relocating deer can spread diseases, transported deer do not adapt well to new surroundings and may seek new suburban areas to live. She provided a list of deer repellents she found online and urged Councilors to reconsider the idea to relocate.

A COPY OF MS. GORDER'S REPORT IS ON FILE AT CITY HALL.

Mayor Forsythe recognized Ms. Rapunzel Oberholtzer, a Dunes City resident, who passed on speaking at that time but reserved her right to yield time to someone else or comment later in the public comment period.

Mayor Forsythe recognized Mr. Andrew Kellerman, a Dunes City resident who explained that he has lived in Dunes City over thirty years and deer regularly visit his yard area. He echoed previous comments by noting that he and his family, neighbors and visitors enjoy being able to watch the deer. He went on to note that deer have never damaged his property in any significant way.

Mayor Forsythe recognized Mr. Jerry Jensen, a Dunes City resident who explained that he has lived in the City for more than fifty-five years and grew up with deer entering his parents' property—they installed an electric fence to keep them out of the garden. Mr. Jensen went on to explain that he is an avid hunter but enjoys having his grandchildren interacting with deer and learning about them. He noted that he has fenced part of his property to protect plants from the deer and has more trouble with bears and raccoons than deer. He went on to explain that cougars are being pushed out of the area by development but they help to control the deer population. He suggested that residents learn to live with the wildlife and enjoy the interaction with them.

Mayor Forsythe recognized Ms. Bonnie Allen, a Dunes City resident who explained that she was an avid gardener and learned soon after moving to the City that her garden had to be fenced to protect it from deer. She suggested that since City Code currently limits fence heights to six feet, the City could consider allowing taller fences.

Mayor Forsythe recognized Ms. Juliana Johnson, a Dunes City resident who explained that while the newspaper article described the deer problem in the Hilltop Drive area, she lives in Westlake, where there is also a significant overpopulation of deer that destroy plants, invade decks, make a mess of yards, and threaten pets. She went on to explain that she did not advocate for killing deer but wanted direction about actions she would be allowed to take to drive deer away.

8. PRESENTATIONS/TRAINING

A. Schedule Harassment Training (Two Hours)

City Administrator/Recorder Mills explained that Councilors could take the training online before the next Council meeting. She offered to send the link to Councilors but noted that if they did not complete the online course she would schedule in-person training.

B. Presentation by Jason Kirchner, Oregon Department of Fish and Wildlife Regarding Deer Counts and Options Available

Mr. Kirchner introduced himself as the District Wildlife Biologist for ODFW and explained that he was present to address the concerns the City conveyed to his office about deer.

Mr. Kirchner explained that there are several steps the City must take before ODFW can take any action. The first step is for the City to adopt an Ordinance declaring the deer to be a nuisance and prohibiting the feeding of them, the second step is the City must enforce

the Ordinance. The third step is the City must adopt an Ordinance, Resolution or Order that declares that the deer population is a public nuisance and/or a threat to public safety and welfare. The final step is the City must petition ODFW for cull permits.

Mr. Kirchner went on to explain that, in general, if the petition is successful, ODFW would designate dates for taking the deer and determine how many does and/or bucks could be taken. He noted that the City would be responsible for designating the area(s) from which deer could be taken, and the City would have to determine the method of taking. He went on to note that there are restrictions on the methods of taking: if live capture is used, the traps must be checked daily and the deer immediately humanely euthanized following US Veterinarian Standards; if a firearm is used to dispatch the animal, lead ammunition is prohibited. He went on to explain that the meat from the carcass must be donated to a charity, but the hide and antlers could be sold to offset program costs. He also explained that if the taking is to be done on private property, the property owner must hire a designated agent.

Mr. Kirchner distributed copies of a map illustrating results of the Dunes City Deer Spotlight Count conducted on December 16, 2019, and copies of some of the regulations applicable to ODFW's Urban Deer Population Control Program. He explained that the results of the survey suggest that Dunes City's deer population generally meets the benchmark for other suburban areas, with the exception of the Hilltop Drive area where there is a slightly higher density. He went on to explain that, contrary to common perceptions, ODFW does not use birth control to regulate populations and does not relocate animals.

COPIES OF THE DECEMBER 16, 2019, COUNT AND THE REGULATIONS ARE ON FILE AT CITY HALL.

Discussion among Councilors ensued. It was generally agreed that one key factor for deer congregating in certain areas and for deer having multiple sets of twins is that they are being fed by people. Mr. Kirchner noted that ODFW receives many complaints about feeding deer and other wildlife. He also pointed out that if deer seem to be threatening, a resident may contact ODFW and obtain a permit for hazing deer to drive them away; there is no cost for the permit.

During discussion, Councilor Wells suggested that the City purchase signage to inform residents and visitors that feeding deer in Dunes City is a Code Violation and subject to possible fines. Councilors generally agreed that trying to enforce the prohibition on feeding and educating residents about it should be the first actions in response to the spate of recent concerns. There was no consensus for initiating a culling program. City Administrator/Recorder Mills agreed to look into signage.

Mayor Forsythe called for a recess at 6:50 pm and reconvened the meeting at 6:55 pm.

9. OLD BUSINESS

A. Water Testing of Little Woahink Reservoir

City Administrator/Recorder Mills referred Councilors to a copy of an email from Kyle Terry of the Siuslaw Watershed Council that was included in their meeting packets. She explained that his estimate for water testing on Little Woahink would be about \$500 per outing. She went on to note that she was asking permission from the Council to enter into an IGA with SWC to do the testing, although the exact kind of testing had not yet been determined.

There was some discussion about the need for outside testing during which Councilors asked City Administrator/Recorder Mills to provide them with the conditions of approval regarding testing for the subdivision and to ask the Little Woahink Subdivision developer if he would be willing to offset the cost of the testing.

B. How to Proceed with Water Meter Acquisition

City Administrator/Recorder Mills referred Councilors to a copy of the quote for two hundred water meters from HD Fowler Company that was included in their meeting packets. She explained that the \$39,000 cost was still valid, providing that all of the meters were purchased at one time. She went on to explain that she confirmed with Oregon Water Services that they would store the water meters and track inventory for the City. She also noted that the purchase would not take place until the budget for fiscal year 2020-2021 is adopted.

Council President Sheldon Meyer made a motion to move ahead with the purchase of the water meters when the money is in the budget. Councilor Snow seconded the motion and the motion passed by unanimous vote.

10. EXECUTIVE SESSION

There was none.

11. NEW BUSINESS

A. Committee for Citizens Involvement (CCI) Annual Report to City Council

City Administrator/Recorder Mills explained that the annual report on the Citizen Involvement Program (CIP) was required by Ordinance No. 223, adopted in October of 2013, in which the Planning Commission was appointed as the Committee for Citizen Involvement (CCI) and required to provide a report on citizen involvement annually to the City Council. She read the report aloud for the record.

A COMPLETE COPY OF THE JANUARY 8, 2020, ANNUAL REPORT TO THE CITY COUNCIL IS ON FILE AT CITY HALL.

B. Resolution Series 2020, No. 1, Adopting Amended Personnel Handbook

City Administrator/Recorder Mills referred Councilors to copies of the adopting Resolution and the redlined version of the City's Personnel Handbook that were included in the Councilors' meeting packets, and explained that new State regulations required that changes be made to the Handbook that was adopted in 2016.

During discussion, Mayor Forsythe and Councilors voiced concern about the lack of a specific timeline for performance reviews and the prohibition on carrying concealed weapons on City property, even if a carrier has a concealed-carry license. City Administrator/Recorder Mills offered to verify that the regulations are State-mandated.

Councilors agreed not to vote on the Resolution to adopt the amended Personnel Handbook until City Administrator/Recorder Mills reported back on the State regulations.

C. 2019 CIS Best Practices Survey Results

City Administrator/Recorder Mills referred Councilors to a copy of the 2019 Best Practices Survey Results from CIS that was included in their meeting packets and explained that the Results were from a CIS audit of the City's compliance with CIS requirements.

A COMPLETE COPY OF THE SURVEY RESULTS IS ON FILE AT CITY HALL.

D. Determination as to Whether to Acquire the Entire Draft Language for Contracting Code Updates

City Administrator/Recorder Mills referred Councilors to a copy of 2020 Public Contracting Rules Update provided by the Local Government Law Group and included in meeting packets. She explained that the City has not updated its Contracting Code since about 2005 and that LGLG can provide the City with necessary Code amendments or can provide the full updated packet. Councilors agreed that City Administrator/Recorder Mills should acquire the necessary update material.

12. REPORTS

- A. Mayor's Report: Mayor Forsythe reported that he was working on a document to present for discussion at a future Council meeting regarding the Second Amendment.
- B. Community Center Report: Councilor Wells reported that, weather permitting, he will clean the gutters of City Hall and replace the water pump covering.
- C. Water Quality Report: Councilor Snow reported that no water testing was being done now, due to weather.

- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder reported that there was no new activity.
- E. Emergency Services Report: City Administrator/Recorder Mills reported: Lane County has assigned a new Emergency Management Intern to Florence to assist with the update of the Emergency Operations Plan for WLEOG; and, she established an incident command for the winter storm that occurred on December 19 but, other than one tree down on Parkway Drive, no major incidents were reported.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that FEMA has issued its Notice of Adoption of the proposed flood map revisions, which means that the City has six months in which to finalize adoption of the map and related Flood Code amendments.

13. FOR THE GOOD OF THE ORDER

Councilor Orr explained that his participation on the Siuslaw School District School Board meetings was conflicting with his commitment to the City Council meetings. He asked if the Council could consider changing meeting dates to another day of the week. After discussion, Councilors agreed to the possibility of the fourth Wednesday of each month. City Administrator/Recorder Mills agreed to follow up with each of the Councilors via email.

Councilor Mallen asked City Administrator/Recorder Mills to resend the link to the Harassment Training class to the Councilors and she agreed to do so.

Councilor Wells thanked residents for turning out for the discussions about deer.

14. ADJOURNMENT

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

Mayor Forsythe adjourned the meeting at 7:40 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 12^h DAY OF FEBRUARY 2020

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

ATTEST:

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