



CITY COUNCIL REGULAR SESSION MEETING MINUTES ~ APPROVED
AUGUST 26, 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, August 26, 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 Tom Mallen, Councilor Robert Orr, Councilor Duke Wells, and Councilor Susan Snow.

Absent: Councilor Alan Montgomery.

Also Present: Videographer Alan Campbell and several Dunes City residents.

3. PLEDGE OF ALLEGIANCE

Mayor Forsythe led a reciting of the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Orr 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 Mallen made a motion to approve the Consent Agenda. Councilor Orr 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. Set second town hall meeting on short-term rentals.

Councilors agreed to hold the meeting on Wednesday, September 9, at 5:00 pm via GoToMeeting.

- B. Set meeting for revenue/income discussions.

Councilors agreed to hold the meeting on Monday, September 14, at 5:00 pm, tentatively at Darlings Marina and RV Resort.

- C. Dunes City is seeking job applicants for the position of Planning Secretary, a part-time position to attend evening meetings and to transcribe and prepare the minutes of those meetings, and other related activities.
- D. The September 23 City Council meeting will include a public hearing and consideration of a Petition for Road Vacation (portion of Helkat Trail).
- E. The September 23 City Council meeting will also include a public hearing on a Conditional Use Permit application for allowing a guest house to be constructed on property located on Cloud Nine Road.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Mayor Forsythe recognized Ms. Bonnie Allen, a Dunes City resident, who indicated that wished to address the South Coast Water District infrastructure. She explained that last year South Coast extended water service to the residents of Sunset Cove and upgraded infrastructure to do so. She went on to say that since then the residents have had excellent water, but there were a few proposed projects that were not yet completed. She expressed hope that those projects be included in any new work undertaken by South Coast.

8. PRESENTATION/TRAINING

- A. Tom Puttman, Puttman Infrastructure and South Coast Water Company

Mayor Forsythe recognized Mr. Tom Puttman. Mr. Puttman explained that his company acquired South Coast from Oregon Water Services a couple of years ago with the goal of improving and expanding service. He referred Councilors to copies of a Water System Expansion Plan that was included in their meeting packets, noting that the parcels highlighted in blue were existing customers and parcels highlighted in orange were potential future customers. He went on to note that expansion would be beneficial because some of the proposed future customers were having serious well water problems.

Mr. Puttman went on to explain that during his company's initial outreach to Dunes City he learned that the City had contemplated its own water distribution service, a project in which his company could participate if there was community interest. He noted that the

immediate goal was to address the possibility of expanding service where needed as shown on the map.

Council President Meyer suggested that the City's goal is to provide all of its citizens with good water and improved infrastructure from South Coast could meet that goal. Mayor Forsythe went on to suggest that the Council should continue discussing the possibilities and reach out to citizens for feedback.

9. OLD BUSINESS

A. Tsiltcoos Lake Club Plat Unimproved Roadways – Staff Report

City Administrator/Recorder Mills referred Councilors to a copy of her Staff Report that was included in their meeting packets. She explained that City Attorneys do not think that the County's transfer of ownership of the proposed roadways to Dunes City was a legal transaction. She went on to explain that the County's position is that they do not own the proposed roadways, they own the ground on which the proposed roadways were to be built. She pointed out the three options the Council could take listed in the Staff Report.

There was some discussion about the original plat map and the history of the undeveloped proposed roadways.

Councilor Wells made a motion for the City Council to choose option number two. Council President Meyer seconded the motion. The motion passed by unanimous vote.

Option number two from the Staff Report is, "Direct staff to send a letter to the residents of the Tsiltcoos Lake Club Plat informing them that the roadways and unimproved roadways are private roadways, except those roadways designated as 'driveways' on the original Plat Map, which have been declared by the Court to be public access roads (Chet's Trail, Creek Way and two unnamed streets). Further stating that if parties were interested in obtaining portions of the unimproved roadways as private property, they should go in with their neighbors to file to re-plat those parcels to include the unimproved roadways, provided, however, that each parcel owner must be afforded access to their properties and a public utility easement must be granted to the City along each previously platted unimproved roadway."

A COMPLETE COPY OF THE STAFF REPORT IS ON FILE AT CITY HALL.

10. PUBLIC HEARINGS

A. Resolution Series 2020, No. 14, a joint resolution of the City Council and the Local Contract Review Board opting out of the Attorney General's Model Public Contracting Rules and Amending Public Contracting Rules for Dunes City

City Administrator/Recorder Mills explained that it had been a number of years since Dunes City adopted Public Contracting Rules, during which time the rules changed a number of times.

Mayor Forsythe closed the regular Council meeting and opened the Public Hearing at 6:40 pm.

Mayor Forsythe asked if any members of the public which to comment on the proposed Resolution Series 2020, No. 14. No one did.

Mayor Forsythe closed the public hearing at 6:42 and reconvened the regular session.

Council President Meyer made a motion to adopt Resolution Series 2020, No. 14. Councilor Wells seconded the motion.

During discussion, Councilor Orr asked for clarification about the results of adopting Resolution Series 2020, No. 14. City Administrator/Recorder Mills explained that the City would opt out of adopting the 2020 Public Contracting Rules prepared by the Attorney General and would instead adopt portions of the Attorney Generals Model Rules as the City's Rules of Procedure for public contracting as outlined in the Resolution.

The motion passed by unanimous vote.

A COMPLETE COPY OF RESOLUTION SERIES 2020, NO. 14, IS ON FILE AT CITY HALL.

11. NEW BUSINESS

A. Proclamation naming the first week of September as Home Inventory Week

Mayor Forsythe read aloud the proposed proclamation for the record.

*State of Oregon)
County of Land) ss.
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 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 first week of September, 2020, 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 26th day of August, 2020.

B. Code Violation Hearing Procedure – Terry Duman

Mayor Forsythe recognized Mr. Terry Duman. Mr. Duman explained that he was present to talk about the Council's July public hearing on code violations attributed to work he had done on a Dunes City property. One of his concerns, he went on to explain, was that the City did not prove its allegations. He noted that the public hearing was followed by the penalty phase during which the City Administrator slandered him by accusing him of three code violations which did not apply to him as he was not performing the work that violated code.

Mr. Duman proceeded to read two letters from the City Administrator into the record. After reading the letters, Mr. Duman asked the Council to reconsider its decision to fine him for the violations.

Councilor Orr asked Mr. Duman to clarify his statements. Mr. Duman explained that the violations for which he was fined were not, in fact, violations. He went on to note that during the penalty phase of the Council's discussion, City Administrator/Recorder Mills had said she sent him three notices of violation in the past, but she had not. He also noted again that he did not hear proof of the code violations regarding excavation and grading, but he did admit that he did not have a business license for Dunes City. Mr. Duman provided copies of correspondence he received from the City.

There was some further discussion among the Councilors and Mr. Duman about the violations. Mayor Forsythe suggested that Councilors review the minutes or the audio recording of the July meeting and meet at another time, perhaps in Executive Session, to discuss Mr. Duman's claims.

In response to a question from Councilor Wells, Mr. Duman explained that he wasn't looking for anything other than to clear his name.

C. Alder Drive Repair Consideration

Councilor Wells referred to a written request from Ms. Mary Jo Leach that he and City Administrator/Recorder Mills recuse themselves from discussion of this matter. Councilor Wells explained that he had no reason to recuse himself because he was not biased toward either party involved in the property dispute, having only just met one of them during a recent Council meeting. He went on to explain that he read all of the relevant material about the dispute provided by Staff and visited the location in person to see the site for himself, but he is not biased toward either party.

Mayor Forsythe asked City Administrator/Recorder Mills if she felt she should recuse herself. Mrs. Mills noted that she doesn't make decisions on neighbor disputes.

Council President Meyer recited one of his favorite quotations, "The true test of intelligence is not what you know how to do, but how you behave when you don't know what to do." He went on to explain that the Council should be intelligent in making decisions to resolve the issues in this neighborhood.

City Administrator/Recorder Mills noted that the City does not have the money now to do the work to provide a turnaround on Alder Drive. There was some discussion about emergency vehicle access. City Administrator/Recorder Mills noted that the Fire Prevention Captain had been to the area in question and had determined that a fire truck could not turn around at the end of Alder Drive.

In further discussion, Councilors generally agreed that Councilors, Staff, and Fire Prevention Captain Tony Miller should visit the site to determine whether or not there was a safety issue. Mayor Forsythe recognized Mr. Scott Vollmar who explained that he installed fence posts inside plastic sleeves set into the ground so the fence posts could be removed easily if necessary and would not be an impediment to emergency vehicles.

Mr. Vollmar proceeded to outline a proposal to resolve the turnaround/fence post issue. He explained that he had leased his house to a tenant beginning October 1, and he proposed to remove the fence posts on four conditions. Mr. Vollmar's conditions are on file at City Hall.

In further discussion, Councilors generally agreed that Mayor Forsythe, Councilor Orr and the Fire Prevention Captain revisit the site to make sure that there is no safety issue. Given that the posts will be removed, Councilors also agreed that the City did not need to take further action.

D. Request for Speed Bump Installation on Erhart Road

There was some discussion about speed bumps in general. Following discussion, it was agreed that City Administrator/Recorder Mills should look into the cost of low-profile speed bumps that could be installed and also look into code from another city regarding use of speed bumps.

- E. Resolution Series 2020, No. 5, amending permit fees for building and public works permits issued by the City of Dunes City

City Administrator/Recorder Mills explained that the proposed new fees were sent to the State for approval, but the City not received feedback. She went on to explain that the new fee schedule reflects fee increases passed on to the City by Northwest Code Professionals.

Council President Meyer made a motion to accept Resolution Series 2020, No. 5. The motion was seconded by Councilor Mallen and passed by unanimous vote.

- F. Bid for replacement of heating and air conditioning unit at City Hall

Councilors asked City Administrator/Recorder Mills to solicit more quotes and options for replacing the heating and air conditioning system.

12. EXECUTIVE SESSION

There was none.

13. REPORTS

- A. Mayor's Report

Mayor Forsythe noted that residents of Dunes City and Florence are concerned about break-ins and thefts in the communities. He suggested that Councilors think about taking turns driving the City's police car around in the evenings to show a presence and discuss the matter in a future meeting.

- B. Community Center Report

Councilor Wells explained that there are a couple of small roof problems he will look into this week.

- C. Water Quality Report

Councilor Snow noted that due to COVID-19 there is no water testing.

- D. Emergency Services Report

City Administrator/Recorder Mills reported that the Emergency Operations Center is still active due to ongoing COVID-19 and Governor Brown's orders. She went on to report that Dunes City does not have the technology to allow employees to work remotely so City Hall has been open, but with doors locked until recently and only one client at a time is allowed in the lobby.

E. City Administrator/Recorder/Planning/Staff Report

City Administrator/Recorder Mills reported that a total of eleven permits were issued between July 22 and August 26. She also reported that her email list has been hacked but she is working from a Charter email account so that Charter can monitor the emails. She went on to report that Lane Council of Governments is working to resolve the email issues.

14. FOR THE GOOD OF THE ORDER

Council President Meyer submitted a copy of a threatening letter that was distributed in his neighborhood. A copy of the letter is on file at City Hall.

Councilor Wells expressed concern over the behavior of some residents toward others, noting that continuous complaints that the City has to investigate cost the City time and money.

15. 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 7:51 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 23rd DAY OF SEPTEMBER 2020

[Signed copy available at City Hall]
Robert Forsythe, Mayor

ATTEST:

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