

**DUNES CITY** *from page 1A*

The customers didn't want to have their names published. As one person put it, "I think it'd be better not to put my name in, just because of the small city we live in. Don't need friction like that, you know what I mean?"

Friction has been a cornerstone of Dunes City politics over the past year, as residents and politicians have been thrust in an existential crisis.

In October 2017, Mayor Robert Dunes City Mayor Bob Forsythe got down to the heart of the issue while speaking at a council work session:

"Do we really want to be a city? Are we acting like a city? Are we providing services? We don't have a police force and we don't have a library. We can write citations, but nobody pays them because you have no way to make people pay them. I think the question is, do we want to act like a city, or do we want to become a county again or Florence south?"

The answer to that may come in November, when voters decide on a trio of measures dealing with marijuana, "taxes" and the court system. The first could prove as an example on why Dunes City should be a city, while the other two would decide the fate of Dunes City itself.

"Those two measures are critical to the existence of the city," Forsythe said in August. "If we have no teeth in our codes, and no tax money so we can get people to do those things, then why are we here?"

**Measure 20-293: Prohibits certain marijuana registrants and or/licenses in Dunes City. Question: Should Dunes City prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers and retailers in Dunes City?**

When Forsythe was asking if the Dunes City wanted to be a city, the council was swept up in the marijuana debate, sparked by a commercial marijuana growing facility being built in city limits.

Dunes City had received a total of three applications for grow sites, and their approval was met with little fanfare.

In an April 2017 public meeting, one of the growers, Valerie Cain-Mathis, described her plans for the building, along with answers for some of the concerns the council had raised.

She explained her security measures, water usage and site plans. The crowd attending the meeting was small, the public comments minimal. The council was satisfied with her answers and it was approved.

But a few months later, when Cain-Mathis actually began to build, the neighbors found out, creating pandemonium.

"I was shocked, how could I not know about this?" one resident said at the time. "I contacted several of

my neighbors and they too were unaware and quite shocked. As more and more people in the area were asked, it became more and more apparent that no one knew."

Residents called for the grows to be halted and licenses revoked.

City staff were inundated with hundreds of emails requesting specific information regarding the city code. Residents also contacted Oregon Liquor Control Commission to find out its part in approval, and if it could rescind the grows licenses.

A public action committee was formed, fliers were mailed out and city council meetings became standing-room only events. Public testimony brought up a litany of inefficiencies in city code to handle the situation. There were accusations that the council ignored code altogether.

The council looked at each issue, even involving Dunes City's lawyers. But in the end, there was nothing they could legally do to prevent the grows.

As the debate raged on, things turned ugly. Financial and reputational threats were made to city staff and citizens. City Hall was vandalized, and a major lawsuit was brought against the city to stop the ban.

In September 2017, the council voted unanimously on Ordinance 245, which placed a ban on any future marijuana grows. The ordinance explained the emergency request as "being necessary for the immediate preservation of the public peace, health and safety."

But the council stopped short of banning the grows in perpetuity. The ordinance's caveat was that it would be up to the citizens to decide if the facilities should be allowed to stay. Thus, Measure 20-293 on the Nov. 6 General Election ballot.

"I would encourage voters to get out, because it's how we know what the public wants," said Mayor Forsythe when the council passed the

ban. "It's important that people communicate, so we know what's important to all of our citizens, and not just those who make it out to a city council meeting."

Since then, the city has taken measures to rewrite ordinances and regulations regarding marijuana grow operations, based on concerns citizens had raised.

One regulation included a requirement for applicants to show the water source that will serve the property, a hotly debated topic during the height of the debate.

Other requirements included ensuring that all doorways, windows and openings shall be screened, proper security measures be enacted and that noise from the facilities be reduced.

The rules do not take effect until Nov. 7, and only if residents vote to allow the grows.

Despite the fears of crime or odors, the city has yet to hear any complaints lodged against the grows.

"As far as I know, there hasn't been any complaints," said Dunes City Administrator Jamie Mills. "We got a complaint about a rooster crowing that was on the marijuana grow, but it wasn't."

As for those at Darlings? "It doesn't bother me," one person said.

Not one person seemed opposed to the idea.

"I'd say allow it," another said. "I have PTSD and back issues, and I know a lot of people who need it. I grow it for myself, so I don't see anything wrong with growing it."

Said another, "They're asking for tax revenue, businesses want to come in. Whether you like marijuana or not, if you don't let them in, you won't get that revenue. It's tit for tat. It's legal. It's a state legal affair. If it's legal, why stifle it?"

This is not to say that those who are against future grows have damped down their opinion, but the vote is

expected to be tight as opponents and proponents begin to become more vocal in the coming month.

If voters choose to allow grows, what will be the mechanism to enforce the regulations imposed on the new businesses?

**Measure 20-294: Measure to amend the City Charter of Dunes City. Question: Shall the City Charter be amended to clarify the authority of the municipal judge and creation of a municipal court?**

Currently, the city has no agreement with a municipal court judge to hear cases regarding code enforcement infractions. The city states they try not to involve fines when possible, with Mills saying, "If people will sit down with me and talk about how they can get results to everybody's satisfaction, we don't fine them."

But sometimes people aren't so amenable. Some residents say they will fix an issue but don't, while other residents don't even bother responding to an inquiry in the first place.

"Or they just lie and say they've done it, which has happened," Mills said. The reason people can get away with this is because Dunes City has no real enforcement.

"In order to do anything, I have to travel to Eugene and have them enter it in," Mills explained. "I can enter fines now, but I can't collect them. I don't have the authority to place a lien without court approval."

To alleviate this problem, the city is looking to hire a judge.

The current City Charter states that the judicial officer must hold court within the city.

"If that were to happen, you would

have to have several meeting rooms. You have to have a separate place to put all files and a bailiff as well," Mills said.

The council hopes to create an intergovernmental agreement (IGA) with the judge who serves the City of Florence, using the Florence court facilities instead of setting up shop in Dunes. To be able to initiate that, the Charter has to be amended — therefore Measure 20-294.

If residents do allow marijuana grows, it's possible they may want assurances that the crafted regulations on the industries could be enforced.

"The city wants rules and they want regulations and they want us to do these things, but we have no teeth," Councilor Tom Mallen said in 2017. "Really, the marijuana issue will continue. ... It's a delicate balance right now."

Per the City Charter, the judge would "have authority to issue pro-

cess for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit accused to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the court, to compel obedience to such subpoenas to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court."

The city's stated goal for the measure is not so much to reap in cash from the fines, but to ensure a more robust way to keep law and order in the city.

It is currently unknown what the cost of an IGA will be (the city is holding off until after the election to explore possible agreements), but the payment of the IGA is expected to be covered by any collected fines.

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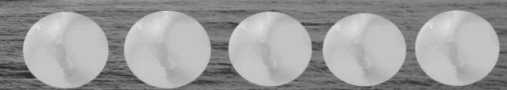
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