



**CITY COUNCIL MEETING MINUTES ~ APPROVED
JANUARY 19, 2022 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

Council President Sheldon Meyer called the Wednesday, January 19, 2022 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: Council President Sheldon Meyer, Councilor Duke Wells, Councilor Tom Mallen, Councilor Susan Snow, and Councilor Rory Hammond.

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

Absent and Excused: Mayor Robert Forsythe and Councilor Robert Orr.

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 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 Wells seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Mills announced the following:

A. The statement from C.I.S. shows the City has a credit of almost \$300.

- B. The Oregon Community Foundation announced a second round of relief funding for the artists' resilience program, to provide 1.5M for Oregon artists.
More information is available on their website: oregonartscommission.org
- C. The City received a letter from Mr. Stanley, addressed to the Dunes City Council and those in attendance. City Administrator/Recorder Mills read the letter aloud.
The letter stated he wants to attend City Council meetings but does not, due to concerns about Covid. He wrote he dislikes mandates, especially from any level of government, but there are other considerations. The letter concluded with "So, I would consider local government officials wearing masks and taking every precaution in this Omicron environment to simply be a common courtesy more than "caving" to authority."
- D. City Administrator/Recorder Mills received a letter from Ms. Jeanne Jackson, addressed to Dunes City Councilors, and read the letter aloud.
The letter included some of her family's history in Westlake and previous City Council actions, such as removal of the Westlake sign. The letter expressed concern about the peace and quiet being disturbed by Dunes City's proposal to change the zoning of a property, across the street from City Hall, from Residential to a Commercial Zone. Ms. Jackson's letter expressed concerns about "the possible coming and going of emergency vehicles or groups of people" creating noise and affecting property values.
The letter also expressed concern about possible passage of Ordinance No. 259, § 155.1.4, and concluded with "We appreciate your efforts and are counting on you to be more thoughtful than some of those who have served in the past".
Councilor Hammond asked if this is part of the Public Hearing for the proposed re-zoning of the property(proposed Ordinance No. 260).
City Administrator/Recorder Mills answered "yes".
- Councilor Hammond made a motion to have the paragraph from Ms. Jackson's letter read into the record at the Public Hearing for proposed Ordinance No. 260.
Councilor Wells seconded the motion. The motion passed by unanimous vote.
- E. Council President Meyer announced the passing of Johan Mehlum, a former Dunes City Mayor from 1973 to 1975.

7. CITIZEN INPUT ON ITEMS NOT DISCUSSED IN PUBLIC HEARING

Council President Meyer recognized Ms. Jeanne Jackson.
Ms. Jackson thanked City Administrator/Recorder Mills for reading her letter.
She told the Council she would really appreciate the use of masks, with so many new Covid cases, then thanked all those who wore masks and expressed concern about those who did not.
Ms. Jackson concluded speaking by expressing thanks to the Councilors for their good work.

8. PRESENTATIONS

There were none.

9. OLD BUSINESS

A. Siltcoos Dam Operations:

City Administrator/Recorder Mills reported that she and the Mayor spoke with the legal counsel recommended by Dunes City's Water Right attorney. She is awaiting a report and when she receives the report, she will schedule an Executive Session, so that Councilors can ask questions.

B. Resolution Series 2022, No.1 (1-19-2022), Adopting the Dunes City Building Program Operating Plan, as mandated by SB 866 and Oregon Administrative Rules.

Council President Meyer read the title of Resolution Series 2022, No. 1.

Council President Meyer asked for the Staff Report.

City Administrator/Recorder Mills read the Staff Report for Resolution Series 2022, No.1.

Councilor Hammond asked Staff who the Appeals Board members are and how they are appointed. City Administrator/Recorder Mills explained that in the past, the City Council served as the Appeals Board, but now the Appeals Board includes City Councilors and the Lane County Building Official. Councilor Hammond asked if City Councilors would have equal voting rights. City Administrator/Recorder Mills answered yes, all members have a vote.

Councilor Hammond asked Staff how long the Wetlands and FEMA requirements will take. City Administrator/Recorder Mills answered the FEMA process could take months or years.

Councilor Hammond asked what happens if City Council does not pass this Resolution. City Administrator/Recorder Mills answered that if City Council does not pass this Resolution, the State will assume operation of Dunes City's Building Program and everyone will have to get permits from the State, or perhaps Lane County, and the Appeals process would be in Salem.

Councilor Snow made a motion to approve Resolution Series 2021, No. 1.

Councilor Wells seconded the motion. The motion passed by unanimous vote.

C. Statement of Work for Dunes City, from Rory Hammond, for computer and security system upgrades:

City Administrator/Recorder Mills reported that Mr. Hammond had begun the upgrade work, which is still in progress.

Mr. Hammond said his statement of work is that he agreed to provide a plan for infrastructure upgrades, not that he would "do the project", but noted that he is doing the project.

Council President Meyer thanked Mr. Hammond for his work on this project.

10. NEW BUSINESS

A. Appointment of Committee Chairpersons.

Council action on appointing Committee Chairpersons was tabled, as Mayor Forsythe was absent.

City Administrator/Recorder Mills suggested that Council President Meyer might ask Councilor Snow if she wants to continue as Chair of the Water Quality Committee.

Council President Meyer asked Councilor Snow if she wished to continue as Chair.

Councilor Snow stated she will continue as Chair and reported she is trying to recruit members, but that she received only two “yea”, one “no”, and seven “no answers”.

She added that there is little to be done with only three volunteers.

B. Appointment of Committee Members.

1. Water Quality Committee

As Members: Aaron Bowen and Alan Snow

2. Budget Committee:

As Budget Officer: Jamie Mills

As Members: Melissa Stinson, Christina Nelson. and Gail Nichols

3. Planning Commission:

Wanda Phillips and Ken Pesnell

Councilor Hammond made a motion to appoint all listed members.

City Administrator/Recorder Mills informed the Council there is another volunteer applicant for Budget Committee, Gail Nichols.

The motion was amended, to include Gail Nichols.

Councilor Mallen seconded the motion. The motion passed by unanimous vote.

C. Resolution Series 2022, No. 2, (1-19-2022) directing the expenditure of American Rescue Fund Act dollars to assist local community water systems to improve water service to their customers.

Council President Meyer read Resolution Series 2022, No. 2 by Title.

Council President Meyer asked for the Staff Report.

City Administrator Mills read the Staff Report.

The community water systems that provide drinking water identified in the Staff Report are:

Alderwood Water Development, Fern Acres Community Water System, South Coast Water Co., Summit Water District, Ka-Teech Water Co-op, and Woahink View Water System.

The Staff Report also noted that wells in Westlake continue to have saltwater infiltration.

Councilors and Staff discussed local water system issues, such as the number of wells in Westlake, the number of customers for each of the community water systems, differing costs between the community water systems, how to best allocate the funds, and the urgency of providing residents improved water quality.

City Administrator/Recorder Mills mentioned there might be citizen input about this Resolution.

Ms. Jeanne Jackson asked Councilor Wells about “various different water stations in Dunes City”, and if the public has access to get water from these.
Councilor Wells answered that he can only speak about the community water system that serves his property and clarified this is a water system, not a “water station”.

Terry Austin reported the age of equipment of the Fern Acres Community Water System, leaks, costs for repairs, increased usage, people installing their own pumps and water storage, and the road issues from increased traffic. Mr. Austin stated many of the problems with this water system are due to issues underneath the road. He added that there are no dedicated maintenance personnel.

Councilor Hammond advocated for a centralized, municipal water system.
Councilor Snow stated she does not think the City has the expertise for a centralized water system.
Councilor Wells stated the total \$317M is not enough to develop a municipal water system, but there is enough money from the ARFA funds to improve individual community water systems.
Councilor Wells suggested a Special Session to continue this discussion.

Councilor Mallen asked Mr. Terry Austin for an example of how much money would be required to get the Fern Acres Community Water System fully re-vamped.
Mr. Austin stated he is not a “water guy”, that he has worked on power systems.

Councilor Hammond stated that his research indicated the user cost is lower for municipal water systems than the user cost for small, community water systems.
Councilor Wells stated the challenge for Dunes City is cost, as the population is spread over such a large area.
Councilor Hammond stated he is not in favor of “putting money into little pots”.
Councilor Wells repeated his earlier statement about \$317M not being enough to develop a citywide water system, but is enough to help community water systems. He added that the funds are available now and must be used by a certain date; i.e.: “use it or lose it”.

City Administrator/Recorder Mills pointed out that previous plans to build a municipal water system, from 1964, 1972, and 1997, all started with a small water system and that Westlake was Phase 1. She added that Dunes City’s municipal water system will ultimately be designed with this model, especially considering the topography of the City’s area.

Ms. Gail Nichols suggested an idea to help community water districts would be advice or workshops, to help these water districts construct a viable plan to collect funds for servicing their systems.

Mr. Austin said his current fears are health issues and the declining water quality. He said that the situation is getting worse, adding that instead of some days without water there will be a point where there is no water, an emergency.

Councilor Hammond asked the Council if the City should create a fund, which people can borrow against, with re-payment plans.

Councilor Wells stated he does not think people should have to pay back anything from the \$317M.

Councilor Hammond stated an ongoing fund would provide a long-term solution.

Councilor Snow made a motion to allocate \$290K for Dunes City water issues, and community water systems can apply for funding.

Councilor Mallen asked how amounts would be decided.

Councilor Hammond asked for a second to Councilor Snow's motion.

Councilor Wells seconded the motion.

Councilor Snow suggested the City equally divide total \$290K by the number of community water systems, and that is the maximum available to each. She added that itemized application(s) should be required, that indicate the amount needed and how funds will be used.

Councilor Wells agreed the City should initially divide the funds equally, and if there are excess funds that one community water system does not need, the City could allocate those excess funds to another community water system that needs more funding.

Councilor Hammond pointed out that a citizen had voiced concern about expertise for developing community water systems, and asked if some of these funds should be allocated for that.

Councilor Wells stated a request for obtaining expertise should be included with the application.

Council President Meyer asked if there is a time issue for disbursing these funds.

City Administrator/Recorder Mills answered it is a time issue for a particular water district, because people are spending money out of their own pockets.

Councilor Hammond asked who would approve applications for these funds.

Councilors agreed that applications should be presented to City Council for review and approval.

Council President Meyer called for the vote on the motion.

Councilor Hammond abstained.

The motion passed with a majority vote.

D. Ordinance No. 260, adding provisions to Chapter 91, entitled "Nuisances", declaring certain outdoor lighting to be a nuisance.

First Reading and Second Reading

Public Hearing and Deliberation

Council President Meyer read from the Script for Ordinance No. 260.

Council President Meyer asked if all requirements for posting and publishing were met.

City Administrator/Recorder Mills answered that they were.

Councilor Hammond made a motion that Ordinance No. 260 be read by Title only.
Councilor Snow seconded the motion.
The motion passed by unanimous vote.
Council President Meyer read the Title of Ordinance No. 260.

Council President Meyer opened the Public Hearing for Ordinance No. 260 at 7:13 p.m.

Council President Meyer asked City Administrator/Recorder Mills if there was any written testimony to be read into the record.
City Administrator/Recorder Mills stated there was none.

Council President Meyer asked if anyone had signed up to speak.
Planning Secretary Noroña stated nobody had signed up to speak about this Ordinance.

Council President Meyer closed the Public Hearing at 7:14 p.m.

Councilor Wells recognized the Planning Commissioners' hard work on an Outdoor Lighting Ordinance, but stated that adding to the existing Nuisance Ordinance was "the right way to go", instead of creating a separate Ordinance.

Councilor Mallen stated he is "totally against this Ordinance" stating, "this is way overreach" and taking issue with some of the definitions. He added that lighting directed downward limits citizen safety and predicted, "we will have increased theft, a lot of theft".

Councilors discussed outdoor lighting as a nuisance, difficulties with measuring parameters listed in the proposed Ordinance, and enforcement.

Council President Meyer stated, "I'm not sensing a motion coming, to pass this".
No Councilor made any motion.
The Ordinance failed for lack of a motion.

- E. Ordinance No. 262, changing the zoning of a parcel of land, across the street from Dune City Hall, from residential to commercial, for purposes of using it for emergency and other storage facilities.
First Reading and Second Reading

Public Hearing and Deliberation

Council President Meyer read from the Script for Ordinance No. 262.

Council President Meyer asked if all requirements for posting and publishing were met.
City Administrator/Recorder Mills answered that they were.

Councilor Hammond made a motion that Ordinance No. 262 be read by title only.
Councilor Snow seconded the motion.
The motion passed by unanimous vote.

Council President Meyer read Ordinance No. 262 by title.

Council President Meyer opened the Public Hearing for Ordinance No. 262 at 7:23 p.m.

Council President Meyer asked if there was any written testimony.

City Administrator/Recorder Mills read into the record, the paragraph, from Ms. Jeanne Jackson's January 15, 2022 letter, that addressed proposed Ordinance No. 262.

The letter stated concerns about noise from "possible coming and going of emergency vehicles" and the potential effect of individual property values.

Council President Meyer asked if anyone signed up to speak.

Council President Meyer recognized Ms. Jeanne Jackson.

Ms. Jackson said she has no objection to storage or parking, but is concerned about noise. She asked how the City plans to use the property, and if the City sells the property, what other commercial use might impact the neighborhood?

City Administrator/Recorder Mills answered that the City has run out of room for file storage and that City Hall is the designated emergency gathering area for campers and Westlake residents. She added that cities are required to have emergency supplies and those supplies are currently stored in the kitchen, in the back of the Community Center meeting room, and under the dais. She explained the main reason for this Ordinance is to meet higher construction standards for commercially zoned property. She stated City Hall is zoned commercial, it would be simpler to annex the property if both properties are zoned commercial, and that FEMA might require the parcel to be zoned commercial.

Ms. Jackson thanked City Administrator/Recorder Mills for the explanation.

Council President Meyer closed the Public Hearing for Ordinance No. 262 at 7:33 p.m.

Councilor Hammond made a motion to pass Ordinance No. 262.

Councilor Wells seconded the motion.

Councilor Wells, Councilor Mallen, and Councilor Hammond voted to pass Ordinance No. 262.

Councilor Snow voted in opposition to Ordinance No. 262.

The motion passed by majority vote.

F. Ordinance No. 261, amending Chapter 92 entitled "Building Program", to comply with SB 866 and OAR, in accordance with Dunes City Building Program Operating Plan

First Reading and Second Reading

Public Hearing and Deliberation

Council President Meyer asked if all requirements for posting and publishing were met.

City Administrator/Recorder Mills answered that they were.

Council President Meyer read the Script for Ordinance No. 261.

Councilor Mallen made a motion that Ordinance No. 261 be read by title only.

Councilor Wells seconded the motion.

The motion passed by unanimous vote.

Council President Meyer read Ordinance No. 261 by title.

Council President Meyer opened the Public Hearing for Ordinance No. 261 at 7:38 p.m.

Council President Meyer asked if there was any written testimony.
City Administrator/Recorder Mills stated there was none.

Council President Meyer asked if anyone signed up to speak.
Planning Secretary Noroña answered “no”.

Councilor Hammond asked if there was a Staff Report.
City Administrator/Recorder Mills replied it is the Staff Report as for Resolution Series 2022, No.1.

Council President Meyer closed the Public Hearing at 7:39 p.m.

Councilor Mallen made a motion to amend the language of Ordinance 261 as presented.
Councilor Wells seconded the motion.

Councilor Hammond called for discussion and asked for clarification about Fees.
City Administrator/Recorder Mills stated the fees are part of a required exhibit to the Resolution.
Councilor Hammond asked when the fees were accepted or voted.
City Administrator/Recorder Mills replied that the fees were presented to City Council and adopted by Resolution No. 5 in 2020.

Councilor Mallen made a motion that Second Reading of Ordinance No. 261 be read by title only.
Councilor Wells seconded the motion.
The motion passed by unanimous vote.

Council President Meyer read the Second Reading of Ordinance No. 261 by title.

Councilor Mallen made a motion to accept the wording for Ordinance No. 261 as presented, and to adopt and pass Ordinance No. 261.
Councilor Wells seconded the motion.
Council President Meyer asked for a Roll Call vote.
City Administrator/Recorder Mills called the vote by Roll Call:
Councilor Wells – “Aye”
Councilor Mallen – “Aye”
Councilor Snow – “Aye”
Councilor Hammond – “Aye”

The motion to adopt and pass Ordinance No. 261 passed by unanimous vote.

11. EXECUTIVE SESSION

There was none.

12. REPORTS

A. Mayor's Report:

None, as Mayor Forsythe was absent.

B. Community Center Report:

Councilor Wells reported drains at City Hall were cleared, due to minor flooding.

C. Water Quality Report:

Councilor Snow reported she is trying to form a committee and announced interested volunteers can contact her, or contact City Administrator/Recorder Mills.

D. Road Report:

Councilor Snow stated she sends reports to City Administrator/Recorder Mills as things change.

Councilor Mallen stated he reported to City Hall that the Cloud Nine sign was stolen again. City Administrator/Recorder Mills stated she reported this to Lane County, as that is a county sign.

E. Emergency Services Report:

City Administrator/Recorder Mills stated there is no Emergency Services Report.

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

City Administrator/Recorder Mills stated this report is included in Councilors' meeting packets, and that the Council had discussed those items during the meeting.

13.FOR THE GOOD OF THE ORDER

Councilor Wells complained about Lane County busses dropping off people on Bay Street, noting that this is not a Dunes City problem, but he is tired of what he sees as "transferring the problems".

Councilor Hammond stated he is glad to see citizens present at these meetings.

Councilor Hammond also gave a demonstration, to make a point that unless you are physically present at a meeting you do not really know what happened.

You cannot rely on just the video to show what really happened.

14.ADJOURNMENT

Councilor Hammond made a motion to adjourn.

Councilor Mallen seconded the motion. The motion passed by unanimous vote.

Council President Meyer adjourned the meeting at 7:52 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 16th DAY OF MARCH 2022.

[Signed Copy available at City Hall]

Sheldon Meyer, Council President

ATTEST:

[Signed Copy Available at City Hall]

Jamie Mills, City Administrator/Recorder