



**CITY COUNCIL MEETING MINUTES ~ APPROVED
SEPTEMBER 22, 2021 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 to order the Wednesday, September 22, 2021 meeting of the Dunes City City Council at 6:00 p.m.

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 Rory Hammond, Councilor Robert Orr and Councilor Susan Snow.

Absent and Excused: N/A

Absent: N/A

Also Present: City Administrator/Recorder Jamie Mills, Planning Secretary Lani Noroña, and videographer Alan Campbell.
Citizens JoAnne Ellis and Joe Ellis joined the meeting at 6:02 p.m.

3. PLEDGE OF ALLEGIANCE

All who were present joined Mayor Forsythe in the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE CONSENT AGENDA

Councilor Hammond made a motion to approve the Consent Agenda.
Councilor Mallen seconded the motion and the motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Mills announced the following:

- A. Charter Spectrum has announced that on or around September 27, 2021, Spectrum Pacific West will launch the following networks, on the following service tiers in our community:
Spectrum Lifestyle: POP-Channel 84 SD & 740 HD
Spectrum TV Stream: POP-Channel 84 SD & 740 HD
Spectrum Choice 15: POP Channel 84 SD & 740 H; and
CBS Sports – Channel 410 SD and 813 HD
- B. Charter Spectrum announced that on or around September 27, 2021 Great American Country, located on Spectrum Channel 156, will rebrand from Great American Country to GAC Family, on the channel lineup serving our community.
- C. ODOT will be replacing the bridge deck on U.S. 101 Siuslaw River Bridge. Staging began September 20th. Deck replacement will begin on October 11th. Between Sept. 20th and Oct. 11th, crews will install scaffolding from 8:30 a.m. to 3:30 p.m. One lane of traffic, controlled by flaggers, will be used as needed. Between Oct. 11th and 16th, crews will be replacing the deck from 8:00 a.m. to 5:00 p.m. There will be one lane of traffic, controlled by 24-hour flagging. Oct. 17th through Oct. 29th, periodic flagging will be used, as needed, to finish installing counterweights.
- D. Regretfully, former Councilor Jerry Curran has passed. Jerry served as boat owner and Captain for the Water Quality Testing Group on Woahink Lake. We are saddened to learn of the loss and our thoughts and prayers go out to Jerry's wife and family.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Maximum time 20 minutes: Speakers will be limited to three minutes. If the number wishing to testify exceeds seven speakers, each speaker's time may be reduced to fit within 20 minutes.

Mayor Forsythe recognized JoAnne Ellis and Joe Ellis.
Joe Ellis stated: "we're just here to listen".

8. PRESENTATIONS

9. OLD BUSINESS

- A. Directive to Staff on priorities for how the Coronavirus State and Local Fiscal Recovery Funds will be spent.
 - 1. City Administrator/Recorder Mills referred to the "Possible Uses of CSLFR Funds" handout from the August 25th City Council meeting and noted that Councilor Wells had indicated which items from that list he thought were most worthy of CSLFR funds, so marked with his initials, on a copy of the handout distributed with this evening's meeting materials.

Mayor Forsythe asked City Administrator/Recorder Mills to reiterate the dollar amount of CSLFR funds and the reason Dunes City received these funds.

City Administrator/Recorder Mills stated the amount of funds received is \$156K and a will receive a second \$156K check in August or September of 2022. She added that Dunes City received these funds from the Federal government, to assist local communities impacted by the pandemic.

The Council proceeded to discuss items from the “Possible Uses of CLSRF Funds” list:

- a. Councilor Hammond asked if these funds can be used for the Parkway improvement fund. City Administrator/Recorder Mills answered “no” and explained the funds could only be used for roadways associated with Dunes City businesses.
- b. Councilor Hammond stated he preferred to discuss the use of these funds in a work session. He stated that Dunes City has a water infrastructure problem and asked if these funds could be used to augment South Coast Water Company’s proposal to extend water service, allowing residents to pay only the cost of connecting to the new lines.
- c. Councilor Snow proposed using some of these funds to install water meters, stating this would go towards ensuring the City’s Water Rights are renewed and is of major importance. Mayor Forsythe agreed, citing that one of the biggest problems getting Water Rights renewed has been inaccurate recording and reporting. General discussion followed, about the advantage of the automated water meters, the number of existing water meters, estimated installation costs, etc. The Council agreed that water, and especially protecting the City’s Water Rights, is top priority. They agreed it makes sense to budget \$40K for water infrastructure.
- d. Councilor Hammond asked the cost of completing the connectivity trail (Chet’s Trail). City Administrator/Recorder Mills answered that the cost of completing it are not known but the only known cost is an estimate of about \$100K for an engineer to design it. Councilor Hammond mentioned there is some disagreement about the City’s right of way to complete the trail and urged the Council resolve the issue. Mayor Forsythe asked if completing this trail would create ease of access to City Hall, in case of emergency. City Administrator/Recorder Mills answered that it allows direct travel from Westlake to the North Shore area, without using Hwy. 101. Councilor Hammond stated he also views completion of this trail as a safety enhancement, to provide an alternate route for all traffic, including bicycles and pedestrians. Councilor Mallen asked what areas the trail connects. City Administrator/Recorder Mills answered the trail connects the City’s two Business districts and Mayor Forsythe added the trail connects the Westlake and North Shore areas.
- e. Councilor Snow stated she thinks technology at City Hall needs improvement and Westlake roads need improvement, especially widening. Councilor Hammond asked if improving Westlake roads qualifies as a use of these funds. City Administrator/Recorder Mills answered yes, as Westlake is a Business district. The Council discussed which roads are Dunes City roads, Lane County roads, specific road improvements like paving, clearing, drainage and how to decide the allocation amount.

Councilor Hammond stated that road improvements are a budgeted expense and some of this money should be allocated there.

City Administrator/Recorder Mills gave an example of the timeline for the Parkway Drive project, noting that if it started in Spring, its completion would probably be carried over into the next budget year.

- f. Councilor Hammond proposed the following allocations of these funds:
 - 1. \$10K for technology improvements and broadband infrastructure
 - 2. \$40K for installation of water meters
 - 3. \$30K for the extension of Chet's Trail
 - 4. The remainder allocated for road improvements in Westlake

Council President Meyer stated those are good starting points for what needs to get done.

- g. Councilor Hammond made a motion to spend \$40K for water meters, \$30K for the extension of Chet's Trail, allocate \$10K to improve technology at City Hall and install active Broadband infrastructure, and the rest of the money to go to the Westlake road improvements.

Council President Meyer seconded the motion.

Councilor Orr asked Councilor Hammond how he arrived at a \$10K estimate for technology. Councilor Hammond answered that the figure on the Network Assessment was below \$10K. City Administrator/Recorder Mills clarified that the figure on the Network Assessment was the cost of the assessment only.

The Council voted on the motion and the motion passed by unanimous vote.

10. PUBLIC HEARING(S)

None scheduled

11. NEW BUSINESS

A. Network Assessment - Feynman Group

City Administrator/Recorder Mills reported the following:

The Feynman Group does all the computer work for the city of Florence and several Florence businesses. Feynman Group completed the initial assessment of current technology at City Hall. A report of recommendations has not yet been done. Half of the cost for the assessment, \$1,500, is paid and the \$1,500 balance will be paid when the report is received.

B. Hearing Support Solutions Installation of Hearing Loops

City Administrator/Recorder Mills stated that in the past, some Dunes City constituents requested a Hearing Loop but no installers were located until now.

Hearing Support Solutions quoted \$4,900 for installation of a perimeter hearing loop in the City Hall meeting room. Councilors discussed hearing loop technology.

Councilor Hammond declared a point of order and asked if there should be a vote for "A. -Network Assessment".

City Administrator/Recorder Mills answered that approval is needed, as the total amount exceeds the allowed expenditure.

Councilor Hammond made a motion that the Network Assessment be approved.

Councilor Snow seconded the motion and the motion passed by unanimous vote.

Discussion resumed about the Hearing Solutions Support installation quote, with questions about funding this proposal.

City Administrator/Recorder Mills stated that the City has a budget for technology .

Mayor Forsythe requested more information about how hearing loops function.

Councilor Mallen asked if this proposal falls under the CSLRF funds.

Mayor Forsythe and City Administrator/Recorder Mills answered “no”, that the hearing loop would be a budgeted City expenditure.

C. Marshall's Commercial Maintenance Agreement

Councilor Hammond asked what the City currently pays for maintenance.

City Administrator/Recorder Mills answered that currently there is no maintenance on the City’s heating and air conditioning unit. Marshall’s is the company that installed it and the annual maintenance is \$394.50.

Councilor Hammond made a motion to accept the Marshall’s maintenance agreement.

The motion was seconded by Councilor Orr and passed by unanimous vote.

D. Memo from John Murphey, Coast Insurance

As a result of recent newspaper articles, the City received an email from the insurance agent about face masks.

Councilors discussed the issue of masks and social distancing.

E. Email from Party interested in purchasing the lot across from City Hall

Mayor Forsythe referred to an email from Sherry Wells, inquiring about buying or renting the vacant lots across from City Hall.

City Administrator/Recorder Mills stated the City plans to build a storage facility.

Councilor Snow echoed the need for storage, as there is currently no space for water testing, due to storage issues.

The Council agreed that the lots are not for sale and discussed the question of renting the lots.

Councilors considered insurance coverage, the possibility of generating income for the City, and if renting the lots is practical.

12. EXECUTIVE SESSION

None scheduled

13. REPORTS

A: Mayor’s Report:

Mayor Forsythe stated he does not read the newspaper, that people are allowed to have an opinion and the newspapers are allowed to write what they wish to write and I wish not to participate, so I don’t support them.

B: Community Center Report:

Councilor Wells had nothing to report.

C: Water Quality Report:

Councilor Snow reported that Stephen Hager, who is testing both lakes, informed her that both lakes are in excellent condition, there is no reason to do any further testing and he will let her know if/when water testing is needed.

Councilor Hammond asked when was the last time a water quality test was done.

Councilor Snow answered Stephen tests the water monthly, adding that water testing by Dunes City volunteers halted for about a year and a half, since the beginning of the pandemic.

Councilor Snow emphasized the quality of Stephen's reports and noted that even with recent rain, the quality in the lakes was not impacted by run-off.

D: Emergency Services Report:

City Administrator Mills reported she was unable to attend the September 20th WLEOG meeting.

E: City Administrator/Recorder/Planning/Staff Report:

City Administrator Mills reported the following:

1. Between August 25th and September 25th, there were 12 Electrical Permits, 1 Mechanical Permit, 2 Plumbing Permits and 2 Building Permits issued.
2. Fish Screens: the diver is continuing his work and a local plumber is gathering information from his customers, which will help tremendously.
3. October 1st is the deadline for reporting annual usage. Route changes based on radio-read meters has reduced the number of people whose meters must be read.
The report may be a bit late, as all the information has not come in.
4. The Parkway Drive project has bids at \$307,765 and \$329,664.15. The City was awarded a \$100K grant, so the remainder would come from the Street fund. Work is anticipated to begin next Spring, so the cost can be spread out across two fiscal years.
5. Most office staff time this month was spent dealing with water and septic questions, property use questions and water preservation activities. The water engineers submitted an 11-page list of things that need to be completed soon, so time was predominantly spent on those tasks.
There has been an ongoing complaint of people allegedly camping on the property at the corner of Collins Loop and Seventh Heaven Avenue. That issue will be appealed to the City Council, so I cannot give more details at this time. When that appeal comes before the City Council you will be hearing it in your capacity as the Board of Appeals for Land Use Code violations, so it is important for Councilors to attend. I will try to have the appeal scheduled in October.
Councilor Hammond stated he will be gone in October.
Councilor Mallen asked if the appeal could be heard at a Regular Session.
City Administrator/Recorder Mills answered that during the Regular Session there will be a Script for the appeal. The Regular Session will be closed to hear the appeal, then returning to Regular Session, or the appeal can be heard first and closed, returning to the Regular Session.
Councilor Mallen stated he prefers the appeal be heard at the beginning of the meeting.
6. Sadly, as of today, Rapunzel has officially retired.

7. Councilor Hammond asked about Planning.

City Administrator/Recorder Mills announced that Post Cards were sent with Notice of Public Hearing, re: Title XV Land Use, which has been under revision for years. The Planning Commission will hold a Public Hearing regarding proposed language changes and when the Planning Commission is finished with the proposed Ordinance the City Council will have a Public Hearing.

Planning Secretary Noroña informed the Council that City Hall has Ordinance 259 and all associated documents available for anyone to read or purchase copies, and the information is on the website.

Councilor Hammond mentioned fielding a phone call about the Post Cards.

Councilor Mallen asked which properties fall under Ordinance 259.

City Administrator/Recorder Mills answered Code covers every Dunes City property.

Councilor Mallen asked if a single-family residence may be able to go high density and have an apartment building.

City Administrator/Recorder Mills answered “no” and explained that Code has been revised for clarity, making it easier to use and noted there are a couple of recommendations.

She gave an example of a recommendation to increase the current 8 foot width of a lake access path to 10 feet wide.

City Administrator Mills informed the Council that in one section of Code there was a policy about temporary stays. The City attorney informed Staff that Code supersedes that policy, which has created problems that will soon come before City Council.

8. Mayor Forsythe asked if there was anything else.

City Administrator/Recorder Mills stated she would like to have a meeting on the Fish Screens, and is hopeful that Fish and Wildlife Service will create two videos. One video for those whose pumps are in the lake and another video for those whose pumps are in a pump house on dry land, as the requirements are different for each.

She added there is an Oregon Tax Credit for installing a Fish Screen, but the Application for the Tax Credit must be submitted before the Fish Screen is installed. Once the Fish Screen is approved, the credit may be issued, for up to 50% of expenses of Fish Screen installation. The Council discussed pumps, diving/divers, fish screens, and fish screen requirements.

9. City Administrator/Recorder Mills stated the City has received several complaints, about different issues and provided an example of a lengthy emailed complaint..

The Council discussed complaints in general.

14. FOR THE GOOD OF THE ORDER

a. Councilor Hammond stated the following:

“Our political views have nothing to do with the things of the City.”

He added that he would like to see more people come to the meetings and participate.

He stated his dislike of Zoom meetings, that he is here to get information and make right decisions, and that he’d like to see reporters attend.

b. Councilor Wells stated he has been here for ten years and ten months, he is honored to have served with every person with whom he has served. He agreed with Councilor Hammond’s statement that they are not here for political reasons, acknowledged there are differences of opinions, and stated he is here for the citizens and their property rights.

- c. Mayor Forsythe asked City Administrator/Recorder Mills about a potential property sale and how a sale might affect Siltcoos Dam, water rights, or any other impact.
City Administrator/Recorder Mills stated that per Court Order, the City must be notified when ownership changes.
Mayor Forsythe requested information from the Water Master about water rights or other impact, followed by general discussion of the dam location, county borders, water rights, the question of easement(s), etc.
City Administrator/Recorder Mills answered that a visit is due from Water Master Susan Douthit.

15. ADJOURNMENT

Councilor Mallen made a motion to adjourn.
Councilor Orr seconded the motion and the motion passed by unanimous vote.
Mayor Forsythe adjourned the meeting at 7:11 p.m.

APPROVED BY THE DUNES CITY COUNCIL ON THE 17TH DAY OF NOVEMBER, 2021.

[Signed Copy Available at City Hall]
Robert Forsythe, Mayor

ATTEST:

[Signed Copy Available at City Hall]
Jamie Mills, City Administrator / Recorder