

RESOLUTION NO. 01-08-04

RESOLUTION ADOPTING A WATER USE PERMIT APPLICATION FEE

WHEREAS, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

WHEREAS, Dunes City is able to provide water from Woahink Lake to Dunes City property owners if the City amends its domestic water right permit to show new diversion extensions; and

WHEREAS, the expense of amending a permit for a domestic water right permit includes the cost of a permit amendment fee, survey costs to show the point of diversion, and legal and administrative costs; and

WHEREAS, City expenses of sharing its water right with private property owners also includes the purchase and installation of water meters; and

WHEREAS, Dunes City must charge a fee to recover the cost of amending its domestic water right permit and administering the permit process for sharing its domestic water right.

NOW THEREFORE BE IT RESOLVED that Dunes City enact the following:

Section 1. Definitions.

Applicant. An individual owning property in Dunes City who applies to Dunes City for a permit to share Dunes City's domestic water right permit for diversion of water from Woahink Lake. Each applicant shall provide legal access, by easement appurtenant to the land or by fee simple absolute, for the water line between the point of diversion and the point of use.

Point of Diversion. The surveyed location of where water is diverted from Woahink Lake.

Point of Use. The surveyed location of where water diverted from Woahink Lake is actually used.

Standard Water Meter. The standard water meter shall be 5/8"x 3/4" diameter with 12" rectangular water box.

Survey. Creating a longitudinal and latitudinal position for a point of diversion and a point of use to a survey-grade accuracy.

Water Meter. An instrument for measuring the volume of water flowing through a point during a fixed period of time.

Section 2. Application. An application fee shall be charged to individual property owners for a permit to utilize Dunes City's domestic water right permit for diversion of water from Woahink Lake to serve property within Dunes City. This fee is intended to cover anticipated administrative and legal expenditures, as well as the costs incurred for materials and services, surveys and standard water meters. The application fee is based upon the use of a standard-size water meter for each point of diversion and shall be computed as follows:

a. For individual property owners who apply for a permit from the City by ~~January 31~~, ^{February 29} 2004, the fee shall be \$600. The application fee for individual property owners applying for a permit after ~~January 31~~, ^{February 29} 2004, shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion.

b. For existing community water systems that apply for a permit from the City by ~~January 31~~, ^{February 29} 2004, the fee shall be \$600 plus a \$100 hook-up fee per structure connected to the community water system and the cost of providing a larger than standard-sized water meter. The application fee for community water systems that apply for a permit from the City after ~~January 31~~, ^{February 29} 2004, shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion; a \$100 hook-up fee per structure connected to the community water system; and the cost of providing a larger than standard-sized water meter.

c. For vacant property owned by individual owners who apply for a permit from the City by ~~January 31~~, ^{February 29} 2004, the fee shall be \$150 plus \$450 at the time of the installation of a water meter. The application fee for vacant property owned by individual owners applying for a permit after ~~January 31~~, ^{February 29} 2004, shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion.

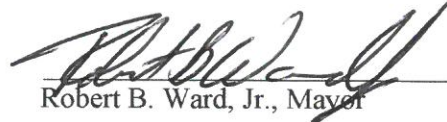
Section 3. Administrative Fee. With the exception of permit holders that qualify under Section 2.c. above and have not yet installed a water meter, an annual \$100 administrative fee shall be charged to each permit holder for the maintenance of records, meter reading and all other administrative costs associated with the use of Dunes City's domestic water right on Woahink Lake. Permit holders qualifying under Section 2.c. shall be charged an annual administrative fee, or prorated portion thereof, within one year of installing a water meter.

Section 4. Additional Fees. Should actual costs exceed the application fee, the applicant will be required to pay such fees within 30 days of their imposition.

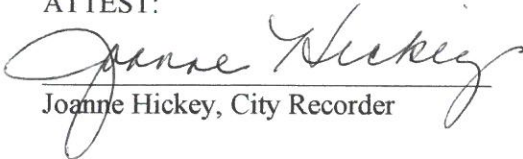
Section 5. Effective Date. This resolution shall go into effect on the 9th day of January, 2004.

ADOPTED BY THE DUNES CITY COUNCIL this 8th day of January, 2004.

Ayes: 5 Nays: 1 Abstain: _____ Absent: _____


Robert B. Ward, Jr., Mayor

ATTEST:


Joanne Hickey, City Recorder

CITY OF DUNES CITY, LANE COUNTY, OREGON

RESOLUTION NO. 01-15-04

**RESOLUTION APPROVING THE FORMATION OF A WATER QUALITY
CONTROL COMMITTEE FOR THE PURPOSE OF MAINTAINING THE
WATER QUALITY OF ALL WATERS OF DUNES CITY**

WHEREAS, the Dunes City Comprehensive Policy B6 states "Methods of conserving water resources must be considered in all land use and development proposals and decisions. In compliance with the Mid-coast Basin Program adopted on September 25, 1984, the City recognizes that Siltcoos and Woahink Lakes are classified only for utilization of water or domestic, livestock, and in-lake uses for recreation, wildlife, and fish life purposes." Policy B7 states "Dunes City will coordinate its efforts with governmental agencies and nearby jurisdictions, for implementing and studying possible alternatives for maintaining good water quality." Policy B8 states "Dunes City shall strive to maintain the high water quality of Siltcoos and Woahink Lakes through monitoring recreational use, commercial and industrial use and run-off of septic tank effluent. A Water Quality Control Committee will be formed to examine problems with water quality."

WHEREAS, the City believes it is in the best interest of its citizens to form a Water Quality Control Committee to investigate the water issues of all the waters of Dunes City.

NOW THEREFORE BE IT RESOLVED, that Dunes City hereby forms a Water Quality Control Committee, the purpose of which is to maintain the public health, welfare and safety of its' citizens in regard to water quality.

Section 1. Duties. The duties of the Water Quality Control Committee are to:

- a. Investigate tasks identified by the Committee in the Woahink and Siltcoos watersheds that pertain to water quality.
- b. Investigate water quality issues and questions submitted by State agencies and the public.
- c. Conduct, record, archive and report the on-going lake water quality monitoring data and conclusions.
- d. Conduct, record, archive and report investigations, monitoring data and conclusions for specific tasks that may be assigned by the City Council; and

- e. Make reports and recommendations for investigations to the City Council and to appropriate State agencies.

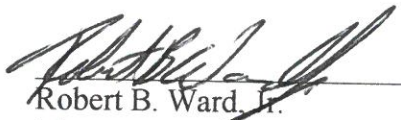
Section 2. Composition. The Water Quality Control Committee shall consist of:

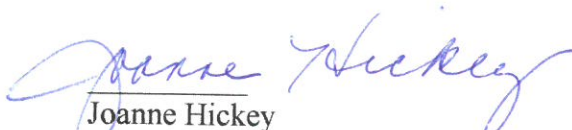
- a. A chair appointed by the City Committee;
- b. At least one but not more than three City Councilors;
- c. The person or persons responsible for conducting the technical water quality sampling or any other technical task undertaken by the Water Quality Control Committee;
- d. Those persons specifically appointed by the City Council to the Water Quality Control Committee.

Section 3. Term. The term of the Water Quality Control Committee members shall be continuous until resignation or removal by the City Council.

ADOPTED BY THE CITY COUNCIL OF DUNES CITY, OREGON, THIS 15TH DAY OF JANUARY, 2004.

Ayes: 5 Nays: 0 Abstain: Absent: 1


Robert B. Ward, Jr.
Mayor


Joanne Hickey
City Recorder

CITY OF DUNES CITY
LANE COUNTY, OREGON

RESOLUTION NO. 02-12-04

RESOLUTION AUTHORIZING EXPENDITURE OF UNANTICIPATED SPECIFIC
PURPOSE GRANT FUNDS RECEIVED IN CURRENT FISCAL YEAR FROM OREGON
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT TO COMPLETE AN
UPDATE OF LOCAL WETLANDS AND RIPARIAN INVENTORIES.

WHEREAS, Dunes City adopted the fiscal year 2003-04 budget and appropriated funds on June 12, 2003; and

WHEREAS, an unanticipated specific purpose grant agreement contract from Oregon Department of Land Conservation and Development for \$26479 has been approved by the Dunes City Council; and

WHEREAS, in order to lawfully spend money, a local government must comply with the requirements of Local Budget Law [ORS 294.326(2)]; and

WHEREAS, certain expenditures have been made exceptions to the requirements of Local Budget Law, such as expenditures in the year of receipt of grants transferred to the local government in trust for a specific purpose may be made after enactment of a resolution authorizing the expenditure [ORS 294.326(3)];

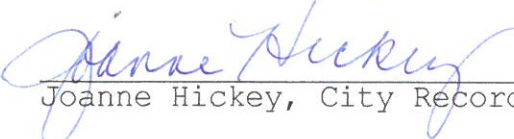
NOW THEREFORE BE IT RESOLVED THAT THE DUNES CITY COUNCIL OF THE CITY OF DUNES CITY, OREGON, DOES HEREBY AUTHORIZE THE EXPENDITURES IN THE CURRENT FISCAL YEAR OF FUNDS SPECIFIED BY THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT.

ADOPTED: February 12, 2004.

Ayes: 5 Nays: 0 Abstain: Absent: 1


Robert B. Ward, Jr., Mayor

ATTEST:


Joanne Hickey, City Recorder

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

RESOLUTION 03-11-04

RESOLUTION ADOPTING A NOTICE OF BRUSH CONTROL PROGRAM USED TO INFORM ALL PERSONS INTERESTED IN REQUESTING THE CITY NOT TO BRUSH THE CITY RIGHT-OF-WAY ABUTTING THEIR PROPERTY

In the Matter of Brush)
Control for Dunes City)
Road Commission)

NOTICE OF BRUSH CONTROL PROGRAM

TO: ALL INTERESTED PERSONS

1. In order to maintain City roads, the Dunes City Road Commission intends to institute a brush control program on March 1st, within the rights-of-way of City roads.
2. Property owners may request the Dunes City Road Commission not to brush the right-of-way abutting their property. Property owners who wish the City not to brush must contact the Road Commission. The Road Commission will provide the property owner with a "No Brush Cutting Agreement." It must be completed and returned by March 1, of the agreement year.
3. The property owner must post the right-of-way to indicate the "No Brush" area with signs provided by the Road Commission at a cost.
4. Failure to contact the Road Commission to enter into the agreement or failure to post the required signs will result in the City brushing the right-of-way as planned.
5. If the property owner posts the abutting right-of-way as a "No Brushing" area, the property owner is responsible for controlling vegetation on the right-of-way. If the property owner fails to clear the right-of-way, the City shall do so, with the cost charged to the property.
6. Contact the Dunes City Hall at 82877 Spruce Street, Westlake, Oregon or call 997-3338 for further information


ROBERT B. WARD, JR., Mayor of Dunes City


JOANNE HICKEY, City Recorder

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

RESOLUTION NO. 04-08-04

**RESOLUTION CERTIFYING DUNES CITY PROVIDES FOUR
MUNICIPAL SERVICES ENUMERATED IN SECTION 1, ORS 221.760**

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

(1) Police protection; (2) Fire protection; (3) Street construction, maintenance, and lighting; (4) Sanitary sewer; (5) Storm sewers; (6) Planning, zoning, and subdivision control; (7) One or more utility services, and


WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW THEREFORE BE IT RESOLVED that the City of Dunes City hereby certifies that it provides the following four municipal services enumerated in Section 1, ORS 221.760:

- (1) Fire protection;
- (2) Street construction, maintenance, & lighting;
- (3) Storm sewers; and
- (4) Planning, zoning, and subdivision control.

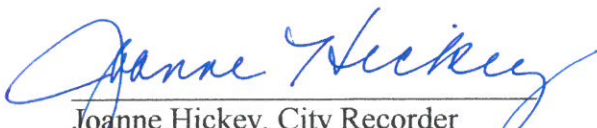
APPROVED by the City of Dunes City this 8th day of April, 2004.

Ayes: 4 Nays: Abstain: 2 Absent:



Robert B. Ward Jr., Mayor
City of Dunes City

ATTEST:



Joanne Hickey, City Recorder

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WHEREAS, Dunes City is able to provide water from Woahink Lake to Dunes City property owners if the City amends its domestic water right permit to show new diversion extensions; and

WHEREAS, the expense of amending a permit for a domestic water right permit includes the cost of a permit amendment fee, survey costs to show the point of diversion, and legal and administrative costs; and

WHEREAS, City expenses of sharing its water right with private property owners also includes the purchase and installation of water meters; and

WHEREAS, Dunes City must charge a fee to recover the cost of amending its domestic water right permit and administering the permit process for sharing its domestic water right.

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February 29
a. For individual property owners who apply for a permit from the City by ~~January 31~~, 2004, the fee shall be \$600. The application fee for individual property owners applying for a permit after *February 29* ~~January 31~~, 2004, shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion.

February 29
b. For existing community water systems that apply for a permit from the City by ~~January 31~~, 2004, the fee shall be \$600 plus a \$100 hook-up fee per structure connected to the community water system and the cost of providing a larger than standard-sized water meter. The application fee for community water systems that apply for a permit from the City after ~~January 31~~, 2004, shall be \$700. *February 29* This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion; a \$100 hook-up fee per structure connected to the community water system; and the cost of providing a larger than standard-sized water meter.

February 29
c. For vacant property owned by individual owners who apply for a permit from the City by ~~January 31~~, 2004, the fee shall be \$150 plus \$450 at the time of the installation of a water meter. The application fee for vacant property owned by individual owners applying for a permit after ~~January 31~~, 2004, shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion. *February 29*

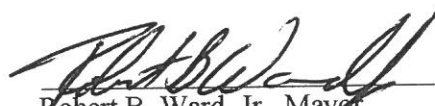
Section 3. Administrative Fee. With the exception of permit holders that qualify under Section 2.c. above and have not yet installed a water meter, an annual \$100 administrative fee shall be charged to each permit holder for the maintenance of records, meter reading and all other administrative costs associated with the use of Dunes City's domestic water right on Woahink Lake. Permit holders qualifying under Section 2.c. shall be charged an annual administrative fee, or prorated portion thereof, within one year of installing a water meter.

Section 4. Additional Fees. Should actual costs exceed the application fee, the applicant will be required to pay such fees within 30 days of their imposition.

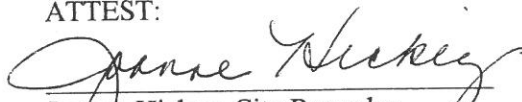
Section 5. Effective Date. This resolution shall go into effect on the 9th day of January, 2004.

ADOPTED BY THE DUNES CITY COUNCIL this 8th day of January, 2004.

Ayes: 5 Nays: 1 Abstain: _____ Absent: _____


Robert B. Ward, Jr., Mayor

ATTEST:


Joanne Hickey, City Recorder

CITY OF DUNES CITY
LANE COUNTY, OREGON

RESOLUTION NO. 05-13-04

RESOLUTION TRANSFERRING FUNDS FROM THE GENERAL FUND OPERATING
CONTINGENCY TO THE GRANTS-PLANNING ASSISTANCE FUND

WHEREAS, Dunes City's fiscal year 2003-2004 budget, adopted June 12, 2003, appropriated \$216,572 to the General Fund; and

WHEREAS, ORS 294.450(2) allows the transfer of general operating contingency appropriations during the budget period without the adoption of a supplemental budget as long as the funds transferred, in the aggregate, do not exceed 15% of the total appropriations of the fund; and

WHEREAS, there has been one transfer in the amount of \$3,750 from the General Fund's operating contingency to date during this fiscal year; and

WHEREAS, there is a need to transfer an additional amount of \$9575.90 from the General Fund's operating contingency to the Grants-Planning Assistance Fund to ensure that necessary resources are available to cover expenses related to update local wetlands and riparian inventories; and

WHEREAS, transfers from the General Fund's operating contingency during this fiscal year, including those funds transferred by this resolution, equal 6.2% of that fund.

NOW THEREFORE BE IT RESOLVED THAT THE DUNES CITY COUNCIL OF THE CITY OF DUNES CITY, OREGON, DOES HEREBY AUTHORIZE THE FOLLOWING TRANSFER OF FUNDS FROM THE GENERAL FUND'S OPERATING CONTINGENCY:

Nine thousand five hundred seventy-five dollars and ninety cents (\$9575.90) to the Grants-Planning Assistance Fund.

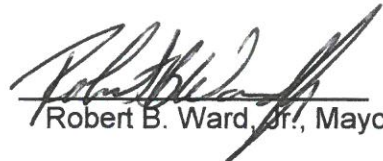
ADOPTED: May 13, 2004.

Ayes: 5

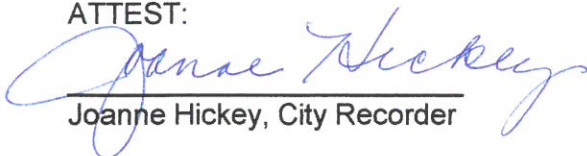
Nays:

Abstain:

Absent: 1


Robert B. Ward, Jr., Mayor

ATTEST:


Joanne Hickey, City Recorder

CITY OF DUNES CITY, LANE COUNTY; OREGON

RESOLUTION NO. 06-10-04

RESOLUTION ADOPTING THE 2004-2005 FISCAL YEAR BUDGET,
AND MAKING APPROPRIATIONS

WHEREAS, the annual budget for the fiscal year 2004-2005 has been duly completed and submitted to the Mayor and City Council of the City of Dunes City, and;

WHEREAS, said budget has been reviewed by the Budget Committee, the Mayor and the City Council of the City of Dunes City,

NOW THEREFORE BE IT RESOLVED:

1. That the City Council of the City of Dunes City, Oregon, does hereby adopt the budget for the fiscal year 2004-2005 approved by the Budget Committee of the City of Dunes City on April 15, 2004 in the sum of \$902,808 now on file at the Dunes City Hall, Dunes City, Oregon.

2. That Dunes City does not levy a property tax. Therefore there are no taxes to levy and assess upon any property within the City of Dunes City as of 1:00 a.m., January 1, 2004.

3. That the amounts for the fiscal year beginning July 1, 2004, and for the purposes shown below are hereby appropriated as follows:

GENERAL FUND

Personal Services	33,480	
Materials and Services	46,054	
Capital Outlay	7,000	
Contingencies/Transfers	<u>162,432</u>	
TOTAL		248,966

STATE STREET TAX FUND

Personal Services	16,193	
Materials and Services	66,906	
Capital Outlay	<u>0</u>	
TOTAL		83,819

EMERGENCY COMMUNICATIONS FUND

Materials and Services	<u>11,061</u>	
TOTAL		11,061


PLANNING ASSISTANCE GRANT FUND		
Personal Services	7,700	
Materials and Services	<u>65,332</u>	
TOTAL		73,032
COUNTY/CITY ROAD PARTNERSHIP FUND		
Personal Services	19,630	
Materials and Services	333,885	
Capital Outlay	<u>8,500</u>	
TOTAL		362,015
MOTEL TAX FUND		
Personal Services	7,740	
Materials and Services	<u>17,920</u>	
TOTAL		25,660
BUILDING CODES FUND		
Personal Services	11,260	
Materials and Services	47,866	
Capital Outlay	<u>500</u>	
TOTAL		59,626
WATER RIGHT COMPLIANCE FUND		
Personal Services	14,680	
Materials and Services	8,549	
Capital Outlay	12,400	
Transfers	<u>3,000</u>	
		38,269
TOTAL APPROPRIATIONS - ALL FUNDS		902,808

4. That the City Recorder certify to the County Clerk and County Assessor of Lane County, Oregon, the levy made by this resolution and shall file with the Department of Revenue a true copy of the budget as finally adopted.

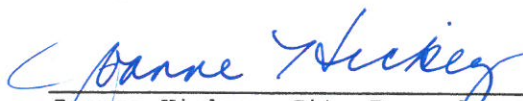
ADOPTED BY THE CITY COUNCIL OF DUNES CITY, OREGON, THIS 10TH DAY OF JUNE 2004.

Ayes: 5 Nays: 0 Abstain: Absent:

Dated this 10 day of June 2004.


Robert B. Ward, Jr., Mayor
City of Dunes City

ATTEST:


Joanne Hickey, City Recorder

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

RESOLUTION NO. 6-10-04 (A)

**RESOLUTION AUTHORIZING AN INCREASE IN THE APPROPRIATION
FOR MATERIAL AND SERVICES IN THE BUILDING CODES FUND**

WHEREAS, Dunes City adopted the fiscal year 2003-04 budget and appropriated funds on June 12, 2003; and

WHEREAS, Dunes City has experienced an increase in resources from building permit activity that has exceeded the budgeted amount in the Building Codes Fund by \$11,057 to date and will increase in June; and

WHEREAS, the increase in building permit revenue is substantially higher than in past budget periods and could not have been reasonably foreseen by the City; and


WHEREAS, Dunes City must return 75 percent of the building permit revenue to The Building Department in consideration for the latter's administration of the City's Building Code within the city limits of Dunes City and the purpose of this appropriation is to ensure that Dunes City can meet its legal obligations; and

WHEREAS, ORS 294.326(4) allows a governing body to make expenditures beyond the amount budgeted after the enactment of an appropriate appropriation resolution authorizing expenditures in excess of an amount budgeted.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DUNES CITY, OREGON DOES HEREBY AUTHORIZE THE EXPENDITURE OF AN ADDITIONAL \$11,000 FOR MATERIALS AND SERVICES FROM THE BUILDING CODES FUND BEYOND THAT WHICH WAS BUDGETED FOR FISCALYEAR 2003 – 2004.

ADOPTED: June 10, 2004.

Ayes: 5 Nays: 0 Abstain: Absent:


Robert B. Ward, Jr., Mayor

ATTEST:


Joanne Hickey, City Recorder

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

RESOLUTION NO. 8-12-04

**A RESOLUTION ADOPTING A LAND USE INTERPRETATION OF THE
FISHER CONDITIONAL USE PERMIT (CUP 0102)**

WHEREAS, the Dunes City City Council approved the Gary and Lark Fisher request (CUP 0102) for a conditional use permit to have horses on tax lots 212 and 432, assessor's map 19-12-24 on June 28, 2002; and

WHEREAS, the Dunes City City Council conditioned the approval of CUP 0102, in part, on the applicant providing to the City an accurate map, surveyed by a licensed land surveyor, that showed the topographical features, the drainages, the springs and the accurate location of the fence line and any other associated features on tax lots 212 and 432 (Condition of Approval No. #1); and

WHEREAS, the Fishers had notice of the June 28, 2002 approval of CUP 0102 and did not appeal that decision within 21 days of that decision being final; and

WHEREAS, it is unclear as to the quality of survey that would satisfy Condition of Approval No. #1 of CUP 0102;

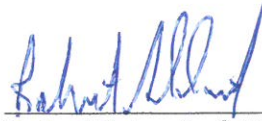
WHEREAS, the Fishers request clarification as to how many horses are permitted on tax lots 212 and 432 by CUP 0102.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF DUNES CITY, OREGON THAT THE FOLLOWING
INTERPRETATIONS OF CUP 0102 ARE ADOPTED:**

1. Condition of Approval No. #1 of CUP 0102 is satisfied by a map that is created by a surveyor licensed in the State of Oregon that accurately depicts the location of the horse fence in relation to the drainages and springs on the property so that it can be easily discerned that the fence is setback at least 50 feet from all drainages and springs on the property. For purposes of this interpretation, the map attached as Exhibit A to this resolution satisfies Condition of Approval No. #1 of CUP 0102.
2. Condition of Approval No. #2 of CUP 0102 limits the number of horses on tax lots 212 and 432 to one horse per fenced acre and Condition of Approval No. #4 of CUP 0102 requires a vegetative buffer and fencing be maintained at least 50 feet from any streams or springs. Read together, these two conditions allow the Fishers to have as many horses on this property as permitted when both conditions are complied with.

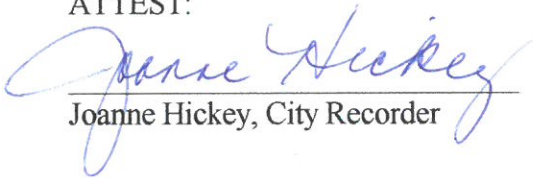
ADOPTED: August 12, 2004.

Ayes: 4 Nays: 1 Abstain: ____ Absent: ____



Robert Petersdorf, Councilor
acting for Robert B. Ward, Jr.

ATTEST:



Joanne Hickey, City Recorder

CITY OF DUNES CITY
LANE COUNTY, OREGON

RESOLUTION NO. 11-10-04(A)

RESOLUTION TRANSFERRING FUNDS FROM THE GENERAL FUND OPERATING
CONTINGENCY TO MATERIALS AND SERVICES

WHEREAS, Dunes City adopted the fiscal year 2004-2005 budget and appropriated funds on June 10, 2004; and

WHEREAS, unanticipated expenditures have occurred in the Materials and Services funds; and

WHEREAS, ORS 294.450(2) allows the transfer of general operating contingency appropriations during the budget period without the adoption of a supplemental budget as long as the funds transferred, in the aggregate, do not exceed 15% of the total appropriations of the fund; and

WHEREAS, there have been no transfers from the Operating Contingency to date this fiscal year; and

WHEREAS, there is \$140,108 in the Operating Contingency Appropriation; and

WHEREAS, the purpose of the transfer is to ensure that necessary resources are available to cover expenses related to the replacement of the furnace at the Community Center/City Hall.

NOW THEREFORE BE IT RESOLVED THAT THE DUNES CITY COUNCIL OF THE CITY OF DUNES CITY, OREGON, DOES HEREBY AUTHORIZE THE FOLLOWING TRANSFER OF FUNDS FROM THE OPERATING CONTINGENCY APPROPRIATION:

Three thousand dollars (\$3000) to the Materials and Services Fund.

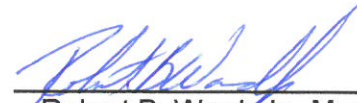
ADOPTED: November 10, 2004.

Ayes: 6

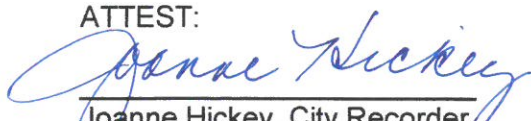
Nays: 0

Abstain:

Absent:


Robert B. Ward, Jr., Mayor

ATTEST:


Joanne Hickey, City Recorder

RESOLUTION NO. 11-10-04

A RESOLUTION ADOPTING A WATER USE PERMIT APPLICATION FEE AND REPEALING RESOLUTION 01-08-04(A)

WHEREAS, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

WHEREAS, Dunes City adopted Resolution No. 01-08-04(A) on January 8, 2004 to establish application and administrative fees for property owners and community water systems that utilize the City's Woahink Lake domestic water right; and

WHEREAS, Resolution No. 01-08-04(A) did not address application fees for water lines used solely for the purposes of irrigation.

NOW THEREFORE BE IT RESOLVED that Dunes City enact the following:

Section 1. Definitions.

Applicant. An individual owning property in Dunes City who applies to Dunes City for a permit to share Dunes City's domestic water right permit for diversion of water from Woahink Lake. Each applicant shall provide legal access, by easement appurtenant to the land or by fee simple absolute, for the water line between the point of diversion and the point of use.

Point of Diversion. The surveyed location of where water is diverted from Woahink Lake.

Point of Use. The surveyed location of where water diverted from Woahink Lake is actually used.

Standard Water Meter. The standard water meter shall be "5/8x3/4" diameter with 12" rectangular water box.

Survey. Creating a longitudinal and latitudinal position for a point of diversion and a point of use to a survey grade accuracy.

Water Meter: An instrument for measuring the volume of water flowing through a point during a fixed period of time.

Section 2. Application. An application fee shall be charged to individual property owners for a permit to utilize Dunes City's domestic water right permit for diversion of water from Woahink Lake to serve property within Dunes City. This fee is intended to cover anticipated administrative and legal expenditures, as well as the costs incurred for materials and services, surveys and standard water meters. The application fee is based upon the use of a standard-size water meter for each point of diversion shall be computed as follows:

a. For individual property owners who apply for a permit from the City by January 31, 2004 the fee shall be \$600. The application fee for individual property owners applying for a permit after January 31, 2004 shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed surveyor for each point of diversion.

b. For existing community water systems that apply for a permit from the City by January 31, 2004 the fee shall be \$600 plus a \$100 hook-up fee per structure connected to the community water system and the cost of providing a larger than standard-sized water meter. The application fee for community water systems that apply for a permit from the City after January 31, 2004 shall be \$700. This latter application fee shall be accompanied by a survey prepared by an Oregon licensed survey for each point of diversion; a \$100 hook-up fee per structure connected to the community water system; and the cost of providing a larger than standard-sized water meter.

c. For vacant property owned by individual owners who apply for a permit from the City by January 31, 2004, the fee shall be \$150 plus \$450 at the time of the installation of a water meter. The application fee for vacant property owned by individual owners applying for a permit after January 31, 2004 shall be \$700. This latter application fee shall be accompanied by survey prepared by an Oregon licensed surveyor for each point of diversion.

d. For water lines used exclusively for irrigation purposes the application fee shall be \$265 to defray the cost of a water meter, its installation, and administrative costs.

Section 3. Administrative Fee. With the exception of permit holders that qualify under Section 2.c., above, and that have not yet installed a water meter, an annual administrative fee shall be charged to each permit holder for the maintenance of records, meter reading and all other administrative costs associated with the use of Dunes City's domestic water right on Woahink Lake.

a. Except as provided in Section 3.c., permit holders qualifying under Sections 2.a. and 2.b shall be charged an annual administrative fee of \$100.

b. Permit holders qualifying under Section 2.c. shall be charged an annual administrative fee, or prorated portion thereof, within one year of installing a water meter.

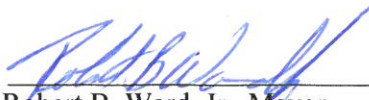
c. Permit holders shall be charged an annual administrative fee of \$50 for each irrigation-only line.

Section 4. Additional Fees. Should actual costs exceed the application fee, the applicant will be required to pay such fees within 30 days of their imposition.


Section 5. Repeal. This resolution repeals Resolution 01-08-04.

ADOPTED BY THE DUNES CITY COUNCIL this 10th day of November, 2004.

Ayes: 6 Nays: 0 Abstain: _____ Absent: _____


Robert B. Ward, Jr., Mayor

ATTEST:


Joanne Hickey, City Recorder

CITY OF DUNES CITY
LANE COUNTY, OREGON

RESOLUTION NO. 11-22-04

**A RESOLUTION ESTABLISHING A PRE-FILING CONFERENCE FEE, A
PROCESSING DEPOSIT, AND A DEMAND FOR COMPENSATION FORM FOR
BALLOT MEASURE 37 DEMANDS FOR COMPENSATION FOR THE CITY OF
DUNES CITY**

WHEREAS, Ordinance No. 172, establishes a procedure for submitting and processing demands arising under the provisions of Ballot Measure 37, passed November 2, 2004, and declaring an emergency, authorizes the Dunes City Council to set by resolution the fees to be charged for a demand for compensation;

NOW, THEREFORE, THE CITY OF DUNES CITY RESOLVES AS FOLLOWS:

Section 1. Ordinance No. 172, as codified in Section 37.030(2) of the Dunes City Code of Ordinances, requires that a property owner schedule and attend a pre-filing conference with the city recorder prior to submitting a demand for compensation. The pre-filing conference fee shall be \$50.

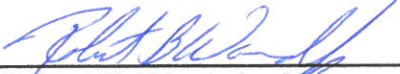
Section 2. Ordinance No. 172, as codified in Section 37.040(2)(a) of the Dunes City Code of Ordinances, requires that a property owner pay a processing deposit for a written demand for compensation. The processing deposit shall be \$1,500.

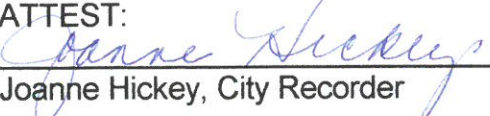
Section 3. Ordinance No. 172, as codified in Section 37.040(1)(a) of the Dunes City Code of Ordinances, requires that a demand for compensation be submitted and accepted for review upon forms established by the city council. Exhibit A, adopted by this resolution by reference, shall serve as the Demand for Compensation form as required by Ordinance 172.

Section 4. This resolution shall take effect on December 2, 2004.

ADOPTED: November 22, 2004.

Ayes: 6 Nays: 0 Abstain: Absent:


Robert B. Ward, Jr., Mayor

ATTEST:

Joanne Hickey, City Recorder

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

RESOLUTION NO. 12-09-04

**A RESOLUTION IN OPPOSITION TO CHARTER COMMUNICATION'S PETITION OF
SPECIAL RELIEF REQUESTING A DETERMINATION OF EFFECTIVE COMPETITION IN
DUNES CITY, OREGON**

WHEREAS, Charter Communications provides services subject to a franchise agreement governing the terms and conditions under which Charter Communication operates; and

WHEREAS, Charter Communications has filed a Petition for Special Relief requesting that the Federal Communications Commission (FCC) determine that there is effective competition in Dunes City; and

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992 was enacted, in part, to control the unreasonable escalation of cable television rates; and

WHEREAS, cable rates in the past several years have greatly exceeded inflation; and

WHEREAS, in the opinion of the Dunes City Council, direct satellite service (DBS) is not a comparable service to cable television service, primarily because PEG (Public, Education & Government) programming is not available; and

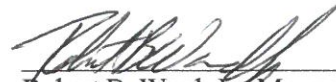
WHEREAS, a determination of effective competition by the FCC will force Dunes City subscribers to choose between an unreasonable increase in cable rates and access to PEG programming.

NOW, THEREFORE, THE CITY OF DUNES CITY RESOLVES AS FOLLOWS:

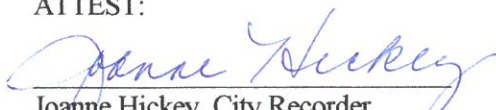
THAT the Dunes City Council opposes Charter Communication's Petition for Special Relief and requests that the FCC dismiss the petition as it pertains to Dunes City, Oregon.

ADOPTED: December 9, 2004.

Ayes: 6 Nays: 0 Abstain: Absent:


Robert B. Ward, Jr., Mayor

ATTEST:


Joanne Hickey, City Recorder