

DUNES CITY COUNCIL

AGENDA

AUGUST 9, 1979

NOTE: There will be a Staff Meeting (optional) at 7:00 p.m. to allow time for review of material not available till after the agenda has gone out. The meeting will be open to the public, however the public may be excluded from participation.

I. CALL TO ORDER AND ROLL CALL

II. OPENING OF SEALED BIDS FOR PROPOSED ROAD PROJECT

III. APPROVAL OF MINUTES OF July 12, 1979

IV. GUESTS:

Senator Isham (tentative)

Tom Jenkinson of L-COG

V. CORRESPONDENCE:

Central Lincoln PUD re increase in franchise allotment for street lights.

Jim Hinman, Planner outlining two tasks remaining to fulfill the terms of the contract.

VI. ANNOUNCEMENTS:

Two copies of the Comprehensive Plan are available in the office for person interested in looking it over.

TOWN HALL MEETING - Set for September 20, 1979, 7:30 p.m. to give the opportunity for citizens to have informal input on items of interest to the. Suggested topics: sheriff's services; roads, what do you want in the way of improvements; invite someone from Fish & Game Commission to discuss hunting in the City.

VII. CITIZENS FOR ANYTHING NOT ON THE AGENDA

IX. REPORTS

Planning Commission

Road Committee

EIC

X. PUBLIC HEARINGS:

Temporary Use Permit - Wendell Wood - Travel Trailer

Amendments to Zoning Ordinance No. 50

XI. OLD BUSINESS

Planning Commission Recommendations: Martha Jakob - Zone change

Administration

Communications between
local governing bodies

Council set a monthly fee for use of Mr. Fillman's water

XII. NEW BUSINESS

County Lots - Transfer - Mr. Gwilliam

XIII. OTHER BUSINESS

Bonding of Karri Mealy - Assistant to the City Recorder
\$50.00 will provide for \$10,000 of insurance.

We have received letters from the Department of Transportation - Highway Division and another from the Department of Commerce - Housing Division. Both letters congratulate the community for doing a great job on the Comprehensive Plan and both are in support of acknowledgement by LCDC. We received another complimentary letter from the Siuslaw National Forest - Dept. of Agriculture. They have found a discrepancy concerning the use of Tyee Campground, but they appreciate the City's "awareness of complete local, county, State and Federal coordination."

XIV. ADJOURNMENT

DUNES CITY COUNCIL

MINUTES

AUGUST 9, 1979

At 7:00 p.m. the Council met in a staff meeting with Mr. Gwilliam and Mayor Merz absent.

The regular meeting was opened at 7:30 by Council President Stroud in the absence of Mayor Merz, all other Council members were present. Attorney Gerber, Engineer Campbell, 2 newspaper reporters, and 9 interested citizens were also present.

President Stroud explained to the audience the reason the Council had a pre-meeting.

There was one correction to the minutes of July 12, 1979, as follows:

Bills - Lane County Sheriff, not Lake County Sheriff.

Mr. Petersdorf moved that the minutes of the July 12 meeting be approved as corrected and that the minutes of the July 26 special meeting be approved as read. Mr. Tout seconded the motion. The motion carried by unanimous vote.

President Stroud explained that Senator Isham would not be able to make the meeting tonight as scheduled, but that he would be at next months meeting. Attorney Gerber said that the Senator had a previous commitment and that he will be available for questions from the citizens at the next Council meeting. Mr. Petersdorf suggested that the City Recorder put a notice in the paper informing citizens that Senator Isham will be at the next meeting.

CORRESPONDENCE

The Council discussed a letter from CLPUD concerning street lights. Mr. Tout moved not to ask for any other street lights. Mr. Petersdorf seconded the motion. The motion passed by unanimous vote.

Mrs. Baumeister suggested that items on the agenda be spelled out and not abbreviated so that the citizens will know what is going on.

BILLS

Mr. Petersdorf moved that the bills for August be approved and paid. Mrs. Slocum seconded the motion. The motion passed by unanimous vote.

REPORTS

Planning Commission-Chairman Passenger reported that the Commission sent a letter to West Lane Planning Commission asking for an appeal of the decision concerning Martha Jakob's zone change. She also reported on a Conditional Use Permit for Wendell Wood. She explained that the CUP application was not received 30 days before the meeting as set forth in the Zoning Ordinance, and she wanted the Council's comments. She also pointed out that there is nothing in the Zoning Ordinance concerning

travel trailers on a persons personal property. She didn't see any difference between someone parking their travel trailer on their property if they had a home built or not. Attorney Gerber said he would check the Ordinance. Recorder Barber explained that there is a definition for Mobile Homes, but not for travel trailers. She pointed out that the City has no control over travel trailers. At one time the City had a time limit of 30 days, but they don't any longer. She suggested that an ordinance be drawn up just concerning recreational vehicles. Mr. Petersdorf mentioned that at one time the City worked about 3 hours on the problem of travel trailers. President Stroud suggested that the old proposal be found and worked on some more.

Road Committee-Mr. Mann told the Council that they were working on road bids. He reported that the City is loosing a lot of its road signs. He suggested that a new ordinance be set up for culverts. He explained that it isn't needed now, but it will be needed later. He wanted to know the Councils feelings on the issue and he wanted to know who would work on it, the Road Committee or the Council. Mr. Petersdorf stated that culverts should be covered in the building permit. Mr. Tout stated that the Erosion/Control Ordinance should cover culverts, and suggested the question be worked on. Mr. Mann stated that a site review is needed for inspecting the culverts. Attorney Gerber stated that culverts should be included in the building contract and if not the City can have it done and then charge the owner of the property for the work. He suggested that the City have a Road Ordinance. Mr. Mann asked if the Road Committee should work on one. He pointed out that the Road Committee has worked on a Road Ordinance before. Mr. Tout said that there were a lot of things wrong with the old proposed Ordinance. He stated that the City had no means to enforce it and there was a lot involved in it. Attorney Gerber suggested that an extra section on culverts be added to the Soil Erosion Ordinance. Chairman Passenger suggested that a specific size be set forth. Mr. Tout stated that is a specific size was specified it might not be suitable for everyone. Mr. Gwilliam suggested that a Road Ordinance be drawn up and that the Road Committee get out the old Ordinance and make some recommendations to the Council. Mr. Stroud suggested it just be added to the Soil Erosion Ordinance. Mr. Mann stated that it would be best if there were a separate Road Ordinance. Considerable discussion followed concerning the possibility of culverts having separate ordinances. Mr. Tout moved to ammend the Soil Erosion Control Ordinance relating to driveways without culverts. Mr. Petersdorf seconded the motion. The motion passed by unanimous vote. Mr. Gwilliam moved that the Road Committee revive the old proposed Road Ordinance, review it, and make recommendations to the City Council. Mr. Tout seconded the motion. The motion passed by unanimous vote.

OPENING OF SEALED ROAD BIDS

Mr. Mann opened and read the road bids. Ray Wells bid for hot asphalt. G.P. Excavating declined to bid due to the inavailability of good grade oil and the extreme expence. Mr. Gwilliam asked if it would be possible to ask for asphalt instead of oiling and draw up some new spectts. Attorney Gerber told the Council that they can ask the Road Committee to contact other contractors and give authority to take the lowest bid. Mr. Baumeister stated that he thinks that all of the contractors have to bid on the same spectts or the bids are no good. Mr. Petersdorf stated

that the City asked for oiling not asphalt and that they should nulify the bid for asphalt. Mr. Gwilliam moved to reject all of the bids presented. Mr. Tout seconded the motion. The motion was ammended to include that new road spectts would be issued for 2 inches of asphalt. The motion was passed by unanimous vote. Mr. Petersdorf suggested that a form be made and given to all contractors for them to sign to prove that they were contacted about the new road spectts. President Stroud suggested that the Council call a special meeting to consider the new bids that would be received. Attorney Gerber told the Council that they did not have to accept the lowest bid. The Council can take recommendations on the contractor that will do the job right.

COVENANTS AND RESTRICTIONS - PUD

The Covenants and Restrictions of the Planned Unit Development of EPW -2 Inc. were tabled for final approval until the PUD gets its final approval. Mr. Tout suggested that a separate fund be set up for Condominium Maintenance. He didn't feel it would be fair for all of the members of the PUD to have to pay for the maintenance of the condominiums. Mrs. Slocum told the Council that she had trouble understanding easements on page 21, Section 12, paragraph A-3. Attorney Gerber explained its meaning. Mr. Gwilliam stated that the Association has utility easements. Mrs. Slocum suggested that that section be rewored. Attorney Gerber suggested that the City Recorder write a letter to the developers about this matter.

DUNES CITY POLICE PROTECTION

Mr. Petersdorf told the Council that he has not heard from the NRA and suggested the question of Dunes City's own Police Protection be tabled until next month. Mr. Tout suggested that if the City considers a police force, that a separate committee should be set up to interview prospective officers. Mr. Petersdorf stated that the Council should pick the officers. He said that Attorney Gerber could check on the backgrounds of any prospective officers.

COMMUNITY CENTER WATER SYSTEM

Engineer Campbell passed out drawings of the proposed water water system for the Community Center. He explained that he will have to obtain a variance for a well. Mr. Petersdorf moved that Engineer Campbell go ahead with plans for the proposed well. Mrs. Slocum seconded the motion. The motion passed by unanimous vote.

SET BACK VIOLATION

Mr. Fish explained his position to the Council about his Mobile home possibly violating set back requirements. Mr. Gwilliam moved that, based on the testimony, the Council find the Mobile home in compliance with set back requirements. Mr. Fillman seconded the motion. The motion passed by unanimous vote.

PROPOSED MILEAGE INCREASE

President Stroud explained to the Council that presently 13

cents a mile is allowed. Mr. Petersdorf moved that the cents per mile be increased to 16 cents. The motion died for lack of a second. Mr. Tout moved that the cents per mile be increased up to the point where the government will not question it. He suggested 18 cents per mile if it will not be questioned. Mr. Fillman seconded the motion. The motion passed with Mr. Petersdorf voting against the motion.

PARKS AND RECREATION DISTRICT

Attorney Gerber explained to the Council his letter concerning the creation of a Parks and Recreation District for west Lane County. He explained to the Council aspects of a pool that may be constructed in Florence. Discussion followed. Mr. Tout asked what the oncoming expense would be. Attorney Gerber stated the expense would be approximately \$15,000 per year. Mr. Gwilliam pointed out that if a district were formed it would have a larger range than just the construction of a pool. He said it would provide activities for youth and retired groups as well. President Stroud asked if a resolution for or against would be in order. Attorney Gerber said it would. Mr. Petersdorf stated that he really likes the idea for the construction of a pool for all of the young people who can really swim well and should have a chance to compete. Mr. Gwilliam moved that the Council issue a resolution supportive to the development of a Parks and Recreation District with the same boundaries as the 97-J school district. Mr. Tout seconded the motion. The motion passed by unanimous vote.

DOCUMENT CHARGES

The Council discussed the possible charges for documents such as the Zoning Ordinance, the Comprehensive Plan and the Subdivision Ordinance. Mr. Tout moved that 5 cents per page be charged for each document. The motion died for lack of a second. Mr. Fillman moved that the Council adopt the charges of \$5.00 for the Zoning Ordinance, \$3.00 for the Subdivision Ordinance, and \$7.00 for the Comprehensive Plan. Mrs. Slocum seconded the motion. The motion passed with Mr. Petersdorf voting against the motion.

OTHER BUSINESS

Recorder Barber asked the Council to approve a bill of \$5.12 to be paid to Mr. Campbell for a charge he just turned in. Mr. Gwilliam moved that \$5.12 be paid to Mr. Campbell. Mr. Petersdorf seconded the motion. The motion passed by unanimous vote.

There being no further business the Council adjourned at 9:30 p.m.

Kari J. Mealy Secretary

Mayor

DUNES CITY COUNCIL
CORRECTION TO MINUTES OF August 9, 1979

SET BACK VIOLATION - Page Three

Mr. Fish explained his position... (needs further explanation)

Correction to read:

The mobile home installed at Siltcoos Lake Resort was checked by Charlie Pratt, Lane County Building Inspector, for possible setback violation. Mr. Pratt prepared the following statement:

Assuming the fence across Fir Street is on the property line, the setback is 33'. If fence is encroaching, the setback is propably O.K. The mobile home appears to be 7' short of required setback, according to existing road surface.

Mr. Fish explained that, according to the survey stakes, the mobile home was set back the required distance. During discussion it was determined the fence across the street did in fact encroach on the right of way. Mr. Gwilliam moved that, based on the testimony, the Council find the mobile home in compliance with setback requirements. Mr. Fillman seconded the motion. The motion passed by unanimous vote.

A handwritten signature in cursive script, reading "Pat Barber".

Pat Barber, City Recorder

DUNES CITY COUNCIL

MINUTES

SPECIAL MEETING

AUGUST 23, 1979

The meeting was opened by Mayor Merz at 7:35 p.m. The secretary called the roll and found Mr. Petersdorf excused. Mr. Mann, Road Committee Chairman; Mr. Campbell, City Engineer; one interested citizen, and Mr. Jensen, representing Ray Wells, Incorporated were also present.

After some announcements, Mr. Gwilliam gave an EIC report. Mr. Campbell reported on the Community Water System.

Mayor Merz opened the Sealed Bids at 8:00 p.m. Only two bids were received. Ray Wells, Inc. bid \$7026.50 and stated that the work would be completed in 45 days. Johnson Rock Products bid \$7573.07 and stated that the work would be completed in 2 to 3 days. After some general discussion of the bids Mr. Gwilliam moved to accept the bid from Ray Wells, Inc. Mr. Tout seconded the motion. The motion passed by unanimous vote.

The meeting was adjourned at 8:10 p.m.

***Note: On August 24, 1979 a No Bid was received from Wildish Construction.

Kari J. Mealy
Secretary

Bob Fithman

Barry Seacrest

Shirley M. Merz
Mayor

Eugene C. Shaver

Al Tout

DUNES CITY COUNCIL

AGENDA

SEPTEMBER 13, 1979

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF AUGUST 9, 1979
- III. CORRESPONDENCE:

LCDC - Memo advising the City of an amendment of the Acknowledgement of Compliance Rule.

LOC - Information update for Oregon cities.

L-COG - \$62,00 is being subtracted from our L-COG dues because of the elimination of Economic Planning from L-COG's budget. We will be applying these funds toward the Economic Improvement Commission's budget; our proration will be \$137.00 for September 1979 - June 1980.

L-COG - We have received several memos from them and they will be available in the office.

IV. ANNOUNCEMENTS:

Coastal Goals Workshop - September 20 & 27 - in Florence.

Town Hall meeting - September 20.

Olympic Weekend

Fireman's Muster

The County Commissioners will be holding a Public Hearing at the Florence City Hall on the Coastal Sub-area Zoning, tonight.

New agenda format.

V. GUEST:

Senator Isham

- VI. CITIZENS FOR ANYTHING NOT ON THE AGENDA
- VII. BILLS AGAINST THE CITY
- VIII. RECEIPTS OF SESSION

DUNES CITY COUNCIL

MINUTES

SEPTEMBER 13, 1979

The meeting was opened at 7:30 p.m. by Mayor Merz. The secretary called the roll and found Mr. Gwilliam excused. The minutes of the August 9, 1979 meeting were approved with the following corrections: page 3, paragraph 5 - there should be an explanation of the testimony by Mr. Fish which will be included in these minutes and on page 4, paragraph 2 - line 6 - the figure of \$15,000 is incorrect, the correct amount is not known. There were 12 interested citizens present along with 1 newspaper reporter and Attorney Gerber.

ANNOUNCEMENTS

Mr. Stroud announced that he will be moving out of Dunes City into Florence before the next meeting and that he will be resigning from the Council.

GUEST - Senator Isham

Senator Isham made a presentation to the Council about the new legislation that was passed or defeated in the Senate in the past year. He explained the boundaries of his district and also his committee appointments. Senator Isham then entertained questions from the audience.

BILLS

Ron Gerber, Aug. hrs. over retainer	\$ 276.00
Pacific Northwest Bell	25.54
West Lane Plumbing; sign posts	29.24
Jim Gwilliam; EIC travel expenses	17.36
Lane County; Sheriff	523.20
Traffic Safety Supply; street signs	107.48
Central Lincoln P U D; 253.70/7.50	261.20
	<u>\$1,240.02</u>

Paid and not reported:

Richard Danielson; reimbursable exp.	\$ 220.47
Central LIncoln PUD 253.70/11.50	262.20
Westlake Post Office; stamps	15.00
Petty Cash	8.60
Emile Mortier; Building Inspector	141.38
	<u>\$ 647.65</u>

Mr. Stroud moved to pay the bills. Mr. Petersdorf seconded the motion, the motion was passed by unanimous vote.

RECEIPTS

Lien Letters	\$ 35.00
Cigarette Tax; 2 months	368.30
Central Lincoln PUD: 2 months	507.40
Dept. of Transportation	1,260.61
Motel Tax	225.10
Building Rental	10.00
Conditional Use Permits	150.00
Variance	50.00
Plumbing Permit; 15.00/.45	15.45
Building permits; 156.00/6.24	162.24
O L C C	586.71
Copies	16.30
	<hr/>
	\$ 3,387.11

REPORTS

Mayor Merz reported that she met with the Sheriff's department concerning the contract they have with us.

Recorder Barber read a letter from Howard Campbell concerning the community center's water system.

Mayor Merz scheduled a Budget committee meeting on Sept. 19, at 7:00 p.m. to discuss the moving of State Highway finds and also to try and find some money for the community center's water system.

Water Commission - Mr. Stroud reported that the Commission is discussing the possibility of a Regional Water System and asked the Council to pass a resolution supporting the formation of a possible water district to include the Haceta and Florence water districts and all of the area south of the Suislaw river. Mr. Stroud so moved. Mr. Fillman seconded the motion. The motion passed by unanimous vote.

Road Committee - Mayor Merz reported that the road committee had approved the naming of a new road, Harmony Lane. Mr. Petersdorf moved that they accept the new name. Mr. Tout seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING - Temporary Use Permit - Wendell Wood

Mayor Merz opened the Public Hearing for a Temporary Use Permit for Wendell Wood to install a travel trailer on his property while constructing his home. Mayor Merz asked if anyone from the audience had any comments to make.

Mr. Carlson told the Council that he would like to see some way of speeding up the process of getting things passed through the City's chain of business. Attorney Gerber told Mr. Carlson that the City could get into trouble by trying to hurry things along. He added that the Planning Commission could have heard this TUP at their July meeting just as long as the proper notice was put out.

Mr. Wood asked why he wasn't advised that he could move his trailer onto his property and the requirements of a TUP. Recorder Barber explained to the Council that she informed Mr. Wood that he could not live in the trailer but that he could move it onto his property. Attorney Gerber told Mr. Wood that there is a loop hole in the Zoning Ordinance and when the City gets compliance from LCDC the hole will be filled. A Temporary Use Permit is what is needed. A Conditional Use Permit would be a permanent re-zoning and both the City and Mr. Wood don't want that. Mr. Brown, a member of the Planning Commission told the Council that when the Commission first received Mr. Wood's application there was a great deal of confusion and no one knew what to do with it.

Mayor Merz closed the Public Hearing at 9:10.

Mr. Stroud moved to approve the Temporary Use Permit for Mr. Wood to install a travel trailer on his property with the recommendations from the Planning Commission. Mr. Fillman seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING - Zoning Ordinance Amendments

Mayor Merz opened the Public Hearing for changes to the Zoning Ordinance at 9:13 p.m.

Attorney Gerber explained to the Council a resolution and the second amendment to the Zoning Ordinance. After considerable discussion of the Council and the audience the Public Hearing was closed at 9:44 p.m.

Mr. Petersdorf moved to adopt the resolution with the wording that was discussed. Mr. Stroud seconded the motion. The motion passed by unanimous vote.

Mr. Tout moved to conduct the first reading of Ordinance No. 64. Mr. Petersdorf seconded the motion. The motion passed by unanimous vote.

Attorney Gerber conducted the first reading of Ordinance No. 64 by short title.

Mr. Tout moved to accept the first reading of Ordinance No. 64. Mr. Fillman seconded the motion. The motion passed by unanimous vote.

Mr. Petersdorf moved to conduct the first reading of Ordinance No. 65. Mr. Fillman seconded the motion. The motion passed by unanimous vote.

Attorney Gerber conducted the first reading of Ordinance No. 65 by short title.

Mr. Stroud moved to accept the first reading of Ordinance No. 65. Mr. Fillman seconded the motion. The motion passed by unanimous vote.

OLD BUSINESS - Planning Commission Recommendations

Mr. Brown explained the Planning Commission recommendations to the Council.

Mr. Petersdorf told the Council that he was talking to Bernie LaForge and thinks the City should start looking for a tax base. Mr. Petersdorf thinks the City has been "free loading" long enough.

Mr. Fillman moved to adopt a form presented to the Council tonight for improving communications between local governing bodies. Mrs. Slocum seconded the motion. The motion passed by unanimous vote.

Mayor Merz explained to the audience the situation surrounding the recommendation by the Planning Commission to file an appeal for the decision to permit a Zone Change for Martha Jakob.

Mrs. Jakob spoke to the Council in her defense. She told them why she wanted the shop and thought it was her right "as an American, to earn a living."

Mr. Carlson stated that many hours have been put into the new Comprehensive Plan and if it doesn't mean anything then the City should just forget it. He said that the decision to grant her Zone Change should be appealed just to find out if our Comprehensive Plan is worth anything and to see if it has any meaning at all. He stated that the Comprehensive Plan was formulated to benefit the majority of the citizens of Dunes City and unfortunately some people own land around areas that the City would not like to see developed. He added that the dunes are moving into the pond right on her property and the property would have more use to the general public if it were zoned Open Space.

Mr. Heckman told the Council that he doesn't see how the City can reach out into its sphere of influence and limit what can be done.

Mrs. Jakob had a chance to present a rebuttal to the above comments.

Mr. Petersdorf stated that LCDC has dictated to the City that it has to go by their Goals and Guidelines and if they violate their own rules then we shouldn't have to abide by them either. Mr. Tout stated that the City will have some over lapping of land uses. Mayor Merz said that the Commissioners didn't go by LCDC's Goals and Guidelines. Mr. Petersdorf added that the City was not against the change but they are against what West Lane Planning Commission did by violating LCDC Goals and Guidelines. Further discussion followed.

Mr. Petersdorf moved to ask for an appeal to LCDC of the decision of the County Commissioners of a Zone Change for Martha Jakob from an R-1 to a TC Zone and give the City Attorney the direction to process the appeal unless he finds a legal reason not to persue the problem further. Mr. Tout seconded the motion. The motion passed by unanimous vote.

NEW BUSINESS

Mayor Merz asked the Council to set a fee for the Use of Mr. Fillman's water being supplied to the Community center. The subject was tabled to the budget meeting.

The bonding of Mrs. Mealy was also tabled for the budget meeting.

There being no further business the Council adjourned at 10:45.

Carri J. Mealy
Secretary

Mayor

7-13-79-A

RESOLUTION 9-13-79-A

RESOLUTION

WHEREAS, it has come to the attention of Dunes City that there is a conflict between the Comprehensive Plan and the zoning maps as to Booth Island, and

WHEREAS, the Comprehensive Plan designates Booth Island as open space, and the Zoning Ordinance zones Booth Island as residential, and

WHEREAS, The City of Dunes City has, by ordinance, designated platted areas of Booth Island as residential, and

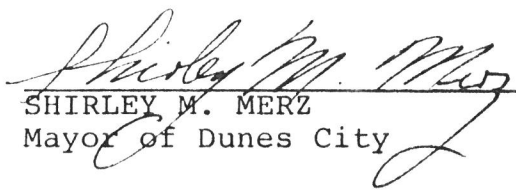
WHEREAS, the City of Dunes City may not have provided adequate notice to the owners of unplatted land located upon Booth Island,

NOW, THEREFORE, BE IT RESOLVED, that the City Recorder of Dunes City is directed to accept no building permits, plat plans or other similar documents applying to the unplatted parts of Booth Island.

BE IT FURTHER RESOLVED that the City Recorder of Dunes City is directed to provide notice in a newspaper of general circulation indicating that Dunes City will entertain a motion at the October City Council meeting to designate unplatted areas on Booth Island as open space.


PASSED by the City Council of the City of Dunes City, Oregon, on this 13th day of September, 1979.

APPROVED by the Mayor this 21st day of September, 1979.


SHIRLEY M. MERZ

Mayor of Dunes City

ATTEST:


PATRICIA L. BARBER
City Recorder

DUNES CITY BUDGET COMMITTEE MEETING

September 19, 1979

The Dunes City Council called a Budget Committee Meeting for this date as an opportunity to take a look at the budget and determine if money could be made available to pay the expenses of supplying water to the Community Center building since informal cost estimates exceed the amount budgeted for this item. A quorum of the Council was present including Mayor Merz and Councilmen Gwilliam, Slocum and Fillman as well as Committee members Eaves and Baumeister and newly appointed Ira Mann.

Eaves moved to transfer the money needed from Streets within the Revenue Sharing Fund for use for the Community Center water supply. Seconded by Gwilliam. In discussion Mann, who is also Road Committee Chairman, agreed the Road Committee could do without these funds this year. Motion carried unanimously. Howard Campbell was directed to prepare plans and specs for sealed bids to be opened at the October City Council meeting.

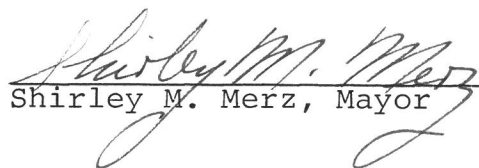
Fillman moved and Slocum seconded a motion to look into the feasibility of preparing an ordinance delegating authority to the Planning Commission to act on certain items such as CUP's, etc. as set forth by Council, with a recommendation to be prepared for the November City Council meeting.

Also discussed was the fact that SJR 7, passed by the Legislature, would prohibit the use of Highway funds being used for anything other than streets and roads but it will not become law unless and until it passes a vote of the people.

There being no further business, the meeting was adjourned at 8:20 p.m.



Pat Barber, City Recorder



Shirley M. Merz, Mayor

DUNES CITY TOWN HALL MEETING

September 20, 1979

The Dunes City Council sponsored a Town Hall Meeting for the purpose of giving citizens the opportunity to discuss various operations of the City and give their views on how things should be handled. Mayor Merz opened the informal meeting by thanking the guests for taking the time to respond to the invitation to attend. Included were: Sheriff Dave Burks, Sgt. Carl Frazier and Lt. Bob McManus of the local sheriff's office, Lt. Howard Kershner and Capt. Donna Lovewell of the Eugene sheriff's office; Gerald Macleod, local fish biologist who replaced Jim Hutchinson and Harold Sturgis from the Corvallis office of Fish & Wildlife; Ken Murrell, from the local State Police office; and Stafford Owen from the U. S. Forest Service, representing the Dunes NRA.

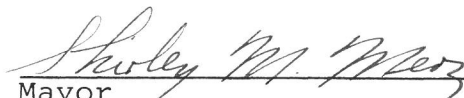
In addition to Mayor Merz, Council members Slocum, Fillman, Gwilliam, Petersdorf and Tout were present. The meeting was attended by twenty three interested citizens and two members of the press.

Prior to the meeting, coffee and donuts were served, having been provided by Food Town Market, Darlings Resort, Westlake Fishermans Market and Mayor Merz.

Sheriff Burks opened by giving some background information on services provided from his office. Members of his staff then responded to questions from the audience.

The meeting continued with the various guests responding to questions directed to them.


City Recorder


Mayor

DUNES CITY COUNCIL

AGENDA

October 11, 1979

***** STAFF MEETING at 7:10 p.m. to go over material that was not available for distribution previously. The meeting will be open to the public, however public participation may be excluded.

I. CALL TO ORDER AND ROLL CALL

II. REPORTS

III. ANNOUNCEMENTS

The Lane County Board of Commissioners will meet November 1 at 9:00 a.m. in Harris Hall to continue the Public Hearing on the Coastal Sub-area Plan.

Dunes City's Comprehensive Plan is being reviewed Oct. 11 & 12 for Acknowledgement of Compliance. Acknowledgement is practically assured if minor changes being made at the council meeting are received by LCDC on Friday. Dunes City's Plan is going to be used as a test case against the Forest Goals (Forest Service Review comments enclosed) for purposes of preparing an LCDC policy paper.

Becky Canon of L-COG is beginning work on a Housing Action Plan for Dunes City. This will require working with the Committee for Citizens Involvement and she would like to be informed of the next CCI meeting when it is set.

A Budget Committee Meeting was held Sept. 19 at which time a motion was passed to use monies set aside for streets in the Revenue Sharing Fund for the costs of a water supply system for the Community Center. (Copy of minutes enclosed)

A Town Hall Meeting was held Sep. 20 (copy of minutes enclosed) and Mayor Merz will give a report on the outcome of the meeting.

IV. CITIZENS FOR ANYTHING NOT ON THE AGENDA

V. ORDINANCES (copies of all ordinances enclosed)

- #64 - Designating unplatted areas on Booth Island as Open Space. Second reading and adoption.
- #65 - Making non-substantive changes to Ordinance 50 (Zoning Ord.). Second reading and adoption.
- #66 - Providing for installation of culverts. First reading

VI. OLD BUSINESS

VII. NEW BUSINESS

Appointment to fill vacant council seat created by the resignation of Gene Stroud. (2 applications enclosed)

Election of Council President.

Discussion on feasibility of changing Planning Commission meeting dates to 3rd Wednesday to avoid unnecessary delays in processing requests due to publication requirements.

VIII. CONSENT AGENDA

All items appearing here are considered to be routine and will be enacted by one motion with no separate discussion of items. If anyone wishes, they may request an item(s) be removed from the consent agenda and placed on the regular agenda providing such request is made prior to time for consideration of the consent agenda

1. Approval of minutes of:
 - a. September 13, 1979, Regular Meeting
 - b. Approval of correction to minutes of August 9, 1979
 - c. Approval of minutes of September 19, 1979 Budget Com. Meeting
2. Bills Against City
3. Receipts of Session
4. Resolution transferring money from Bicycle Path Fund to State Tax Street Fund. Mr. English concurs that the money does not have to be set aside, after checking the appropriate ORS.
5. Correspondence
 - a. Thank you card from Riggs family for flowers.

IX. OTHER BUSINESS

X. ADJOURNMENT

DUNES CITY COUNCIL

OCTOBER 10, 1979

MINUTES

The meeting was opened at 7:30 p.m. by Mayor Shirley Merz. The secretary called the roll and found Mr. Gwilliam excused. 10 (ten) interested citizens and one newspaper reporter were present.

REPORTS

Dunes City Community Water - The Council discussed the water specs that were presented to them from Howard Campbell. They discussed the procedure in which the specs would be opened and evaluated. It was decided that the specs will be opened on the 24 of this month and that they would be considered at a special meeting on the 25th. Mr. Fillman did so move. Mrs. Slocum seconded the motion. The motion passed by unanimous vote.

The Council discussed whether or not to require performance and bid bonds. Mr. Petersdorf moved to require a performance bond for the amount of the contract. Mr. Fillman seconded the motion. The motion passed by unanimous vote.

Council discussed whether or not to stop drilling at a certain depth or to stop the drilling when the City runs out of money.

Mr. Petersdorf moved to pay Mr. Fillman \$5.00 a month to pay for the electricity it takes to run his pump that provides water to the Community Center. Mr. Tout seconded the motion. The motion passed with Mr. Fillman abstaining.

Planning Commission - Chairman Passenger explained to the Council the recommendation from the Commission concerning an amendment to the Zoning Ordinance about changing the application forms for CUP's ect.

Attorney Gerber explained that incomplete applications shouldn't be accepted. Recorder Barber told the Council that when she accepts applications and explains to the applicant what is needed they often argue with her. Engineer Campbell suggested that the plot plans be referred to the Building Inspector for his approval to determine whether or not the plan is adequate.

Mr. Brown told the Council that the Commission many times doesn't really know what the applicants want to do. He explained that when applicants consult with their Real Estate agents they look at the Zoning Ordinance to see what is needed and when they come to the City they are told they need more information.

Mr. Tout suggested that the application form be changed, not the Zoning Ordinance. Considerable discussion followed.

Mayor Merz suggested that the Planning Commission present the Council with recommendations for criteria for applications. Discussion followed.

CITIZENS FOR ANYTHING NOT ON THE AGENDA

Mr. Brown asked if Siltcoos was getting salt water because the level of the lake is very low. Mayor Merz said it is very possible that Siltcoos is getting some salt water. Mr. Brown asked if this would hurt wildlife in the lake. Mayor Merz stated that it happens every other year.

ORDINANCES - 64, 65, and 66

Mr. Tout moved that the first reading of Ordinance 64 be held by short title. Mr. Petersdorf seconded the motion. Motion passed.

Attorney Gerber explained the Ordinance and then read Ordinance 64 by short title.

Mr. Tout moved to accept the first reading of Ordinance 64. Mrs. Slocum seconded the motion. The motion passed by unanimous vote.

Mr. Fillman moved to conduct the second reading of Ordinance 64. Mr. Petersdorf seconded the motion. The motion passed by unanimous vote.

Attorney Gerber conducted the second reading of Ordinance 64 by short title.

Mr. Tout moved to adopt Ordinance 64. Mr. Petersdorf seconded the motion. The motion passed unanimously by roll call vote.

Mr. Fillman moved to conduct the second reading of Ordinance 65 by short title. Mr. Tout seconded the motion. Motion passed unanimously.

Attorney Gerber conducted the second reading of Ordinance 64 by short title.

Mr. Tout moved to adopt Ordinance 65. Mr. Fillman seconded the motion. The motion passed unanimously by roll call vote.

Mrs. Slocum moved to conduct the first reading of Ordinance 66 by short title. Mr. Tout seconded the motion. Motion passed unanimously.

Mr. Heckman asked why existing driveways should be covered by this Ordinance. Mr. Tout answered that the City has to repair the streets and if the street is being damaged because of lack of culverts the City has to pay for ~~it~~. *street repairs. KM*

The Council then made the following corrections to the Ordinance:

Paragraph 1, line 2 strike erected. paragraph 3, line 2; change the word culverts to driveways. paragraph 5, line 1, strike built.

PARAGRAPH 5, line 2; erected should be constructed and add or maintained. Paragraph 5 line 6 & 7 strike or upon adjoining properties.

Attorney Gerber conducted the first reading of Ordinance 66 by short title.

Mr. Tout moved to accept the first reading of Ordinance 66. Mr. Petersdorf seconded the motion. The motion passed unanimously.

Mr. Fillman moved to conduct the second reading of Ordinance 66 by short title. Mr. Tout seconded the motion. The motion passed unanimously.

Attorney Gerber conducted the second reading of Ordinance 66 by short title.

Mr. Tout moved to adopt Ordinance 66. Mr. Fillman seconded the motion. The motion passed unanimously by roll call vote.

OLD BUSINESS

Bonding of Karri Mealy, Assistant City Recorder: Mrs. Slocum moved to bond Karri Mealy, Assistant City Recorder. Mr. Fillman seconded the motion. The motion passed with Mr. Petersdorf abstaining because he is related to Mrs. Mealy.

Mayor Merz told the Council that there is going to be a speed rezoning on Clear Lake and Canary Road.

NEW BUSINESS

Election of new Councilperson: 2 (two) applications for the vacancy on the Council were received from Mr. Brown and Mr. Heckman. Mrs. Passenger and Mrs. Jakob counted the ballots. Mr. Brown was elected by unanimous vote of the Council. Recorder Barber swore in the new Councilman.

Mrs. Passenger stated that the Council is getting a good member and that the Planning Commission will hate to lose him.

Mrs. Slocum moved to donate \$15.00 to the Heart Association in memory of Sgt. Carl Frazier. Mr. Fillman seconded the motion. The motion passed with Mr. Petersdorf voting against the motion.

Election of new Council President: Mr. Tout nominated Mr. Petersdorf for new Council President. Mrs. Slocum seconded the nomination. Mr. Fillman moved that Mr. Tout be nominated. Mr. Tout refused the nomination. Mr. Tout moved that the nominations be closed. Mr. Brown seconded the motion. Mr. tout moved to elect Mr. Petersdorf Council President by unanimous vote. Mr. Brown seconded the motion. The motion passed unanimously.

Planning Commission meeting nights: Mayor Merz suggested that the Commission meet on the third instead of the fourth Wednesdays so that the City Recorder could meet publication dead lines easier. Mr. Tout suggested that the Planning Commission discuss it amongst themselves.

Consent Agenda: Mr. tout moved to take out item 1C from the consent agenda. Mr. Fillman moved to accept the consent agenda without item 1C. Mr. Tout seconded the motion. Motion passed unanimously.

After some discussion Mr. ~~T~~ tout moved to accept the Budget Committee report; item 1C. Mrs. Slocum seconded the motion. Motion passed unanimously.

There being no further business the Council adjourned at 9:37 p.m.

Kari J. Mealy
SECRETARY

Shirley M. Merz
MAYOR

James Gulliam

Ronald E. Brown

C. E. Fillman

Phil Tout

Swendalyn Slocum

Rod P. P. P.

BILLS - October 11, 1979

IBM; typewriter	\$	826.94
Lane County; sheriff		872.00
Galeria; office splys & Riggs flowers		19.52
Pacific N. W. Bell		25.09
Siuslaw News; notices		37.66
Ray Wells; road work		7,026.50
Ron Gerber; retainer & extra hours		1,064.00
Pat Barber; mileage, Aug & Sept		26.35
Shirley Merz; mileage & Jakob appeal		31.98
E I C Dues; Sept - Dec		55.00
G.P. Excavating; maintenance contract		322.50
Petty Cash		7.39
Lehnert Printing Co.; office splys		6.75
Westlake P.O.; postage (paid)		15.00
Emile Mortier; Bldg Insp (paid)		296.25
<i>Edward Campbell, prints</i>		<u>5.40</u>
		<u>\$10,625.43</u>
		<u>10,630.83</u>

RECEIPTS - October 11, 1979

Garbage Franchise	\$	150.00
LCDC; Grant Closeout		1,500.00
Department of Transportation		1,333.91
Cigarette Tax		411.88
O L C C		894.59
C L P U D		253.70
Revenue Sharing		1,047.00
Plumbing Permit.		5.00
" " Surcharge		.20
Building Permits		281.00
" " Surcharge		8.04
Lien Letters		15.00
Copies		5.70
		<u>\$ 5,900.82</u>

DUNES CITY COUNCIL

SPECIAL MEETING

October 25, 1979

The special meeting was opened by acting mayor Bob Petersdorf in the absence of Mayor Merz, for the purpose of awarding a contract for the well project to supply water to the Community Center building. Present were council members Gwen Slocum and Don Brown. In the absence of a quorum, no formal action could be taken, however those present did discuss the bids received.

Only two bids were received and both were for item "B" only, pump, pipe line, underground wiring, etc.

Don Brown asked about the legality of putting in the well on our own on a volunteer basis. There may be some county regulations which would make such an approach unreasonable, however it will be looked into.

Also discussed was the fact that requiring a prospective bidder to be on the site within 10 days of signing the contract may be unreasonable and it was suggested it should be changed to 30 days.

In the absence of a quorum, Acting Mayor Petersdorf, acting upon his own authority, directed the recorder to re-advertise the bid proposal and change the time requirement to 30 days.

A handwritten signature in cursive script, reading "Pat Barber".

Pat Barber, City Recorder

DUNES CITY COUNCIL

AGENDA

November 8, 1979

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES OF October 11, 1979
Copy of minutes from Special meeting of October 25
also enclosed - no quorum available.

III. BILLS AGAINST CITY

IV. RECEIPTS OF SESSION

V. CORRESPONDENCE

Office of State Forester - invitation to participate in
Tree City USA, a national community improvement project,
copy enclosed.

Thank You card from Riggs family for flowers.

Thank You card from Frazier family for Heart Fund Donation.

VI. ANNOUNCEMENTS

VII. CITIZENS FOR ANYTHING NOT ON THE AGENDA

VIII. REPORTS

Planning Commission

IX. PUBLIC HEARINGS

Variance Request - Robert Petersdorf

Conditional Use Permit - Don Miller

Conditional Use Permit - Royal Saubert

Conditional Use Permit - John Stahl

X. OLD BUSINESS

Council did not make an amendment to the Council Rules of Procedure to allow for a Consent Agenda format, therefore, this agenda has been prepared in the usual manner.

XI. NEW BUSINESS

Becky Canon, L-COG, re FHA Grant Program

Awarding of contract for Community Center Water Supply

EPW-2, extension request for additional time to remove buildings from property, agreement between develop and City re water & sewage management as outlined in memo from City Attorney.

XII. OTHER BUSINESS

XIII. ADJOURNMENT

DUNES CITY COUNCIL

REVISED MINUTES

NOVEMBER 8, 1979

The meeting was called to order by Mayor Shirley Merz at 7:30 p.m. The secretary called the roll and found all Council Members present. Attorney Ronald Gerber and Howard Campbell, along with 21 interested citizens and 1 (one) newspaper reporter were also present.

The minutes of the Special meeting of October 27, 1979 were approved as read. The minutes of October 11, 1979 were approved with the following corrections:

1. Change date from October 10, 1979 to October 11, 1979.
2. Page 2: paragraph near botton, clarify "it".

BILLS

Central Lincoln Public Utility District	\$ 261.30
Pacific Northwest Bell	27.24
Pat Barber-Mileage, October	22.10
Siuslaw News - notices	20.35
Guard Publishing Co. - notices	6.00
SAIF - policy renewal	15.00
	<hr/>
	\$ 351.99

There were two inclusions to the bills as follows:

Shirley Merz - Mileage	102.00
Ed Fillman - Water use	5.00
	<hr/>
TOTAL BILLS	\$ 458.99

RECEIPTS

Building Rental	\$ 15.00
Motel Tax - August and September	629.88
Department of Transportation	1,279.01
Cigarette Tax	140.74
OLCC	707.27
Copies	7.50
Lien Letters	5.00
	<hr/>
TOTAL RECEIPTS	\$ 2,784.40

GUEST: Becky Cannon L-COG

Ms. Becky Cannon representing the grant from the Farm Home Administration gave the Council some background information concerning the FmHA grant program. She asked the City to reconvene the CCI and have them review the housing needs of the City. She explained that the money goes toward community facilities and services. Ms. Cannon then entertained questions from the Council. When asked if the money could be used to provide water to the Community Center, Ms. Cannon said that the Community Center Water System is the kind of thing the grant program covers. She suggested that the CCI meet once a week. Mr. Brown suggested limiting the meetings to 2 (two) hours so that the people attending the meetings don't get "meetinged out".

Upon the request of Mayor Merz, Mr. Donald Brown explained to the audience what the CCI Committee is and what it involves.

Mr. James Gwilliam moved to ask Mr. Brown to lead the CCI and Support L-COG in devising a housing plan for the City. Mr. Phil Tout seconded the the motion. The motion passed unanimously.

The meeting dates were set for November 14th and 21st, 1979 at 7:30 p.m.

CORRESPONDENCE

Mayor Merz read a letter from the State Forester inviting the City to participate in Arbor Day.

Mr. Tout moved not to participate in Arbor Day as a City. Mr. Petersdorf seconded the motion. The motion passed with Mr. Ed Fillman against.

Mr. Gwilliam suggested that the City encourage the planting of trees on Arbor Day.

Mr. Gwilliam moved to have the Mayor encourage planting of trees on Arbor Day by resolution. Mr. Fillman seconded the motion. The motion passed unanimously.

ANNOUNCEMENTS

Mayor Merz reported on her travels to Salem for the Comprehensive Plan acknowledgement hearings.

Mr. Brown went on record to say that he has prior knowledge of some of the Public Hearing items tonight due to him being on the Planning Commission previously. Those items are:

1. Variance Request - Robert Petersdorf

2. Conditional Use Permit - Don Miller
3. Conditional Use Permit - Royal Saubert

REPORTS

Planning Commission - Chairman Evelyn Passenger told the Council that the Planning Commission decided to meet on the third Wednesdays of the month instead of the fourth so that all items that need to go to the City Council won't have to wait two months just to meet notice requirements.

WOAHINK LAKE MOBILE HOME PARK ADDITION:

Mayor Merz explained to the Council a letter received from Lane County concerning an addition to the Woahink Lake Mobile Home Park located on Highway 101 across from the Sea Plane rides. Attorney Gerber told the Council that if the City wants a change for input, action should be taken now. The City should advise the Boundary Commission of the City's minimum square feet per unit allowed for Mobile Home Parks. Attorney Gerber told the Council that he would not advise providing water to the Mobile Home Park from the City's existing water rights because the water would be serving people outside City limits. Mayor Merz pointed out that the Comprehensive Plan discourages strip development of that section of Highway 101. Discussion followed.

Mr. Gwilliam moved to continue on with the meeting and get on with the Agenda. The motion died for lack of a second.

Mr. Fillman moved to ask the County to reject the additional Mobile Home units due to the LCDC Goal No. 18, Beaches and Dunes and also for the City to give input to the Boundary Commission as to Dunes City's water rights and our Comprehensive Plan and Zoning Ordinance requirements. Mrs. Gwendolyn Slocum seconded the motion. The motion passed with Mr. Tout voting against the motion and Mr. Gwilliam and Mr. Petersdorf abstaining.

PUBLIC HEARINGS

Mayor Merz opened the Public Hearings at 8:25 p.m.

Variance - Petersdorf - Mr. Petersdorf disqualified himself from the Council and retired to the audience. The property is located at 5275 Hilltop Drive. Mr. Petersdorf is asking for a 5 (five) foot Variance on the Southwest corner of his property to necessitate the building of a home. The Variance is needed because of the odd shape of the property and a large Septic tank that will be installed. After some discussion Mr. Fillman moved to grant the Variance and accept the Planning Commission's Findings of Fact and Conclusions of Law. Mr. Tout seconded the motion. The motion passed with Mr. Petersdorf abstaining for the above reason.

Conditional Use Permit - Miller - Mr. Miller is asking for A CUP to be able to remove his travel trailer from his property so that he will have someplace to live while building a farm house and he wants to be able to move his travel trailer back onto his property when he has completed the farm house. The property is on Buckskin Bob Road, Mr. Miller lives in Eugene.

Mr. Brown, after some question from the Council, clarified the permit and its purpose. Mr. Tout told the Council that, to him, "Travel trailer" means something that is mobile and that doesn't have to stay in one place forever.

Mr. Miller asked the Council if he could have the option of leaving the trailer off of his property for more than the one year recommended by the Planning Commission.

Engineer Campbell told the Council that since Mr. Miller already has approval to have the travel trailer on his property that he should be able to bring it back after taking it off.

Mr. Petersdorf asked if a precedent would be set by allowing the travel trailer to be taken off of the property and then reestablished after a period of time. Attorney Gerber explained that if the City feels after it has granted permission to Mr. Miller that they have made a mistake, then they don't have to repeat the mistake when someone else wants to do the same thing.

Mr. Tout suggested that the Council establish "permanent" as described in the permit of January 1974 to have a meaning of "more than one year".

Mr. Tout moved to issue a new permit to Mr. Miller explaining that 1 (one) year is how long the travel trailer can be removed from the property and still be brought back, and that the old permit of January 1974 be cancelled. Mr. Fillman seconded the motion. The motion passed unanimously.

Conditional Use Permit - Saubert - Mr. Saubert is requesting the CUP to see if he can place a double-wide Mobile home on his property on Herman Cape Rd.

Attorney Gerber explained to the Council that the Findings of Fact from the Planning Commission didn't establish whether or not the granting of the permit would adversely affect the traffic in the vicinity of Mr. Sauberts property. Mr. Saubert told the Council that he owns 3 (three) cars and that there are only two drivers in his family.

The Council added a 5th Finding of Fact that Mr. Saubert owns three vehicles and that there are only two drivers in his family.

The Council then added a 6th Conclusion of Law that the vehicles operated by Mr. Saubert will not adversely affect traffic.

Mr. Petersdorf moved to approve the Conditional Use Permit for Mr. Saubert with the additional Finding of Fact #5 and Conclusion of Law #6 as stated above. Mrs. Slocum seconded the motion. The motion passes unanimously.

Conditional Use Permit - Stahl - Mr. Stahl wants the CUP so that he will be able to place a Mobile Home on his property in the Huckleberry Heights Subdivision on a lot that was set aside especially for a mobile home.

Mr. Gwilliam disqualified himself from voting or discussing the CUP because he wants to testify as a concerned party.

Mr. Stahl, at the request of the Council, told the Council that his mobile home is a grand new 1979 model.

Attorney Gerber told the Council that the Planning Commission did not establish whether or not traffic around the Stahl property would be adversely affected by the granting of this permit.

The Council added a Finding of Fact #8 that Mr. Stahl owns two vehicles.

The Council then added a Conclusion of Law #10 that the traffic around the Stahl property will not be adversely affected by the permit.

Mr. Gwilliam, 05583 Lake View Drive, told the Council that he is not objecting to the mobile home, but that he is objecting to the use of a septic tank on the property because it is right above his spring, which he receives his water supply and he fears that some time in the future his spring may become contaminated.

Mr. Stahl told the Council that Mr. Gwilliam's spring is not directly below his property.

Attorney Gerber suggested that a sight review be conducted to resolve the problem.

Mr. Hugo Christiansen told the Council that the spring was on his property.

Mr. Brown asked Mr. Gwilliam why he was contesting the septic system that was approved by another governing body and that the City Council really can't do anything about. Mr. Gwilliam told him that when septic systems are approved there are no public hearings, so the decisions aren't made with any public input. Discussion followed.

The Council recessed for 10 minutes. The Council reconvened at 9:25 p.m.

Mr. Brown moved to accept the recommendation of the Planning Commission with the amendments to the Findings of Fact #8 and the Conclusions of Law #10 and to grant the permit. Mr. Petersdorf seconded the motion. The motion passed with Mr. Gwilliam abstaining because he is an involved party.

OLD BUSINESS

Community Water System - Eningeer Campbell told the Council that they might bet a better response to the water bids if the bids were allowed to be negotiated because some of the items mentioned in the specs, ex. job to be completed in ten days, were not acceptable to most of the contractors.

Mr. Gwilliam moved to negotiate for bids for the drilling of the well to supply water to the Community Center. Mr. Petersdorf seconded the motion. The motion passed unanimously.

Mr. Tout moved to authorize sufficient fumds for the PVC and fittings for a line to Mr. Fillman's water supply so that an emergency line could be constructed. Mr. Brown seconded the motion. The motion passed unanimously.

EPW-2 - Extension of time for Razing of Buildings - Mr. Frank Elliott of EPW-2 and one of the owners of the property, told the Council that he neede more time to raze the buildings on the property because the previous owner had an agreement, which was unknown to EPW-2, that the buildings could not be torn down until the previous owner's crieditor was paid off. Mr. Elliott suggested that the City condemn the buildings and then the buildings could be razed without question. He explained the condition of the buildings and surrounding property and told the Council that they would have no trouble condemning the buildings because they are FULL of garbage. He said that the buildings are about to fall apart due to the amount of vandalism that has occurred on the property since the previous tenants moved out. He asked the Council for a 90 day extension for razing the buildings.

Attorney Gerber suggested that any wet garbage be removed in 30 days.

Engineer Campbell suggested that the Building Inspector check out the property and forward any recommendations he may have for condemnation.

Mrs. Slocum moved to grant EPW-2 a 31 day extension with a condition that all the wet garbage be removed by that time and have the Building Inspector report on the situation. Mr. Petersdorf seconded the motion. The motion passed unanimously.

Mr. Elliott asked the City to hire a person to supervise the water system. EPW-2, and later the Homeowner's Association would pay the City to provide this service. He suggested the City provide this service so that they would know what was going on.

Attorney Gerber told the Council that if the City took over the water system, the City would take responsibility of the whole system and would be responsible to fix it if it broke down. Discussion followed.

(From this point on the dialogue is provided for in the Addendum which is attached to and will become a part of these minutes).

OTHER BUSINESS

Attorney Gerber updated the Lily Pond situation with Ms. Jakob. He said that LCDC will be requesting a rehearing and the City will then be able to have input.

Mr. Gwilliam suggested that the City conduct a lot transfer with the City to swap lands that are in each others territory. Mayor Merz suggested that the questions be handled in the office before coming before the Council.

Mr. Gwilliam reported on the EIC and said that there is going to be a workshop held in Cottage Grove to assess the needs of the area. The Workshop will be held December 2nd, 1979 and he wants any input the City wants brought up.

There being no further business the Council adjourned at 10:50 p.m.

Larry J. Mealy

SECRETARY

Shirley M. Merz

MAYOR

James Gwilliam

W.E. Filtman

Guendalyn Shamus

[Signature]

[Signature]

Donald M. Bion

A D D E N D U M

What follows is the dialogue that went on at the November 8, 1979 City Council meeting with Mr. Elliott from EPW-2 Investments concerning the water system, ect. for the Planned Unit Development his firm wants to build. The dialogue starts after the Council recessed.

Gwilliam - Mr. Gerber has provided us with a resolution, and in so many words says that we go along with the Boundary Commission in an extension of their ..uh..

Gerber - This was a resolution...excuse me.. this was a resolution I prepared because Ms. Neckek indicated that there may be some problems with everybody getting everything ready to go... let me see which one we are with here...

Elliott - For the water supply?

Gerber - yes

Elliott- let me suggest one thing where we are trying to work with out now; our Engineers. Diane Neckek does not understand that this does make any difference, now how much of a difference I'm not sure. On gravity flow systems like this one, she's probably right, 1000 gallons a day, but we have a pressure system, with a booster pump shed, because we don't have enough gravity for pressure, so we will have auxiliary pumps that will ensure top pressure which also increases water supply

Gerber - Ms. Neckek indicated that in the event that everything was not before the Boundary Commission on December 6, 1979.. ... and it was necessary to ask this.. okay.. on January 6, 1980 the Boundary Commission is required by law to resolve the issue, and if they feel they don't have enough information their policy is to reject the application unless the applicant agrees to an extension of time so they can get the rest of their stuff that they need. Ms. Neckek felt that if that became a problem that Mr. Elliott would basically be faced with the situation where you've either got to reject or ask for an extension and it would be necessary for Dunes City to approve that, because we are in effect a part. My resolution is merely a...a...a...it should be adopted merely in the event that Mr Elliott got up there at the Boundary Commission and finds out that he doesn't have everything that Diane wants, and if he has to ask for an extension of time we are on record saying 'Okay it is fine with us.'

Gwilliam - I move that we pass the resolution.

Tout - Second

Merz - Okay the motion has been made and seconded that we adopt the resolution concerning the Boundary Commission, is there any further questions? All those in favor of the motion say Aye Opposed? Motion carries. Alright do you also at this time want to

....uh...Oh well what do you think I should do..now that we have adopted this with two amendments.

Gerber - yes the record should reflect...incidentally that document is now properly headed, it should be Amended Order of Preliminary PUD approval. Ya, I think the record should reflect that we have bascially approved this Amended Order of Preliminary Approval and 30 days should be the extension ..oh excuse me.. 31 days should be entered in the blank space there.

Brown - You are on the other one now right?

Gerber-Yes, I'm on the second document

Petersdorf - what about the (can't under stand what was said)

Gerber - No, that was the time that he had.

Merz - okay will somebody so move please?

Petersdorf - I'll so move.

Tout - Second

Merz- There has been a motion made and seconded that we adopt the Amended order of Preliminary PUD approval with the two conditions that were added in our former motion. All those in favor say Aye. Opposed? Motion carries.

Gwilliam - I'd like to move that ..to.. that we aught to authorize Mr. Mortier to start checking plans and progress and make recommendationsprogress reports to the Council, regarding the EPW-2 development.

Council - it is a little early yet.

Gerber - Ya, right! Jim what I think what we need to do is that we need to give a written proposal down and have that presented at the next meeting.

Gwilliam - I thought he made a proposal, didn't you Ron?

Merz - He hasn't...he has hourly rates

Gerber - Ya, I think we need to tack down exactly what kind of an agreement we have with these two gentlemen before we worry about Mr. Mortier, the cart before the horse.We have talked about a whole bunch of ideas but I think we need to get them down on one cheet of paper and make sure that everybody is agreeing on everything.

Merz - Do you want to do that tonight?

Gerber - Now he is going to need this at the Boundary Commission December 6, 1979.

Merz - Would you and Mr. Elliott...if we adjourn the meeting

want to take care of that after the meeting?

Gerber - uh..Well let me just...well we've got all of it down here uh...basically...alright number one we're accepting responsibility to operate and maintain the system, I don't have that down.

Gwilliam - Well we didn't decide that yet.

Gerber - Well I'm not trying to... I'm talking about what the general discussion has been.

Gwilliam - Okay

Gerber - That we would assess users for operation and capital replacement. Okay that was just one of the things that we talked about. Mr. Elliott one thing that we haven't talked about and that I think is important is that we would require the system to be metered.

Elliott - oh yes

Tout - Did you have any objections to turning the system over to the City after it is completed?

Elliott - No, I uhI think that that was our understanding that that is your option.

Tout - Well not quite, our understanding was that we might conceivably buy it. I wasn't suggesting buying it. I was just simply suggesting that you deed it to the City after it is completed to everybody's satisfaction and we would operate it from that time on.

Gwilliam - That is why I am suggesting that he so LID Phil. The LID would pay for it...

Tout - That mighthelp him but that would be his choice. What I am looking for is an agreement in principal really.

Gwilliam - But we would be willing to accept it on that basis certainly sure.

Elliott - I would have to get the Corporation to make that decision I can't do that for you.

Tout - Well I understand that, but uh, basically what we're talking about what we think we are all agreeing to and uh...it seems to me that it is for your benefit anyway, because it takes one more problem out of your hair and solves one for us.

Brown - But if he sold it to us he would be rid of it too.

Mumble.....Mumble.....Mumble.....

Tout - Well you wouldn't anyhow because we would actually be buying it from the Homeowners Association.

Elliott - We are the Homeowners Association and will be until all of the parcels are sold.

Brown - That may go on for several years.

Gerber - This is what I think what we have pretty much ... I see4 things that we have been discussing. 1. The City will provide...will make available to you certain water rights. I talked to Howard about that and Howard Campbell has got some facts and statistics if anyone wants to hear them, Howards basic comment was that in comparision to the water rights that we have that what they want is Peanuts he has all of the numbers is anyone wants to see the numbers... does anyone want to see the numbers?

Tout - No but I have a problem with this right off. We can't complete our water rights without a \$20,000 of development money for engineering.

Gerber - Is that right Howard?

Tout - We don't have them yet we have them on file.

Campbell - I don't know where this \$20,000 comes from

Tout - that is for Engineering

Campbell - Well..Engineering to build a system?....well then you have to have not only the \$20,000 to build the system but the cost of the system too.

Merz - The State requires that in order to maintain your rights they are yours that you have the engineer work done, now this is what we have received a bid from Mr. Mortier for our additional water rights. Ok, the original water rights have never been completely firmed up either.

Gerber - That wasn't Mortier that was somebody else, now what was his bid Howard?

Campbell - I don't know, I have forgotten it if I had known it at all

Mumble.....Mumble.....Mumble....

Merz - If you got a cost it would be about that if you took both of these water rights that we have on the file and develop them for engineering cost to complete our State water rights.

Gerber - I thought that Gene was doing some work through the county to get one of these things firmed up and somebody agreed to do it for free(?) or something? They didn't.

Merz - He was hoping to.

Elliott - Can I make a suggestion? Would it be possible to just take our water plan as your first phase of Dunes City's water right. Not because you are going to be needing more but because as the City grows you will have to increase your water right I would think. That way you wouldn't have to put out any money at all

Gerber - Alright we will provide water with the understanding that there may be engineering costs involved and those will be borne by whatever is necessary to perfect however much of our water rights we will bear.

Merz - Mr. Campbell do you want to add to that?

Campbell - no I think that is fine. The only thing I was going to say is of course uh by giving water for this portion of Dunes City in effect you are getting water for Dunes City and I don't see any objections to their sharing in our water right and we have this 2.9 CFS that we have applied for but that is almost 2 million gallons a day and that ... using the tail end of that .. why if we said that each person needed 50 gallons a day why that would support a population of about 37,000 people and if we use a hundred gallons a day per person why that would be about half of that about 18,000 so there is a lot of water there in that 2.9 CFS. I agree with you it's not firmed up until you really build a system and at least we would be having a start at it with this development, I don't know. You may have several angles here.

Gwilliam - It sounds like Ron has proposed something here that would kill two birds with one stone.

Gerber - Well I really wasn't aware that I had done that, until we got into this discussion tonight. I can't really take credit for having knowingly killed two birds with one stone.

Gwilliam - Oh ya but you can always try.

Gerber - Alright so we've got 4 things: 1. We will provide water with the understanding that engineering may be necessary and will accept the cost of whatever is necessary to tap into Dunes City water. 2. The system will be metered. 3. What Phil is telling me is that they will turn the system over to us, we will operate it, maintain it, and assess users for operation and capital. 4. Inspections will be necessary by the City Inspector they will pay....EPW-2 agrees to accept assessments or will pay for whatever kind of legal fee uh that could possibly occur in establishing assessments and all that sort of stuff.

Elliott - Yes, because that is in our Covenants, the property and the property owners will be assessed.

Gerber - That is fine.

Tout - What we're suggesting is that we go directly to the property owners rather than going to EPW-2 and then you go to the property owners or to a .. your property owners Association

Gwilliam - In other words the City operating the permanentsy of the system.

MumbleMumble.....Mumble.....

Gerber - Can anybody think of anything not on the list.

Campbell - Madam Chairman I think that this would be a proper item for the CIC Committee to see whether or not this water system would qualify for a FmHA grant or loan.

Gerber - Anything else that we need to agree about that I have overlooked? What I would suggest if this ... is that Council give me authority to draft an agreement providing each member of the Council the agreement with a copy of that and I could do that within the next week or so and unless I hear...unless somebody requests it and extraordinary sessionI will go ahead and attempt to draft a tentative agreement for the Boundary Commission subject to Council approval.

Petersdorf - I so move.

Fillman - Second

Merz - A motion has been made a seconded that the items Mr. Gerber has just listed will be drafted in a form and presented to each Council member for approval at the next meeting but in the mean time will be presented to the Boundary Commission so indicated Mumble.....

Gwilliam - (Can't understand tape)

Gerber - Unless some Council member really takes violent objections to what I've got, in which case we will call a special Council meeting to rash our the difficulties that everybody can live with what I've drafted mumble.....

Merz - Is there any further discussion on the question?

Campbell - Madam Chairman I have a thought , this instruction would need to be equal to the states requirements to municipal

Mumble.....Mumble.....Mumble....

Gwilliam - I think it was in the original.

Brown - Is the City in a position to ... in the event that we were to take on this system are we in a position that we will financially be able to maintain it, manage it, and run it. Even with the assessments of the property owners that use this thing, where..... we have committed ourselves to say we can do this, can we do it. Can we Run this system? You can't charge enough money for a monthly useage of water to replace a pump or a.....

Gwilliam - Florence does. I think Bernie does. I believe he does.

Tout - All the systems that are in the area now are self supporting.

Brown - Well yes at some point in time if everything goes well and nothing happens it can become self-supporting as you gather revenue, but what happens if on day one if it goes capoop, what do you do then.

Tout - You assess your property owners.

Elliott - May I answer that? Any sewer system or water system must be used on the basis of where you assess enough where you have a maintenance fund, if you don't you are going to run into trouble just like.....

Brown - That's what I want to make sure of is that sufficient funds come from somewhere to maintain this .

Gerber - Are you talking about an assurity bond?

Brown - Something of that sort, yes.

Gerber - Mr. Elliott is it possible to obtain an assurity bond for a five year period saying that the system will work for five years.

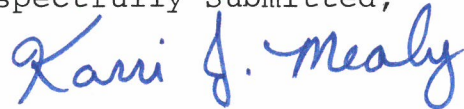
Gwilliam - You could probably get one from the installer or the engineer

Gerber - It is a good point if your system runs for six months

Misc. Mumble.....

Merz - Is there any other questions or discussion? Alright all those in favor of the motion say Aye. Opposed? Motion carries

Respectfully Submitted,



Karri J. Mealy
Secretary to the City Council

SUGGESTED CORRECTIONS FOR THE MINUTES OF THE DUNES CITY
COUNCIL MEETING OF NOVEMBER 8, 1979

page	paragraph	line	suggested correction
2	9	2	trees is misspelled
3	3	5	chance "
5	4	2	brand "
5	5	3	would "
5	6	2	two "
5	8	4	unclear. Suggest "the spring from which he...".
5	11	2	should be "is on his property."
5	10	1	site is misspelled
6	2	1	Engineer "
6	2	2	get "
6	4	1	funds "
6	4	2	unclear. Suggest "and fittings to construct an emergency water line between the City Hall water supply and Mr. Fillman's water supply."
6	5	6	creditor is misspelled
6	5	10	Council "
7	6	4	wants is misspelled

DUNES CITY COUNCIL

AGENDA

December 13, 1979

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES OF November 8, 1979 (copy of minutes and
verbatim dialogue from tape included)

III. BILLS AGAINST CITY

IV. RECEIPTS OF SESSION

V. CORRESPONDENCE

Forest Service review of Siltcoos Outlet road completed

VI. ANNOUNCEMENTS

Copies of the Zoning Ordinance at \$5.00 each and the
Subdivision Ordinance at \$3.00 each are available.

Mayor Merz & Attorney Gerber appeared before the
Lane County Commissioners in regards to Martha Jakob's
proposed zone change application. Final decision by
the Commission is scheduled for December 19th.

VII. CITIZENS FOR ANYTHING NOT ON THE AGENDA

VIII. REPORTS

Planning Commission (recommendation enclosed)

CCI - Considering of housing plan recommendation, first
draft to be considered. Becky Canon and Tom Jenkinson
of L-COG are in attendance.

DUNES CITY COUNCIL AGENDA - December 13, 1979

IX. OLD BUSINESS

Consideration & approval of revised form "Application for Considering a Proposal" (copy of original and revised page 2 enclosed)

Discussion of negotiations on Community Center Water Supply that have occurred to date.

Consideration of tentative agreement with EPW-2.

X. NEW BUSINESS

Economic Improvement Commission - Proposed Inter-governmental Agreement before Council for consideration.

Appointment of alternate representative to L-COG to replace Gene Stroud.

Consideration & possible adoption of resolution re lien search fees. (copy enclosed)

Discussion on building permit application of Mr. & Mrs. Rodney Smith. Copies of correspondence from City Attorney, Building Inspector and the Smiths enclosed.

Consideration of applications for City Recorder

XI. PUBLIC HEARING

Witt Variance/Major Partition application (copies encl)

XII. OTHER BUSINESS

XIII. ADJOURNMENT

DUNES CITY COUNCIL

MINUTES

DECEMBER 13, 1979

The meeting was opened by Mayor Shirley Merz at 7:30 p.m. The secretary called the roll and found all Council members present. Attorney Ronald Gerber, 2 newspaper reporters, and 37 interested citizens were also present.

Mr. Donald Brown moved to have the minutes of November 8, 1979 retyped to include more of what was said at the meeting. Mr. Ed Fillman seconded the motion. The motion passed with Mr. Robert Petersdorf and Mr. James Gwilliam against the motion.

Mayor Merz introduced Mr. Dan O'Malley who will be the LCSO resident police officer for Dunes City. Mr. O'Malley asked if any of the citizens present had any questions they would like answered. He was asked the following questions:

1. If someone is away from town, would someone patrol their home or check on it periodically?
2. Is vandalism becoming a problem in Dunes City?

Mr. O'Malley answered the first question affirmatively and added that all the person would have to do was contact the Florence Police Department and give them any necessary information.

Mr. O'Malley answered the second question by saying he didn't think that vandalism was a big problem. The only incidents he has seen recently are some traffic signs that have been spray painted.

REPORTS

Planning Commission - Chairman Evelyn Passenger told the Council that the Commission wants an extension of time to receive applications for the vacancy left on the Commission by Don Brown's resignation. The Commission wants an extension because of the holidays. The time was extended to January 16, 1980. She also told the Council that Mrs. Gladys Miller's term of office expires on December 31, 1979. Mrs. Miller told Chairman Passenger that she would accept another term if the Council so wishes.

Citizens Involvement Committee - Mr. Brown reported that the CIC has prepared a Housing Action Program for Dunes City. The Planning Commission is reviewing it and will make a recommendation

to the Council. The Committee is looking into an Outreach Program to help low income citizens. They are also looking into providing the City with a Housing Code and ways to enforce it.

Road Committee - Mr. Ira Mann, Chairman, presented the Council with the minutes of the December 10, 1979 meeting of the Committee, which included; approval of a new street name, "Eastlake Lane", approval of maintenance work to be done by Mike Johnson on Russell and Huckleberry Drives, Eastlake Lane and Wright Road and to build up the shoulders on Buckskin Bob. The Committee would also like the City Attorney to look into any ordinance pertaining to water drainage and to investigate what rights the City has pertaining to water drainage.

Mr. Mann also presented a report that the Committee has hired Bernie LaForge to use his brush cutter. They hope the brushing can be completed by early spring. The end of Rio Road has already been brushed and gravel will be stock piled there.

Mr. Mann reported that he, Mr. Phil Tout and Mr. Jim Barber inspected unfinished landscaping on the driveway off of Cold Spring Drive and found considerable erosion taking place. They recommended to the owner that the situation be taken care of as soon as possible. Mr. Gwillima asked if there was any other drainage in that area and where was the water coming from. Mr. Mann said that the water is coming off of Cold Springs Land and from the Sauter property. The water drains into the lake.

Attorney Gerber asked Mr. Mann to check out some property in Little Woahink Subdivision and see if the conditions set forth have been fulfilled, because they are going to be coming to the City for a special dispensation in the near future.

Mr. Brown asked the Council to consider the suggestion by Mr. Tom Jenkinson of L-COG to name streets, roads, ect. by the way they are constructed, by certain criteria. Mr. Gwillima suggested that work be started on an Ordinance to set forth that criteria.

Mrs. Gwen Slocum moved to accept the Road Committee report. Mr. Petersdorf seconded the motion. The motion passed with Mr. Tout abstaining because "Eastlake Lane" is his road.

OLD BUSINESS

New application form - City Recorder Barber explained the changes to the Application for Considering a Proposal. Mayor Merz mentioned that the change in the form was brought about because the Planning Commission felt they needed more information and frequently had to send people back to get more information which just delayed the process of getting approval or denial. Mr. Tout wanted to amend #2 for the changes and add "draw to scale". He added that if nobody knows what is going on, or the correct measurements, the decision is no good. Mr. Gwilliam told the Council that the County will not accept applications unless the maps presented

are drawn to scale. Chairman Passenger told the Council that it would be hard for a person who doesn't know how to draw to scale to provide the City with to scale maps. She feels it is getting to the point where people don't like all the paperwork involved in getting something done.

Attorney Gerber explained to the Council that if they accept maps not drawn to scale they are assuming risks. Mr. Brown suggested if the maps are not drawn to scale, they should be required to show distances between things.

Mr. Gwillima moved to accept the revised application form with an amendment. The amendment will add the works, "to scale", to Item I-2. Mr. Fillman seconded the motion. The motion carried unanimously.

Well Drilling Contract - Mayor Merz reported to the Council the negotiations she had with Mr. Wes Choat of J.J. and K. Well Drillers regarding the drilling of a well for the Community Center Building. J.J. and K.'s estimate for \$1,700.00 included all requirements called for in Item A of the the bid proposal. An estimate of \$655.00 (with allowance for pump price fluctuation) was received from Mr. Don Mulvaney of West Lane Plumbing. This bid included pump, pipe, wiring and all items needed. The installation cost would be at the rate of \$30.00 per hour.

Mayor Merz also contacted Davis Rental supply who gave a price of \$55.00 for digging the trench from the well to the building.

The City received a bid from Corvalis Drilling Company, Inc. on November 22, 1979 in the amount of \$4604.00 for the entire proposal. Attorney Gerber and Mr. Choat had each reviewed the contract agreement to the satisfaction of both parties.

Mr. Gwillima asked if Section 6 page 2 of the bid proposal provides that the driller will remove all sand and debris. Mayor Merz answered affirmatively and added that the driller will not be allowed to "leave a mess".

Mr. Fillman moved to accept the bid from Choat and fill out the contract for the Community Center well drilling with a 70 foot limit on the well depth. Mr. Tout seconded the motion. The motion passed unanimously.

Mr. Brown asked if the bid included the pump shed and pipes. Mayor Merz answered negatively.

Mr. Gwilliam moved to have the Mayor follow up with negotiations with West Lane Plumbing for the pump. Mr. Petersdorf seconded the motion. The motion carried unanimously.

EPW-2 Tentative Agreement - Mayor Merz read a statement to the audience concerning the last meeting of the City Council in regards to EPW-2. She made the following points to clarify the City's action:

1. The Council agreed to a 60 day extension, after December 30, 1979, for the Boundary Commission to further hear EPW-2.

2. The Council ammended preliminary approval for EPW-2 by granting a 31 day extension for the razing of the existing buildings on the EPW-2 property with the condition that all wet garbage be removed. The City will request the Building Inspector to inspect the buildings that have been damaged by vandalism.

3. The Council Gave Attorney Gerber authority to draft a proposal of the City's and EPW-2's considerations to include items for mutual protection of both parties in the event the City did accept the proposed water system, on a management basis. The total cost of the system to be borne by EPW-2.

Mayor Merz informed the Council that the Boundary Commission has granted EPW-2 a 60 day extension to allow for further input concerning the PUD.

Attorney Gerber told the Council he has received no communications from EPW-2.

Mayor Merz asked if the proposal drafted by Attorney Gerber was completed. Attorney Gerber said it was included in the Council packets, but EPW-2, since they were not present, hadn't seen it yet.

Mr. Gwillima proposed to the Council that this agenda item be postponed until EPW-2 can be present. Attorney Gerber pointed out a lot of people had come to the meeting to talk on this subject and he felt the Council should hear them out. He then read part of the options the City has towards EPW-2 as spelled out in his memo to the Council. He didn't do this for the benefit of the audience. The options were spelled out as follows:

1. The City has given concept approval to EPW-2 for the plot plan submitted, which included a municipal water system and sewage system with common drain fields. (Note: This was done after Public Hearing),

2. The City can allow EPW-2 to go it alone,

3. The City can allow finding to take place, assessments to be assessed against the individual property owners, called an L.I.D.,

4. The City can assist EPW-2,

5. EPW-2 can finance the project and turn the water system over to the City.

Attorney Gerber told the audience the City tied up water rights on Woahink Lake because there is not enough ground water for everyone in the future. He explained that anyone who lives on Woahink Lake has a right to 450 cubic feet per day of the City's water rights. He said the City isn't giving EPW-2 all of the City's water rights,

the City is just thinking about giving them a miniscule portion of the rights. He pointed out that if one person applied for a portion of the City's water rights they would get just as much as any given individual in the PUD would be getting. EPW-2 hasn't yet committed themselves to some of the things the City has set forth. The City doesn't know how EPW-2 feels because they aren't present and the City doesn't know if EPW-2 is even still interested in this project.

Attorney Gerber pointed out that the Council has a legal memo setting forth the City's options, which he just read. The Council also has a draft agreement setting forth the conditions which (he feels) should be attached to the water system agreement. One condition should be added to say the water rights should be used in a set amount of time.

Mr. Gwilliam asked Attorney Gerber about the supervision of the water system. Mr. Gwilliam said that the Council has discussed how the City was going to supervise and maintain the system and he was wondering if that would be a part of the agreement with EPW-2. Attorney Gerber answered that he has called several City Managers and Full time City Attorney's to ask about their experiences with this type of supervision. The consensus was that system operated by Homeowners' Associations tend to be under financed. Generally, capital improvements replacement funds are not established and when the systems deteriorate and need capital improvement, the homeowners turn to the City. At this point, the Oregon State Department of Health could also condemn the failing system and force the City to reconstruct and then maintain the system. By controlling the system from the beginning, the City could be sure that the homeowners were assessed adequately to finance capital replacements.

Attorney Gerber recommended the City take over the system.

Mr. Petersdorf asked if the City could refuse the PUD and EPW-2 any part of the City's water rights. Attorney Gerber answered affirmatively and added when EPW-2 first came to the City, they assured the City that they had enough water to run the PUD from the existing water rights on the property.

Mr. Petersdorf then asked if the City refused EPW-2 water rights would they be allowed to drill wells and have individual septic systems. The answer was no.

Mr. Petersdorf asked if the City would have to take over the individual septic systems if they failed. Attorney Gerber said the City has given concept approval for common drain fields and if that concept it changed, EPW-2 would have to come back to the City for approval.

Mr. Gwilliam asked if the systems were changed in any way would EPW-2 have to come back for approval on the new system. Attorney Gerber answered affirmatively and added that the City told EPW-2 that they wouldn't have enough water to run the PUD, but they insisted they did.

Mrs. Passenger told the Council that only concept approval has been given to EPW-2 and that neither the County nor the State have approved the PUD.

Mayor Merz then read, for the audiences benefit, the conditions listen in Attorney Gerber's memo, they are as follows:

1. The system shall be metered by EPW-2 at each dwelling,
2. The system shall be capable to integration into an area wide water system,
3. Any additional inspection, legal or other costs incurred by Dunes City as a result of making the water system operational shall be paid by the developer, EPW-2, Inc.,
4. EPW-2, Inc., shall donate the completed water system to the City of Dunes City, Oregon.
5. EPW-2, Inc., shall bear any costs necessary to perfect the water rights now held by the City of Dunes City,
6. Dunes City will donate the water necessary to meet Lane County and State of Oregon requirements for the proposed Planned Unit Development,
7. If the City of Dunes City receives either system via donation from EPW-2, Inc., the City shall establish ordinance to assess the parcels in the proposed Planned Unit Development for operational expenses and for funding a captial replacement fund.

Mr. Petersdorf told the Council that he inspected the EPW-2 peoperty and the wet garbage that was supposed to be removed, was not.

The Council then entertained public input.

Harry McLain - 84401 Green Gate Road - told the Council his editorial in the Siuslaw News was directed to them. He said that the public is angry about the PUD. The City should let them solve their own problems. The City has no right to take over one private system then another, eventually the whole City's water could be City wide and the public doesn't want it, it has been proven in two separate elections. When the City accept the PUD they will have a partial City water system. The PUD concept is not in the best interest of Dunes City and can be a health problem which the City won't be able to handle. He added that he has received many responses to his editorial from people who agree.

John Carlson - P.O. box 126, Westlake (not a Dunes City resident)- told the council that the Boundary Commission would rather see the City operate the water system. EPW-2 has enough water for their 77 units, but they would not have enough for irrigation and fire hydrants. If the City has anything to do with the designing and engineering of the system, EPW-2 would not have to go before the Boundary Commission because only private, not municipal, water systems have to go before the Commission. If any homeowner wants City water rights the City can give them and pretty soon the City would have a City water system. If the City operates this system they have the right to take over all private systems. This system is the key to the City eventually

having City wide water. This system could cost the City a lot of money. He cautioned the Council to take care in making a decision because this could start a Coastal water system. He recommended to the Council that they not grant EPW-2 any water rights belonging to the City.

Attorney Gerber said that EPW-2 will bear all costs.

Clay Baumeister - 83959 View Terrace Drive - (Judge) - told the Council that, because of his position, he couldn't get into conflict. The City Council should go by the voters decision. EPW-2 is a special interest groups and is asking for funds. The City will have to tax everybody to provide for this water system. Most people already got their own water right. The only people who will benefit is the developers. He firmly believes the City will have to provide everyone with water. He thinks the City can get along without a water system. He is proud of the City Council and the work they have been doing, but if this goes through some people might think about a recall. He advised the Council not to give up City water rights to a special interest group.

Martha Jakob - 83520 Highway 101 (not a Dunes City resident)- She thanked the Council for the "priviledge to speak my mind" and she thanked the people that are interested in their neighborhood. She said her neighborhood is "part of my life". She said the lake was hers and everyone elses, whether the people are from Dunes City or not. She thanked God for Oregon and she thanked God for America. She told the Council that in Mr. Elliott's own words he said that "due to financial problems (EPW-2) would have to ask Dunes City to take over the water system" at the Council's last meeting. She added that she "would like to have everyone's heart surging to do the right thing, it is a prime piece of property and should be developed to the best and to the pride of everybody in Lane County".

Evelyn Passenger - 83262 Dorothy Lane - First Mrs. Passenger spoke as Planning Commission Chairman. She told the Council that the Planning Commission was assured that EPW-2 had enough water and the Commission granted preliminary approval of the project. Speaking as a citizen fo Dunes City she is opposed to the PUD and thinks the City should not give up water rights to EPW-2.

Yosh Machida - 84384 Alder Lane - (Mr. Machida's testimony was recorder for transcription when these minutes were typed up, but the testimony given is not clear enough to understand for transcription.)

Mr. Baumeister asked if the question of giving water rights to EPW-2 could be put to a vote of the people. Attorney Gerber answered affirmatively.

Bob Heckman - 83407 Parkway Drive - told the Counil that he has opposed the PUD since the beginning. He is opposed to the City granting water rights to EPW-2 because "if they can't make it on their own let them sink".

Mayor Merz asked the Council if they wanted to see a show of hands in the audience as to who is for or against the granting of water rights to EPW-2. Mr. Tout asked before that was done that he would like to tell the people that the City is not giving away a big chunk of the City's water rights.

Ms. Jakob asked what the growth pattern of the City would be. How many people would the lake eventually have to support. Mayor Merz answered that the growth pattern is that about 1750 people will some day live in the City limits and the present water rights will support at least 1800 people, maybe more.

Mayor Merz pointed out that the City is not "giving away" any water rights. The people who will live in the PUD will be Dunes City residents and are therefore entitled to the water.

Attorney Gerber then pointed out that there is inconsistency with the public's comments. The City has to use their water rights or the rights will be taken away. The water rights are for the people of Dunes City and the people who will live in the PUD will be Dunes City residents. EPW-2 could conceivably do something much worse to the land, for instance, they could have 40 individual boat ramps for the water front homes, in the PUD there is only 1 boat ramp and a specified number of water front homes.

Mr. Baumeister asked the Council how they could even think of hearing a thing such as the PUD. Attorney Gerber said the City has to hear anything and everything that comes to them.

Mr. Baumeister pointed out the public isn't correctly informed on matters concerning the City.

Mr. Gwilliam moved to get on with the other agenda items. Mr. Fillman seconded the motion. The motion passed unanimously

The Council took a 10 minute recess. Council reconvened at 9:45 p.m.

Mayor Merz pointed out that the Council neglected to appoint someone to Mrs. Miller's Planning Commission seat. Mr. Petersdorf moved to reappoint Mrs. Miller for another term. Mr. Brown seconded the motion. The motion passed unanimously.

NEW BUSINESS

Mr. Gwilliam explained the EIC's Proposed Intergovernmental Agreement and said the agreement was just a formality to firm up relations. Mr. Gwilliam recommended approval of the agreement.

Mr. Petersdorf asked if the EOC was going to be self-supporting after the first year of their existence. Mr. Gwilliam answered "supposedly, yes", but he pointed out they Commission is still in its first year.

Mr. Tout moved to accept the agreement with an amendment to

the By-laws. The amendment is to article 2 Section 2; no loans are to be taken out without the permission of Dunes City.

Mayor Merz told the Council that they need to fill the alternate representative to the L-COG Board of Directors seat that was left by Mr. Gene Stroud's resignation.

Mr. Tout moved to have Mr. Petersdorf fill the vacancy. Mr. Brown seconded the motion. The motion passed unanimously.

Consideration of adoption of lien search resolution - Mrs. Barber explained to the Council why this resolution should be accepted. She explained that Dunes City is the only City to charge \$2.50 for a lien search. All of the other cities charge \$5.00. If Dunes City charged \$5.00 and the Title Companies make a mistake and make the Dunes City lien search check payable to Florence, which often happens, then instead of having to return the check for one payable to Dunes City, all that would have to be done is have the City of Florence endorse it.

Mr. Petersdorf moved to accept resolution 12-12-79 adopting new lien search fees. Mr. Fillman seconded the motion. The motion passed unanimously.

Smith Building Permit violation - Mayor Merz read a portion of a letter from the City Building Inspector to the audience.

Attorney Gerber pointed out that even under a Conditional Use Permit the Smith's would only get a guest house, which doesn't include a kitchen. What's Smith's need is a Variance.

Mr. Petersdorf pointed out that if two different buildings exist they are two different dwellings and should be on two different septic system, but he has heard that one of the Smith's septic systems is not functioning and all of the buildings are on just one septic system.

Attorney Gerber told the Council that he is not exactly sure of what the purpose of Mrs. Smith's lett of December 3, 1979 is. Mayor Merz said it is a reply to the building inspectors letter.

Merz told the Council that if someone wants to do something then they should come to the Council and ask. She also pointed out that the Council has made exeptions in the past.

Attorney Gerber pointed out that if the extra room were built in the basement or the attic, on the same foundation, then it would be acceptable, but there can't be 2 separate dwellings on a single R-1 piece of property. He suggested that a CUP is easier to get than a Variance and that the Smith's just remove the kitchen and apply for a CUP.

Mayor Merz pointed out that 2 families are living on one lot, but the smith's own two lots. She asked if the lots could be combined to make one. Attorney Gerber pointed out that a Variance would still be needed.

Mayor Merz explained that the Council would probably have to isolate this Building Permit and maybe adopt a resolution concerning it. The Council would then ask for a use permit.

Attorney Gerber suggested that the kitchen should be taken out and the Smith's should apply for a CUP.

Mr. Brown questioned if the Council set forth a resolution on the problem if it wouldn't seem as though the Council were condoning the Smith's action. Attorney Gerber pointed out that the City can impose a fine if they think it would be proper.

Mr. Brown then asked if a TUP would be proper. Attorney Gerber answered it might.

Mr. Petersdorf said he doesn't see how the Smith's got into such a bind since Mrs. Smith was once on the Council and should know what is needed to be done. Mrs. Smith said if she had thought she needed a Building Permit she would have applied for one. She told the Council that she couldn't find anything in the Zoning Ordinance that says she needs a Building Permit.

Mr. Brown asked Mrs. Smith if the garage was built at the time the home was built. Mrs. Smith said it was built shortly after.

Mr. Brown asked why the Smith's have two separate septic systems. Mrs. Smith said that they hooked up water in the garage and in the apartment walls. Mr. Petersdorf asked if the Smith's were on one or two water lines. Mrs. Smith explained that she had already talked with the owner of her water system, Mr. LaForge, and he had no objections to the two hook ups on one line.

Attorney Gerber told the Council that there are two dwellings and a Building Permit is required as set forth in the Zoning Ordinance on page 3 Section VII.

Mr. Brown asked if the lack of a kitchen would create a problem for the Smith's. Mrs. Smith explained that her son and daughter-in-law would be eating with her and her husband and if they had their own kitchen they could eat by themselves. She added that the kitchen would be nice for the canning that she does.

Mr. Gwilliam asked if the Smith's obtained a permit for the apartment, would they have to go through the Planning Commission. Attorney Gerber explained that they have to apply for a use permit or show of cause papers will be served.

Mr. Brown asked if a Building Permit has been applied for to finish the apartment. Mrs. Smith answered affirmatively.

Mayor Merz said she was not sure if there is a clear answer to this problem.

Mrs. Smith explained that the apartment over the garage was intended to be completed, at some future date, when it was first built.

Mr. Petersdorf explained that whenever a kitchen exists the dwelling is considered a self-contained home.

Mr. Brown suggested the Council study its options and then take further action because he thinks that there is some confusion between the parties involved.

Mr. Fillman suggested the Smith's take the kitchen out.

Attorney Gerber pointed out to the Council that the only ambiguity is the definition of family as set forth in the Zoning Ordinance.

Mr. Tout asked if the bedroom was pre-existing. Attorney Gerber explained that a kitchen and a bath have been added.

Mrs. Slocum read the definition of a kitchen as set forth in the Zoning Ordinance.

Mr. Tout pointed out that the Council would not have objected to the kitchen if it were only to be used for canning.

Mr. Petersdorf asked if her son moved out, what would happen to the apartment. Attorney Gerber explained that the kitchen would have to be removed.

Mrs. Passenger asked if rent was being charge. Mrs. Smith answered negatively.

Mr. Fillman suggested that the Smith's take out the stove and make the roofs of both dwellings connect.

Attorney Gerber told Mrs. Smith that she is entitled to apply for a Variance. He advised she obtain a Variance or remove the stove facility.

Mr. Fillman asked if someone had been sleeping in the apartment previously. Mrs. Smith answered positively.

Attorney Gerber pointed out that a guest house is acceptable but a rental is no acceptable for an R-1 district. He suggested the Smith's remove the offending thing or apply for a Variance.

Mr. Fillman moved to notify Mrs. Smith that she has to apply for a use permit by the next Council meeting or remove the offending facilities or be subject to abatement procedures. Mr. Tout seconded the motion. The motion carried unanimously.

Mrs. Barber asked the Council if the offending facilities should be specified.

Mr. Brown moved to further direct the Smith's to cease and desist the use of the kitchen facilities. Mr. Fillman seconded the motion. The motion carried unanimously.

Mr. Petersdorf suggested that a fee schedule be put down on paper to set forth fines for disregard to the Zoning Ordinance.

Mayor Merz pointed out that the time was after 10:00 p.m. and the Council's Rules of Procedure say that no new business can be taken up after that time. Mr. Brown moved to wave the Rules of Procedure. Mr. Petersdorf seconded the motion. The motion passed unanimously.

PUBLIC HEARINGS

Variance/Major Partition - Witt - Mayor Merz disqualified herself from any discussion or vote on this Variance/Major Partition because of past litigation, but announced she would conduct the hearing.

Mr. Tout asked why a Major Partition was being asked for. Mayor Merz explained that a road is being created; therefore, the Major Partition. Mrs. Passenger explained that with the help of the City Attorney, it was decided that Mr. Witt needed a Major Partition.

Mr. Brown told the Council that he wants to go on record as having previous information on this subject due to being on the Planning Commission, but he doesn't have any personal conflicts and will therefore vote.

Mayor Merz pointed out that all the Planning Commission conditions have been met.

Mr. Tout asked if each section of the road being created would belong to the property owners. Mr. Witt answered affirmatively.

Mr. Fillman asked if the easement to Mr. Rob Jackson's property had already been obtained. Mr. Witt's attorney Mr. Gould answered affirmatively and explained Mr. Witt's position.

Mr. Fillman pointed out that if Mr. Witt wanted to divide Parcel #3 as shown on the maps presented that he would have to come back at some future time and obtain a permit.

Mr. Brown asked if this partitioning was really a subdivision and not a Major Partition. Attorney Gerber explained that land can be divided into three parcels before being called a subdivision.

Mr. Gould explained that the road to be created doesn't comply with Dunes City's requirements and therefore a Variance is also needed.

Mr. Fillman asked if the road would be too crooked, if at some time the road were deeded to the City. His question was answered negatively.

Mr. Gwilliam asked if fire truck facilities would have any problems maneuvering the road. Mr. Brown said there could be some problems. Mrs. Passenger told the Council that at the time of the Planning Commissions sight review she noticed that the road

would be able to handle heavy equipment and added that she doesn't think there would be any problems.

Mr. Petersdorf asked what the water supply would be for the parcels to be created would be. Mr. Witt said that he would be using one of the lots created and there will be a well on parcel #3 which will supply water to the lots created.

Mr. Gwilliam pointed out that he would like to hear the opposing testimony at this time.

Mr. Gerald Reavis and Mr. Bob Camera came forward at this time.

Attorney Gerber asked all three parties a series of questions to make sure who stood where on the issues at hand.

Attorney Gerber asked the parties where the original spring was located that was displaced by the creation of the road. Mr. Reavis and Mr. Camera both agreed it was on Mr. Witt's property. Mr. Witt stated that he didn't know where the spring was, originally.

Mr. Witt stated that the water used to come out of a stream bed and was collected in a styrofoam box. Now it is being collected in a concrete box with a lid.

Mr. Camera explained that the problem is not with the old collection system compared to the new collection system, but with the quality of the water that he is now receiving. Mr. Camera wanted to know what was going to be done to clear up his water.

Mr. Gould asked Mr. Camera to explain the logging that took place on the Witt property. Mr. Camera said the logging was extensive.

Mr. Gwilliam asked if there was any solution that any of the parties knew of that would clear up this situation. Mr. Reavis stated that he didn't know any clear solution right now.

The Council took a 10 minute recess. The Council reconvened at 11:45 p.m.

Mayor Merz closed the Public Hearing at 11:55 p.m.

Mr. Petersdorf moved to table the Witt Variance/Major Partition until next meeting when all parties can remedy their problems. Mr. Brown seconded the motion. The motion passed with Mr. Fillman and Mr. Tout voting negatively and Mayor Merz abstaining.

The Council then recessed and went into Executive Session.

The Council reconvened at 1:20 a.m. Mr. Tout moved to have the Mayor make phone calls to check applicants for the City Recorder's vacancy and the Council will stand by her decision. Mrs. Slocum seconded the motion. The motion carried unanimously.

Council adjourned at 1:25 a.m.

Minutes of Executive Session of Dunes City Council

December 13, 1979

Dunes City Council was called into executive session at 12 a.m., Dec. 13, 1979 during a recess of a regular council meeting.

The interviewing committee consisting of Phil Tout, Bob Petersdorf, and mayor Merz, presented five out of twelve applications that were received for the position of city recorder.

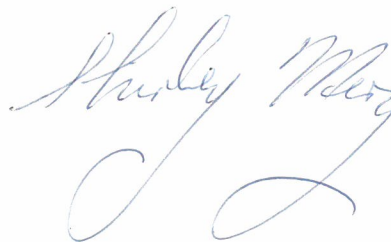
Qualifications, past experience of each were discussed. Several were highly qualified. It was narrowed down to two applicants and the mayor was instructed to contact the last former employee of each and base a final decision on their recommendations.

Motion was made by Mr. Phil Tout, seconded by Bob Petersdorf with an unanimous vote for the mayor to make the decision and do the hiring.

Mr. Gerber presented the particulars of the last hearing before County Commissioners, regarding our appeal to LCDC on rezoning of the Jadob property from Open Space to Commercial. County Commission is to render a new decision with finding of fact on Dec. 19, 1979. It was agreed to make no decision for continuing the appeal until after the County decision, and until some of the council question are answered by LCDC.

Meeting adjourned at 1:20 a.m.

Acting secretary

A handwritten signature in blue ink, appearing to read "Shirley Merz". The signature is written in a cursive, flowing style with a large, decorative flourish at the bottom.