



**CITY COUNCIL MEETING MINUTES ~ APPROVED
DECEMBER 15, 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 the Wednesday, December 15, 2021 meeting of the Dunes City Council to order at 6:01p.m.

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, and Councilor Rory Hammond.

Absent and Excused: Councilor Susan Snow and Councilor Duke Wells.

Absent: N/A

Also Present: City Administrator/Recorder Jamie Mills, Planning Secretary Lani Noroña, videographer Alan Campbell, and Ms. Melissa Stinson.

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. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

City Administrator/Recorder Mills requested the Council add one more bill to the Bills of the Session. The bill was \$435 for City Hall maintenance, payable to Brent Chipps.
Councilor Mallen made a motion to approve the Consent Agenda as amended.
Councilor Orr seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Mills announced the following:

- A. Spectrum Pacific West LLC announced the following programming updates:
1. On or around December 31, 2021, the Victory Channel on channel 172 will be rebranded from Victory Channel to Bull Dog Shopping Network.
 2. On or around January 1, 2022, Spectrum will discontinue carrying the NBC Sports Network on channels 89, 422 SD and 812 HD.
 3. On or around January 5, 2022, the DIY network on channels 81 SD and 854 HD will rebrand from DIY Network to Magnolia.

- B. Due to a lack of a quorum pursuant to Dunes City Code, the Planning Commission's consideration and decision regarding Ordinance No. 259 is declared invalid. All new public hearings will be set and all notice requirements met, prior to the new hearing date.

City Administrator/Recorder Mills added that since this item was placed on the City Council agenda, Staff discovered that this quorum provision was changed by a subsequent Ordinance. The requirement was technically met, but there are issues. Specifically, the Vice Chair of the Planning Commission was acting Chair, so should not have voted but did vote. This leaves only two Commissioners' votes, and with such an important Ordinance it should go back to the Planning Commission. She added Staff has also found other necessary corrections. City Administrator/Recorder Mills suggested that the City Council return this Ordinance to the Planning Commission for further consideration.

Councilor Hammond made a motion to send proposed Ord. No. 259 back to the Planning Commission. Councilor Mallen seconded the motion and the motion passed unanimously.

- C. The Dunes City offices will close at 4:00 p.m. on Thursday, December 23rd, and will remain closed until January 3rd, 2022. She added that in an emergency, a call to City Hall will provide her home phone number and she is staying in Dunes City during the office closure.

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.

Ms. Melissa Stinson thanked the Council for sending Ord. No. 259 back to the Planning Commission. Mayor Forsythe thanked Ms. Stinson for attending.

8. PRESENTATIONS - NONE SCHEDULED.

9. OLD BUSINESS

- A. Siltcoos Dam Operations

City Administrator/Recorder Mills referred to Council's directive that she ask the City's Water Right attorney, to determine if the Siltcoos Dam Water Right Certificate is valid.

She specified OWRD Certificate No. 79195, previously owned by International Paper and now owned by Mr. Heidgerkin.

City Administrator/Recorder Mills directed Councilors' attention to the response from the City Attorney, which states that OWRD Certificate 79195 was cancelled, with a remaining right issued under OWRD Certificate 80656. OWRD Certificate 80656 has repeatedly been leased instream and the current five-year lease was to terminate 12-31-2025. Because this attorney's office filed a request to terminate the instream lease on 12-31-2021, they must refer Dunes City to another attorney if the City wants to investigate further.

City Administrator/Recorder Mills clarified that the current Certificate, No. 80656, is approved for recreational and fish purposes and suggested the City might approach the owner regarding a lease. Mayor Forsythe stated his primary concern is the operation of the dam and if the owner gives up the water right, the dam operation is still an issue.

City Administrator/Recorder Mills clarified that if the owner gives up the water right, the dam has to be removed, which does not help the City control water levels.

The Council directed City Administrator/Recorder Mills to get the referral for another attorney and continue pursuing this issue.

- B. Letter to BCD re: opting to continue 3rd party contract for Building Inspection/Official services. Councilor Mallen stated he favors continuing the NW Code Professionals contract, as they have lots of experience with Dunes City and have done a great job.

Councilor Hammond made a motion to continue the NW Code Professionals contract. Councilor Mallen seconded the motion and the motion passed by unanimous vote.

Mayor Forsythe directed City Administrator/Recorder Mills to send the letter to the Building Codes Division, advising them that the City opts to continue procuring third party building services from Northwest Code Professionals, pursuant to the provisions of Senate Bill 866.

10. PUBLIC HEARING(S)

There was none.

11. NEW BUSINESS

- A. Ordinance No. 260, amending Chapter 91 to declare certain outdoor lighting to be a nuisance. First and Second Reading and Consideration

The Council discussed the benefits of this Ordinance amending the existing Nuisance Code, rather than creating a separate section of Code just for lighting.

Council President Meyer made a motion to table this until Councilor Wells is present. Councilor Hammond seconded the motion and the motion passed by unanimous vote.

- B. Resolution Series 2021 No. 4, Rescheduling the Regular sessions of the City Council to the third Wednesday of every month at 6:00 p.m., beginning in January, 2022. Council President Meyer made a motion to move the Regular City Council meetings to the third Wednesday of every month, beginning January, 2022 and convening at 6:00 p.m. Councilor Hammond seconded the motion and the motion passed by unanimous vote.

12. EXECUTIVE SESSION

There was none.

13. REPORTS

A: Mayor's Report:

Mayor Forsythe thanked City Administrator/Recorder Mills.

B: Community Center Report:

Councilor Wells was absent.

C: Water Quality Report:

Councilor Susan Snow was absent.

D: Road Reports:

Council President Meyer reported that the roads in his assigned district looked good but there are many overhanging branches.

City Administrator/Recorder Mills reported that she and Will Dawson, of Civil West Engineering, drove all the Dunes City roads. She stated Mr. Dawson noted problem areas and requested the most recent dates for road repairs, for a computerized, routine repair schedule.

The Council discussed projects, such as Ocean Blvd., Parkway Drive and the need to widen roads in general. They also discussed problem areas, such as Cloud Nine.

Councilor Mallen reported that Knife River put orange cones on both sides of Clear Lake Road, at the intersection of Cloud Nine Road.

E. Emergency Services Report

City Administrator Mills reported work is proceeding on the Emergency supply storage building. The next step is to get power to the building, so the building has heat and/or a dehumidifier. An Ordinance is required, to change the zone from Residential to Commercial property.

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

City Administrator Mills reported the following:

1. Many permits were issued, including two public works permits.
2. The word about erosion control is getting around, so people are cooperating more and doing what is needed to ensure erosion control and water quality.

3. The fish screen data collection continues. In conversations with Tracey Fox, of Oregon Dept. of Water Resources, Susan Douthit, District 15 Watermaster, Laura Schroeder, the City's water attorney, and the City Engineer, it was determined that an amendment is required, to add those diversion points that are not on the existing Permit.
Laura Schroeder was asked to call the transfer department to discuss this further.
4. The City received a complaint about a neighbor stealing the complainant's cat.
City Administrator/Recorder Mills suggested complainant contact the Sheriff's department.
5. The City received a complaint about junk, on a property at the corner of Berry Lane and Manzanita Drive. The appearance is worse than when the City served the property owners a demand letter to clean up the property.
6. The City Administrator attended a class on the basics of operating a drinking water system. Clare Kurth continues her classes to become an official Permit Tech, and ultimately, the Designated Person who oversees the City's building Code requirements.
7. Regarding Ordinance No. 259: When the discussion with the attorney took place, it seemed there was not a Planning Commission quorum, due to old Code, (Ord. No. 205), that states, "a quorum of the Planning Commission is four people". Only three Commissioners were at that meeting. In 2016, the quorum definition was changed (Ord. No. 235) to read, "a majority of members will constitute a quorum". As a result, the Planning Commission legitimately passed it, but with such an important issue, it would be best if more than two people voted.
8. City Administrator/Recorder Mills wished everyone a Happy Chanukah and Merry Christmas, on behalf of Dunes City public servants.

14. FOR THE GOOD OF THE ORDER

Councilor Orr asked if the Council will address the written complaint letter from the Maehlers.
City Administrator/Recorder Mills stated she must first take action as Code Enforcement Officer.

Councilor Orr asked the Council if any action is required, regarding the letter from Siuslaw News.
Mayor Forsythe answered that the letter is informational. He re-stated his point about a reporter attending meetings in person, for clarification and in-depth reporting. He added it is their choice.

Councilor Mallen asked about the January City Council meeting, shown on the City Calendar as January 12, 2022, which is the second Wednesday of the month.

Mayor Forsythe and City Administrator/Recorder confirmed the correct date is January 19, 2022, which is the third Wednesday of the month.

Council President Meyer wished everyone a Merry Christmas and a Happy New Year, and thanked Councilors for their time and efforts over the past year, to maintain Dunes City's gemlike quality.

Councilor Hammond questioned the amount of the recent Technology Assessment. He stated his professional background is technical support and installation, and thinks this assessment missed some things, like network security and anti-virus software. He questioned the assessment recommendation to add a server, as that requires an administrator and a technician. He added the City should have a schedule for upgrading technology equipment and that current network speeds do not support the requirement for providing public access to City meetings, via Zoom or other technology. Staff and Councilor Hammond discussed the City's current technology and possible future options. Councilor Hammond offered to perform a technology assessment free of charge. City Administrator/Recorder Mills accepted Councilor Hammond's offer.

15. ADJOURNMENT

Mayor Forsythe adjourned the meeting at 6:45 p.m.

APPROVED BY THE DUNES CITY COUNCIL ON THE 19th DAY OF JANUARY, 2022.

[Signed Copy Available at City Hall]
Sheldon Meyer, City Council President

ATTEST:

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