

NOTICE Please bring all information pertinent to EPW-2

AGENDA

REGULAR MEETING OF
DUNES CITY COUNCIL

January 10, 1980

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF DECEMBER 13, 1979 & REVISED MINUTES OF NOVEMBER 8, 1979
- III. BILLS AGAINST CITY
- IV. RECEIPTS OF SESSION
- GUEST: Wes Kvarsten - LCDC
- V. CORRESPONDENCE
 1. Thank you letter from George Johnson, F.C. of U.S.C.G.A. for use of building last two years.
- VI. ANNOUNCEMENTS
- VII. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VIII. REPORTS
- IX. OLD BUSINESS
 1. Mr. and Mrs. Rodney Smith Building Permit Application
 2. Witt Variance/Major Partition Application
 3. EPW-w Show Cause Proceedings (copy enclosed)
Building Inspector's Report (copy enclosed)
 4. Approval and Signing Resol. re Tree Planting on Arbor Day
 5. Dunes City Appeal on Zoning of Jakob Property
- X. NEW BUSINESS
 1. Nuisance Complaint Against Property Owner (Cornelius)
(Copy of complaint form & notice enclosed).
 2. Resolution accepting Audit Report

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XI. ORDINANCES

XII. OTHER BUSINESS

XIII. ADJOURNMENT

Dunes City Council

January 10, 1980

Minutes

The meeting was opened at 7:30 p.m. by Mayor Shirley Merz. The Secretary called the roll and found all Council members present. Attorney Gerber and Engineer Campbell, 20 citizens, and 2 newspaper reporters were also present.

Mayor Merz introduced the dignitaries who were in attendance. Mr. Glen Hale, Oregon South Coast field consultant for LCDC, presented a parchment paper Certificate of Compliance to State Land Conservation Development Commission goals and guidelines. Dunes City received acknowledgement from LCDC Commissioners at their October 12, 1979 meeting in Salem, Oregon.

Due to sudden illness of Wes Kvarsten, State Executive Director for LCDC, was unable to present the certificate in person. This is why Mr. Hale presented the City with the certificate.

Mayor Merz then read Resolution 1-10-80C making Gary Darnielle an honorary citizen of Dunes City for his exemplary help and guidance with the long process of compiling the Comprehensive Plan. Mr. Phil Tout moved to accept the resolution. Mr. Petersdorf seconded the motion. The motion passed unanimously. Mr. Darnielle thanked the Council for the opportunity to work with them and added he was very happy to receive the award. Mr. Darnielle works for L-COG.

Mayor Merz decided to not follow the agenda as usual because of all of the out of towners who would have to travel a great distance to get home after the meeting and the weather conditions were not favorable.

OLD BUSINESS

EPW-2 - Mayor Merz told the Council that Mr. Lewis, the land owner of the South Woahink acreage, and Mr. Elliott, an EPW-2 executive, had both been notified by mail to be present at this meeting. The Council was advised by Mr. Elliott at the November 8, 1979 meeting of the Council that the land purchase contract contained a clause in regard to the razing of the building structures on the property. Therefore, Mr. Lewis had been notified by the City of any decision regarding the buildings. Mr. Elliott contacted Mayor Merz that afternoon and told her he would not be able to make the meeting because of the weather conditions. Mr. Elliott asked that the Council postpone discussing the EPW-2 situation until next month. The Council found that there were people from Eugene in attendance so the roads were passable. The Council found that EPW-2 had been given ample notice and therefore, could have made arrangements to be present. Council agreed to proceed with discussion of EPW-2 even though their representative was not present.

Mr. Petersdorf stated that he was "in favor of revoking the permit all together and let them (EPW-2) come back with more Public Hearings and let them (EPW-2) go through the whole process again". Mr. Petersdorf then so moved. Mrs. Slocum seconded the motion. The motion passed unanimously. (Mr. Petersdorf's quote was taken directly from the tape.)

Mr. Brown wanted the reason for revoking preliminary approval added to the motion. He wanted added that preliminary approval is being revoked because of EPW-2's lack of compliance with the criterea set forth by the Council.

Attorney Gerber stated that Findings of Fact and Conclusions of Law would have to be set forth before any vote, because this is a land use decision. The first Fact should be: 1. EPW-2 violated the conditions set forth by the City.

Mr. Gwilliam stated that he felt the Council might be denying EPW-2 a chance to bring their case before the Council because they were not present. Mr. Petersdorf said they were just stalling and that they should have been at the last Council meeting.

Attorney Gerber stated that it seems they could have gotten to the meeting from Eugene because many people in the audience were from Eugene.

Mrs. Slocum stated that EPW-2 hasn't started to do anything.

Mr. Brown asked if the issue couldn't be tabled until such time that EPW-2 could be present. Attorney Gerber told the Council that Paula Taylor, a staff assistant with the Boundary Commission was present to monitor the issue. Mayor Merz mentioned that a representative from EPW-2 may show up later because she told Mr. Lewis' answering service that the item would not come up for discussion until 9:00.

Mr. Brown stated that since EPW-2 wasn't present last or this month that maybe the Council shouldn't revoke the preliminary approval but just stop any progress until EPW-2 can come up with reasons for why nothing has been done. Mr. Petersdorf stated that they could leave the garbage on the property for ten years, conceivably, if tht is what the Council decided to do. Mr. Brown said that the City could have the garbage removed as a nuisance and then charge EPW-2 for the removal.

Attorney Gerber told the Council that they have two problems facing them: 1. The obvious health hazard and 2. the PUD approval, which can be addressed at some future time.

Mayor Merz then asked Recorder Chase to read back the motion on the floor. The motion reads: The Council will deny preliminary approval at this point, and EPW-2 can start over again after further discussion based on lack of compliance with the criterea previously given with regard to the clean up and demolition of the buildings.

Attorney Gerber reminded the Council that no action could be taken until Findings of Fact and Conclusions of Law had been set forth. They are as follows:

1. The buildings have not been razed in the amount of time given;
2. The rubbish was not removed in the allotted time;
3. The underground tanks have not been disposed of;
4. The eastern dune has not been seeded within the allotted time.

Mrs. Slocum moved to amend the motion on the floor to include the above Findings of Fact. Mr. Fillman seconded the motion. The motion passed unanimously.

Mr. Petersdorf moved to accept the Findings of Fact as listed above. Mr. Fillman seconded the motion. The motion passed unanimously.

Attorney Gerber then set forth the Conclusions of Law as follows:

1. EPW-2 violated the conditions set on the preliminary approval as set forth by the City Council.

Mayor Merz then asked for a vote on the motion that is on the floor to revoke preliminary approval of the Planned Unit Development by EPW-2 based on lack of compliance with the criteria previously given with regard to the clean-up and demolition of the buildings and reseedling of the eastern dune. The motion passed with Mr. Tout and Mr. Brown voting against the motion.

Mayor Merz noted that if EPW-2 wants to start all over again with the PUD they will have to pay all fees over again.

Mr. Tout moved to have EPW-2 commence the removal of the discrepancies mentioned in Mr. Mortiers letter within two weeks and finish the removal within four weeks. The discrepancies mentioned in Mr. Mortier's letter are as follows:

1. "Removal of the dock structures and buildings supported on pilings within the lake;"
2. "removal of all partially demolished buildings;"
3. removal of the "garbage and debris from the site."

Mr. Petersdorf seconded the motion. The motion passed unanimously.

Mr. and Mrs. Rod Smith - Building Permit Application - 83353 Spruce Lane, Tax lot #131. The Smith's installed an apartment above their garage in an R-1 zone. They did not apply for a building permit. Additional information can be found in the minutes of December 13, 1979 of the Council.

Mayor Merz explained to the Council that Mr. and Mrs. Smith have applied for a variance as the Council had suggested them to do last month. Mr. Gwilliam asked if the Smith's had ceased using the kitchen facilities as the Council has instructed them to do. Mayor Merz said they have ceased using the facilities.

Witt Variance/Major Partition Application - Mayor Merz explained that the problem with this Variance/ Major Partition is that the water supply of the Gerald Reavis and Bob Camera families has been muddled by the building of a road included in this Variance/Major Partition. Mayor Merz asked Attorney Gerber if he had anything to present to the Council at this time. Attorney Gerber answered negatively.

Mr. Ron Gould, Attorney representing Mr. Witt, spoke in Mr. Witt's behalf. Mr. Witt's address is 83630 Kiechle Arm. Mr. Gould told the Council that Mr. Reavis and Mr. Camera had people from the County and the DEQ inspect the water they are now receiving. When the findings were available from the inspections all of the parties concerned met: Mr. and Mrs. Reavis, Mr. Camera, Mr. Witt, Mr. Gould, Attorney Gerber and Mr. Petersdorf, representing the Council. Mr. Robert Manseth, Engineer, was also present at the meeting. It was decided at this meeting that Mr. Manseth would look over the situation and come up with a better idea of how to collect the water for the Camera and Reavis families, and to move the collection system onto the Witt property and off of the adjacent property which the Reavis and Camera families have no easement for.

Mr. Manseth then explained to the Council his proposal of how to collect the water in a more efficient way. He explained that the Witt road is right on Mr. Witt's property line and the new system will receive water on the Witt property line also. He explained that the collection box would be a concrete structure. Mayor Merz asked how large the concrete box would be. Mr. Manseth said it would be approximately 6 x 5 x 3 feet.

Mr. Tout asked if this system would be agreeable to all parties. Attorney Gerber stated that the consensus is that if the system will work and keep the mud out of the water and if the parties can agree on an easement it would be all right. Mr. Tout said that leaves the situation quite open, and what happens if it isn't as good as the parties had hoped it would be. Attorney Gerber told the Council that there are several things that can be done, for instance, the Council can refuse to grant the Variance until this system is complete or make approval contingent on the placement of the system. He added that the Council could give approval tonight but it wouldn't actually go into effect until the system was in place and a time limit could be placed on it.

Mr. Brown asked how effective the system would be. Mr. Manseth said that the slopes from the road would have to be stabilized to get rid of the muddiness in the water. He mentioned that you can't get clean water out of a running stream. Attorney Gerber said that upstream contamination exists on the stream that the Reavis and Camera families get their water. Mr. Petersdorf told the Council that maybe in a years time the stream might not even exist because the people who own the property above the stream may want to subdivide, and the development might eliminate the stream flow. Mr. Manseth told the Council that he thinks Mr. Reavis has applied and/or received water right on the stream and supposedly no one else can take them away.

Mr. Gwilliam said that he didn't feel there was a permanent solution to this problem. Attorney Gerber said that if the new system will keep the mud out of the water supply of the Reavis and Camera families then that is all the Council is concerned with.

Mr. Manseth then illustrated on the chalk board how the proposed water system would work. Engineer Campbell commented to Mr. Manseth that maybe stop logs should be placed into the system to keep the flood water out of the system.

Mayor Merz asked if Mr. Gould had anything more to present to the Council. Mr. Gould said he would like Mr. Manseth to state his qualifications for the record. Mr. Manseth stated that he is a professional Engineer and Land Surveyor and has been for 25 years. Mayor Merz asked if his engineering included water systems. Mr. Manseth said that he has worked on consulting in

the formation of water systems and hydroelectric dams and water piping systems.

Mr. Gould asked Mr. Manseth if it would be possible to put the water collection system below the Witt road. Mr. Manseth said that Mr. Reavis had said that the drainage from the road would be bad so Mr. Manseth is trying to keep the system above the road.

Mr. Petersdorf told the Council that he went and looked at the property with Mr. Manseth. He mentioned that he didn't see how the water would be collected in the system from the observations he made. Mr. Reavis tried to explain the situation to Mr. Petersdorf using the drawing done by Mr. Manseth.

Attorney Gerber said that there is a culvert under the road and the water is missing it. Mr. Reavis said the last time he checked the culvert the water would have to jump to get into the ulvert.

Mayor Merz asked Mr. Reavis if he was opposed to anything about the Witt Variance/Major Partition besides his water being muddied. Mr. Reavis said he is opposed to the road because of his water supply being muddied.

Mr. Brown asked when Mr. Reavis saw the preliminary drawing of the proposed water collection system. Mr. Reavis said he had it on Tuesday, two days ago.

Mr. Gwilliam asked if he had a permit to collect his water. Mr. Reavis answered affirmatively. Mr. Gwilliam asked if the water was lost at the onset of Mr. Witt building the road. Mr. Reavis said he lost the quality of his water when the road was built. Mr. Gwilliam asked if there were any water interruptions before the road was built. Mr. Reavis said the catch had to be cleaned out about every two months. Mr. Gwilliam asked if a state permit is in effect. Mr. Reavis said he would have to check, but he thinks he would probably only need a renewal.

Mr. Camera asked the Council if Mr. Witt can get a system together and it is installed, can a conditional permit be put on it to see if the system works. Mr. Brown told the Council that he thought it was stated at the last meeting of the Council that the parties involved were supposed to get together and solve this problem amongst themselves.

Mr. Gould told the Council that Mr. Witt was under the impression that Mr. Reavis, Mr. Camera and Engineer Campbell were supposed to get together and discuss the issue. No meeting was ever scheduled. Mr. Camera got ahold of Mr. Bruce Mower, Lane County Sanitarian and Mr. Lowenkron, State DEQ, and a meeting was set up between these three men. Mr. Witt was not informed of the meeting. Mr. Gould said he called Attorney Gerber and was informed that Attorney Gerber had received a letter from Mr. Mower. A meeting was set up for Monday the 7th of January. The parties were satisfied with the concept but not the details. Mr. Gould told the Council that he sees the main problem as being that the Reavis and Camera families are not willing to agree to anything until it works.

Mr. Reavis then showed the Council a jar of the water that he is receiving at the present time. The water was approximately 20% mud. He told the Council that he would hate to, once the new system was installed, get this kind of water again.

Mr. Gould read from Mr. Mower's letter stating that the conditions of Mr. Reavis' water was, 'due to recent logging and road construction activity in the area above the intake.'

Attorney Gerber told the Council that the meeting which took place on January 1, 1980, the parties present agreed on four basic issues, they are as follows:

1. The intake system should be located upstream from the road;
2. The ditch water should be out of the collection point;
3. An easement should be drafted for the Reavis' and Camera's on the Witt property to repair and maintain the system;
4. An easement should be drafted for the Reavis' and the Camera's on the Witt property to give them the right to put equipment on the Witt property.

Attorney Gerber told the Council that there are two questions facing the Council at this point. 1. Approval of the preliminary water collection system and 2. The easement that is before the Council.

Mr. Brown told the Council, that the proposed collection system is designed in such a way that Mr. Witt is trying to satisfy the needs of the Reavis and Camera families. Mr. Gwilliam stated that the Council had asked the parties to come up with a satisfactory solution to the problem and he didn't feel that had been done. Attorney Gerber said the question is this: Has Mr. Witt done any damage to the Reavis and Camera families. He stated that there is not much question that Mr. Witt has done damage. The next question is: Does this proposed water collection system satisfy the parties and repair that damage. He also stated that it would be nice if everyone involved could agree on everything, but at this point the Council would have to decide if the system meets the needs of the damaged parties whether they like it or not.

Mr. Brown mentioned that Attorney Gerber had mentioned that there could possibly be upstream contamination and that this collection system would only be solving part of the problem. Attorney Gerber said that he strongly indicated to Mr. Reavis and Mr. Camera that they do not have a very desirable water source.

Mr. Gwilliam asked why the Council isn't considering the contamination upstream. He stated that before the building of the road the water supply was fine, but not it isn't. Mr. Petersdorf said that there is plenty of water, the question is the quality. Mr. Gwilliam didn't know if there was a proper solution to this issue. Attorney Gerber said that the Council doesn't have to adopt the solution that is being presented at the meeting. Mr. Gwilliam asked why no one has mentioned the drilling of a well. Mr. Petersdorf said that wasn't the Council's problem. The question is either Mr. Witt restores the water quality or tears his road out.

Mr. Gould told the Council that two things occurred at about the same time last year that affected the water supply. They are: 1. The logging of the land upstream and 2. Mr. Witt constructing his road. He mentioned that it is difficult to determine what is responsible for the current problem. He said that Mr. Witt's responsibility is to restore the water to its condition before the constructing of the road. He added that Mr. Reavis and Mr. Camera were not interested in the constructing of a well. Mr. Camera told the Council that he received a call from Mr. Gould and he said that Mr. Witt was not prepared to put in a well.

Mr. Tout asked about filtering the water. Mr. Gwilliam said an iodine or chlorine system could be put in, but the sisten doesn't seem satisfactory. Mr. Petersdorf said he wouldn't want to drink the water that just comes from a running stream. He stated that an animal could die in the water upstream and someone could get very sick from just drinking the water.

Mr. George Baker, 4930 Lakeshore Drive, told the Council that he just put in a filtration system and it works just fine. Attorney Gerber asked what the filtration and chlorination system would cost using basically the present system. Mr. Manseth said it would cost approximately \$12000. Mr. Baker said that it would cost \$2,000, Maximum. Attorney Gerber asked how much it would cost to install the proposed water collection system. Mr. Manseth said approximately \$700 - \$750.

Mr. Fillman stated that the water used to come under approximately 40 feet of underground filtration. He asked if that quality can be restored with the present system. Mr. Manseth said that the quality of the water is approximately what they previously had. Mr. Fillman asked if the logging would have changed the filtration system any. Mr. Manseth said that is speculative.

Mr. Gwilliam moved to deny the Variance for Mr. Witt because a satisfactory and mutually acceptable solution was not received in the time given them to solve their difficulties. The motion died for lack of a second.

Mr. Fillman moved to give Mr. Witt another 30 days to resolve the difficulties to the satisfaction of all parties involved. Mr. Gwilliam seconded the motion.

Attorney Gerber told the Council that Mr. Witt has applied for a G.I. loan and his eligibility runs out on January 31, 1980. The City's legal obligation is to deny the Variance if the solution doesn't render damaged parties whole. Mr. Tout asked if the Council were to make their decision at this meeting, they would have to deny the Variance. Attorney Gerber answered that if the Council thought the proposed water collection system were adequate it would be their decision, not Mr. Reavis or Mr. Camera.

Mr. Petersdorf asked what would happen if the system didn't work. Attorney Gerber said that the City might be open to civil liability. Mr. Petersdorf said he personally feels the system will work. He also said that he thought at the last meeting of the Council it was mentioned to ask Mr. Toffel, the upstream property owner, for an easement to collect water on his land.

Mr. Petersdorf asked if all of the parties involved really tried to get together and work out their difficulties or are both sides just being stubborn and are "nit-picking" at every proposal brought up. Attorney Gerber told the Council that they are only looking at tentative approval tonight.

Mrs. Barber told the Council that the only portion of the road that needs a Variance is that portion which is on the Rob Jackson property and the road with the culvert problems is the one on the Major Partition portion of the application. Attorney Gerber stated that he felt if the Council approved the Variance they would be in fact approving the entire road.

Mr. Petersdorf asked what would happen if the Council denied the Variance. Mrs. Slocum stated that she felt it wouldn't solve anything to deny the Variance because it doesn't solve the road problem for Mr. Witt or the water problem for the Reavis and Camera families. She also stated that it would be helpful for all parties to figure out their difficulties and work out a solution. If nothing happens then everybody loses.

Mr. Petersdorf suggested that the families involved drill a well to get their water, then the expense wouldn't be so burdensome to one single family and they would have a better quality of water.

The Council then voted on the motion by Mr. Fillman which was to give Mr. Witt another 30 days to resolve the difficulties to the satisfaction of all the parties involved. The motion was seconded by Mr. Gwilliam. The motion passed with Mayor Merz abstaining due to past litigation, and with Mr. Petersdorf and Mr. Tout voting against the motion.

The Council took a short recess. The Council reconvened at 9:20 p.m.

Mr. Petersdorf moved to accept the minutes of the December 13, 1979 and November 8, 1979 with the corrections which will be attached to these minutes. Mr. Brown seconded the motion. The motion passed unanimously.

BILLS

Central Lincoln PUD	\$	284.10
Pacific Northwest Bell		25.14
Pat Barber - Mileage - December		10.20
Siuslaw News - Advertising		16.70
Siuslaw News - Subscription		6.50
Williamson and Anderson, P.C. Annual Audit		930.00
American Business Machines - Service Call		132.24
Radio Shack - foot switch and microphone		27.59
L-COG (apportionment of dues FY 79-80 Jan. Payment)		220.00
LOC Convention no. 11-13		156.00
Secretary of State (Notary fee)	\$ 5.00	
Portland Stamp & Seal Co.	20.30	25.30
L-COG - printing ordinances		176.88
Ron Gerber (retainer 3 months @ \$200 + 21.60 Hrs. @ \$40)		1,264.00
Emile Mortier - services during December		66.00
J.J. & K. Drilling - drilling water well		1,353.90
Lane County - Law Enforcement Contract		3,488.00
		<u>\$8,182.55</u>

BILLS PAID BUT NOT REPORTED

Lane County - water testing	\$	10.00
Central Lincoln PUD		29.70
		<u>\$ 39.70</u>

Mr. Tout moved to accept the bills. Mr. Petersdorf seconded the motion. The motion passed unanimously.

RECEIPTS

Motel room Tax - November	\$ 121.21
Oregon Liquor Control Commission (Oct. 31, 1979)	503.85
Cigaret Tax Revenue - November 30, 1979	400.01
Motor Vehicle Revenue - November 1979	1,381.06
Building Rental - December	60.00
Lien Search	40.00
Oregon Liquor Control Com. (apportionment - Nov. 30, 1979)	669.22
Central Lincoln PUD	253.70
	<hr/>
	\$ 3,429.05

Approval and signing of resolution re. tree planting on Arbor Day - Mayor Merz presented the Council with a resolution to encourage tree planting on Arbor Day. Mr. Gwilliam moved to accept the resolution. Mr. Petersdorf and Mrs. Slocum seconded the motion. The motion passed unanimously.

REPORTS

Planning Commission - Mrs. Evelyn Passenger gave the Planning Commission report. She informed the Council that Dr. Tom Hunt is the Commission's Chairman for 1980, and Mrs. Gladys Miller is Assistant Chairman.

Road Committee - Recorder Chase read the Road Committee report written by Ira Mann, Chairman. The report included the review of the Terry Foss property. The Planning Commission asked Mr. Mann to check the property because of a complaint received by a Commission member by Mrs. Ruth Wood. Mrs. Wood complained that she now has to take the long way to her home because apparently Mr. Foss has put concrete around some trees and the concrete goes out into the road which hampers the right of way. Mr. Foss also has a sign posted on a tree which says "Road Closed". The road in question is Salal Drive. Mrs. Wood now has to get to her property by way of Cloud Nine Road. Mr. Mann stated in his report that Salal Drive is a private road, but the Council believed this was not true. Mayor Merz appointed Mr. Brown to investigate the matter further.

Mr. Gwilliam suggested that a policy be formed to take care of any problem like this when it arises. Attorney Gerber stated that this is a routine violation and the Planning Commission should get a police patrol out to check on the problem. Mr. Brown mentioned that if a complaint is received an investigation should be started.

NEW BUSINESS

Nuisance Complaint against property tenant (Bill Cornelius) - The nuisance complaint was filed by Mr. George Baker 4930 Lakeshore Drive, who is acting as the spokesman for the neighbors around the property the Cornelius' live on which is located at 4929 Lakeshore Drive, Map No. 19-12-22-1 Tax lot 10000. The neighbors are asking for the revocation of a Conditional Use Permit given to the Cornelius' on July 12, 1979. The complaint charges that the Cornelius' "continue to violate the present Ordinances regarding number of families and/or people occupying dwelling at 4929 Lakeshore Drive! Mr. Cornelius "stores travel trailers, his and his parents', on the premises. His dogs have strewn garbage around the area which is not being cleaned up, providing a very unsightly and unsanitary condition." The adjacent property owners are also asking "that no further renters be allowed to occupy the premises at this address unless the

owner provides the rental housing or will insure that his or his agent maintain the property to a degree that will eliminate the unsightly condition that presently exists."

Mr. Petersdorf told the Council that he was told that the Cornelius' parents were no longer living in the travel trailer.

Mayor Merz asked if the biggest complaint of the property owners was the unsightly condition. Mr. Baker answered affirmatively.

Mr. Baker told the Council that the Cornelius' residence is unsightly and that garbage is strewn around the property by their dogs. He told the Council that when the CUP came before the Council the property owners signed a petition stating they had no objections to the CUP, Mrs. Cornelius told them that she would promise to clean up the lot. She has done very little in that regard. He stated that a High School aged girl and her boyfriend have been living with the Cornelius' and they are not related to them. He mentioned that the mobile home is not skirted.

Mrs. Barber told the Council that the Cornelius' were allowed to live in a travel trailer for a weekend before they moved into their mobile home and they have never applied for a building permit.

Mr. Baker told the Council that he talked with Mr. Cornelius and Mr. Cornelius' attitude was that if it took him as long to get in as it will take the City to get him out he wasn't worried about it.

Engineer Campbell told the Council that state laws concerning mobile home installation have to be conformed to even if it isn't stipulated in the granting of the Conditional Use Permit in July of 1979.

Mayor Merz asked the Council whether she should send a letter or phone the Cornelius' and tell them about their neglecting to get a building permit for the installation of their mobile home. Mr. Tout suggested that Mr. Mortier should take care of the matter.

Mr. Fillman asked if the Council would be out of order to ask the Cornelius' to vacate the property. Attorney Gerber stated that if they are in place without a building permit Mr. Mortier could red tag the mobile home. Mrs. Barber added that the Cornelius' could either pay double building permit fees or move out.

Mr. Tout said that would only solve half the problem. Mr. Gwilliam said if Mr. Mortier inspected the property and finds a nuisance, he can request abatement.

Mr. Baker told the Council that at one time last summer the Cornelius' had four travel trailers on their lot. Attorney Gerber stated that the law requires the City to be uniform in its rulings and if the City says that only one travel trailer can be on the Cornelius property then that would set a policy of only one travel trailer allowed on anyone's property at any time. Mr. Baker pointed out that most people own the travel trailers on their property, Mr. Cornelius doesn't.

Mr. Gwilliam moved to request Mr. Mortier to red tag/investigate the placement of a mobile home without a building permit and to check to see if a nuisance exists and to report his findings to the Council. Mrs. Slocum seconded the motion. The motion passed unanimously.

Resolution accepting the Audit Report - Mr. Petersdorf moved to accept the Audit Report with the corrections as listed below:

1. Correct spelling of Mr. Gwilliam's and Mr. Tout's and Mr. Fillman's names;
2. Correct date as to Mr. Brown being a member of the Council, as he was not a member in July, as the report indicates.

Mrs. Slocum seconded the motion. The motion passed unanimously.

ORDINANCES

Mr. Gwilliam suggested that the ordinances, since the City is getting so many, should be catagorized alphabetically for easier reference. Mayor Merz stated that maybe that could be done next year.

OTHER BUSINESS

Mr. Brown asked that the City notify the Fire Department on any road name changes because they need them for when they have to respond to calls.

Mr. Fillman told the Council that the City has a well. The test of the water hasn't come back yet. The well pumps forty gallons a minute. The City has received 3 bids for the connecting of the well to the Community Center. West Lane Plumbing bid \$655 plus \$30 an hour labor, which could be from 6 hours to three days, plus \$55 for the digging of the trench which makes the total bid approximately \$1300. J.J. & K. Drilling has bid \$1049.10 and Corvalis Well Drillers has bid \$1300.

Mrs. Slocum moved to accept the January 8, 1980 bid of \$1049.10 from J.J. & K. Drilling for the plumbing and pump to the Community Center. Mr. Petersdorf seconded the motion. The motion passed unanimously.

Water Easement - Attorney Gerber suggested that the City ask for easements from the property owners around the well because the well is on a public road. This would protect the City in the future if the road were to be vacated.

EIC - Mr. Gwilliam told the Council that the EIC is holding a Workshop in Cottage Grove and it will take additional funds because it is a multiple day workshop. He asked the Council what their feelings were on allowing him to collect funds for the trip from the City. Mr. Petersdorf stated he had no objections with the City footing the bill just as long as Mr. Gwilliam stayed within reason.

Mr. Petersdorf moved to pay for Mr. Gwilliams lodging to attend the workshop of the EIC in Cottage Grove. Mr. Fillman seconded the motion. Motion passed unanimously.

Mr. Petersdorf moved to clarify that the City tabled the Variance/Major Partition request of Mr. Witt. Mr. Fillman seconded the motion. The motion passed unanimously.

Attorney Gerber brought it to the attention of the Council that when they find a bootleg situation going on, if intentional or not, they can impose fines for services over and above the regular services requires to solve the problem. He stated that he thinks the Council should think about attaining the additional costs for such problems when they arise. He mentioned the two memos stating the costs of the Smith Building Permit Violation and the Witt Variance/Major Partition and suggested something be done to remedy the additional cost situation. He told the Council that his department is over budget for the 1979/80 fiscal year.

Mr. Petersdorf stated that the City should fine people for wrong doings. He suggested that the Council and Planning Commission get together a Committee to suggest how the fines would be administered.

Mr. Gwilliam read from the Zoning Ordinance page 82. Mrs. Barber read from the Zoning Ordinance page 78, paragraph 4.

Mr. Tout suggested that the City just assess the costs of processing the violation or the "over cost" amount.

Mayor Merz suggested that the Council think the matter over for the next months agenda because of the late hour.

The Council then recessed into executive session. The Council reconvened at 11:25 p.m.

Mr. Fillman moved to instruct the Attorney to proceed with the appeal through LCDC on the Zoning of the Jakob property. Mr. Gwilliam seconded the motion. The motion passed unanimously.

Mrs. Barber asked the Council to set an hourly fee for her finishing up the book for 1979. She said it would take her an additional 24 - 30 hours to enable her to finish the work. Mr. Petersdorf moved to pay Mrs. Barber \$5.00 an hour for 24- 30 hours to enable her to finish the books. Mr. Tout seconded the motion. The motion was passed unanimously.

There being no further business the Council adjourned at 11:30 p.m.

Lari J. Mealy

SECRETARY

Shirley M. Merz

MAYOR

Ralph [unclear]

Quen [unclear]

[unclear]

Ed Fillman

Dunes City Council
Minutes of Executive Session
Jan. 10, 1980

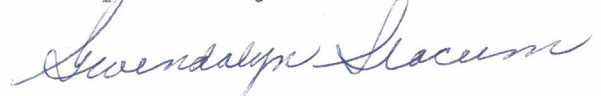
The City Council called an executive session to discuss the possibility of appealing the Tourist Commercial zoning of the five acre "Lily Pond" property belonging to Martha Jakob.

City Attorney Gerber told the Council they have five days in which to file an appeal. He feels that an appeal would prevail because of what appears to be violations of L.C.D.C. Goals #2, #17 and #18 dealing with "Land Use Planning", "Coastal Shorelands" and "Beaches and Dunes".

The Council discussed costs involved in filing an appeal. It was pointed out that the cost of an appeal could be paid from the Dunes City Comprehensive Plan maintenance fund. Also discussed were the kinds of businesses permitted outright on land zoned Tourist Commercial : motels, gas stations, fast food restaurants etc.

The City Council then returned to open session.

respectfully submitted


acting secretary

NOTICE Please bring all information pertinent to EPW-2

AGENDA

REGULAR MEETING OF
CITY COUNCIL
DUNES CITY, OREGON

February 14, 1980

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF JANUARY 10, 1980 MEETING
- III. BILLS AGAINST CITY
- IV. RECEIPTS OF SESSION
- V. CORRESPONDENCE
 1. Siuslaw Sanitary Service - Request for Service Rate Increase
- VI. ANNOUNCEMENTS
 1. Florence Cable TV - re Pay TV
 2. CPR Instruction Classes Scheduled
 3. Western Lane County Adopted Zoning will be available for review at Court House Annex Feb. 11, 5:00 to 9:00 pm.
- VII. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VIII. REPORTS
 1. Becky Canon - Housing Action Program
 2. Tom Jenkinson, LCOG Director - Master Road Plan
 3. Road Report - Ira Mann
 4. Planning Commission Report
 5. Report on Appeal on County Zoning of Jakob Property
 6. Discussion of letter from Lane County Public Health Engineer re Water System for Dunes City Community Building.
- IX. OLD BUSINESS
 1. EPW-2
 2. Witt Variance/Major Partition Application

3. Report from Building Inspector re Nuisance Complaint - Cornelius.

X. NEW BUSINESS

1. Appointment to Planning Commission - Bob Heckman
2. Acceptance of Resignation and Hiring of New Planning Commission Secretary
3. Adoption of Policy Regarding Enforcing Fines for Ordinance Violations. (Reference: Zoning Ord. Page 78, paragraph 4 and Zoning Ord. Page 82.)

XI. ORDINANCES

XII. OTHER BUSINESS

XIII. ADJOURNMENT

DUNES CITY, OREGON

MINUTES OF THE CITY COUNCIL
REGULAR MEETING

February 14, 1980

The regular meeting of the City Council of Dunes City, Oregon, was held on the 14th day of February 1980, at the hour of 7:30 p.m. at the Community Center.

ROLL CALL

Present: Fillman, Petersdorf, Slocum, Tout, and
Mayor Merz
City Attorney Gerber
Recorder Chase

Absent: Brown and Gwilliam

APPROVAL OF MINUTES

The minutes of the regular meeting of January 10, 1980, with correction to paragraph 1, page 11 eliminating "correct spelling of Mr. Tout's name" on the Audit Report, were approved.

Ayes: Fillman, Merz, Petersdorf, Slocum, and Tout
Noes: None

Minutes of the Executive Session of January 10, 1980 were reviewed and motion was made by Mr. Tout to keep them separate from the regular meeting minutes for action. The Executive Session minutes were approved by the following vote.

Ayes: Fillman, Merz, Petersdorf, and Slocum
Noes: Tout

BILLS AGAINST CITY AND
RECEIPTS OF SESSION

After reviewing the receipts of session, a question was asked as to the source of receipts for January. Mayor Merz explained that several governmental agencies had paid revenue shares to the City, including Oregon Department of Transportation and the State of Oregon (Liquor Tax Revenue apportionment). Recorder Chase stated she had received an additional bill to be added to the Bills Against City -- that of Mr. Gwilliam's mileage expense to attend EIC meeting in the amount of \$22.78. Motion was made by Mr. Fillman that the City bills be paid and motion was seconded and carried unanimously.

V. CORRESPONDENCE

1. Siuslaw Sanitary Service - Request for Service Rate Increase.

Inasmuch as Mr. Johnson had not yet arrived, Mayor Merz stated Council would move to the next scheduled item on the agenda.

VI. ANNOUNCEMENTS - Mayor Merz stated that the following announcements will not be items for Council action, merely announcements.

1. Florence Cable TV - re Pay TV

Mr. Lockhart, of Cable TV, announced the starting of Pay TV service in Florence, official preview dates February 28, 29, March 1, and 2; and, if successful, will extend services into Dunes City. Pay TV is in addition to regular cable TV service and will program movies and special programs without advertising. Cost will be \$10 for installation, with \$9.95 additional monthly charge.

2. CPR Instruction Classes Scheduled

Mayor Merz announced that CPR classes started on Monday and are also scheduled for Friday nights at 7:00 p.m. The only charge is approximately \$2.00 for the booklet or materials. Nineteen persons attended the last session. There are still some vacancies as they can handle 20 - 25 persons. Anyone interested may still sign up.

3. Western Lane County Adopted Zoning

Mayor Merz stated this meeting had already been held on February 11 and was included in Council packet material for information only.

V. CORRESPONDENCE

1. Siuslaw Sanitary Service - Request for Service Rate Increase

At this time Mr. Johnson arrived and Mayor Merz stated Council would now consider the request for increase in service rates. The Council, under the terms of the Franchise agreement, must approve any rate increase to the service charges. Mr. Johnson is requesting changes from previous rates on one 32 gallon can picked up each week at \$3.25 raised to \$4.55/mo.; on two 32 gallon cans picked up each week at \$5.00 raised to \$7.00/mo; and extras per pickup from the previous rate of \$.75 raised to \$1.00. Mr. Johnson was asked to speak regarding the rate increases, whereupon, he stated everything was in the letter. He stated that increase of expenses to this business necessitates this increase in service rates to stay in business. He stated he has about 250 residential customers in Dunes City. Mayor Merz asked if he allows a discount to Senior Citizens or Social Security recipients. Mr. Johnson answered he did not, however, they do accommodate people with special needs. Mr. Fillman alerted Mr. Johnson to lack of pickup of his neighbor's cans and Mr. Johnson stated there was a new driver, but indicated it would be taken care of. He also stated the new truck is being used in Dunes City. Motion was made, seconded and unanimously passed granting raise to Siuslaw Sanitary Service rates.

Mayor Merz stated that Council would adopt Amending Refuse Collection Service Fee Charge by Resolution No. 2-14-80 (not to be confused with copy of Resolution No. 2-14-80-A). Discussion of sample Resolution No. 2-14-80 followed and it was determined that the service charges should be included in the body of the Resolution (instead of appearing on Page 2) in order that the signatures on the Resolution follow all portions of the Resolution. After retyping, all signatures will be executed, including any necessary signing of papers by Mr. Johnson. Mayor Merz informed Mr. Johnson he has his service fee increase.

VII. CITIZEN INPUT ON UNSCHEDULED ITEMS

1. Mayor Merz noticed representative of the Sheriff's office had arrived. He was not scheduled on the agenda, but was asked if there was anything he would like to direct to Council. He commented that he was here in response to request of Mr. Petersdorf regarding the possibility of reduction of charges to the City for protection. Lt. McManus stated anything other than the 20 hours a week would have to be negotiated and an amendment made on the contract. Mayor Merz stated there was discussion with Captain Lovewell that cost increase for 1979-80 budget was higher than what we have been paying and higher than we can afford and there was an understanding with Captain Lovewell regarding the possibility of reduction in charges. Lt. McManus agreed, after discussion, that he would phone City Recorder to set up an appointment with Mr. Petersdorf to go over the problem, possibly renegotiating hours, before the next Council meeting.

2. Mayor Merz invited comments from the audience regarding further unscheduled items. Mr. Tout brought up the subject of the lights at the corner of Canary and 101 -- they are out and he called inquiring about it. He was informed that the Engineer had been instructed to cut down on electricity usage, he had made his decision and was firmly opposed to changing it. After lengthy discussion of the history of the intersection relative to accidents and danger, the difficulties encountered in securing the installation of the lights, etc, and the pros and cons of putting the Engineer on notice of the dangerous condition in the event of future accidents, it was determined that the best route to follow in securing resumption of service to the lights was to contact Mr. L. E. (Bud) George, Traffic Engineer, Department of Transportation.

3. Mrs. Slocum wondered if, now that the Comprehensive Plans were printed and available, those persons serving on the Community Involvement Committee could be issued a copy of the Comprehensive Plan without charge. A motion was made, seconded, and unanimously approved that those persons attending at least three (3) working meetings of the CIC be given a copy of the Comprehensive Plan without charge, and with the thanks of the Council.

4. Mrs. Merz recommended that every real estate office in the area purchase a copy of the Comprehensive Plan and Ordinances in order to cut down on some of the telephone inquiries regarding Dunes City regulations.

VIII. REPORTS

1. Becky Canon - Housing Action Program

Ms. Canon distributed copies of the Updated Housing Programs Available to Low and Moderate Income Households in Lane County's Small Cities and Unincorporated Areas to Council members. Ms. Canon stated major changes as follows: (1) In the Housing Problem section they have added section on desirable vacancy rates. (2) In the Recommendations several changes were made -- on the Outreach Program they will no longer have the Florence Human

Resource Center doing the outreach that was first thought we might have. They will either have to have LCOG or Dunes City citizens drop off the brochure that they developed to target areas noted.

(3) Distribution of information from Assessment and Taxation (will have to get a cost estimate on that) it will be about \$10 for the tax statements. (4) Housing Code - changed until it is determined how much it will cost to adopt a Housing Code. Have indicated that Dunes City will consider development of a Housing Code rather than a statement that Dunes City will do it. She asked that the Council adopt the Housing Action Program tonight, if possible. Mayor Merz stated that, inasmuch as some of the Council was unfamiliar with the work done by the CIC, some time for study would be desirable. The Mayor asked if there is some hurry in adopting the Education Program, that is one thing pretty much agreed, and if desired the Council could probably adopt that. Ms. Canon stated not, tax bills come out sometime in November and so there is no hurry. She offered to come out to next Council meeting, however, the Mayor agreed we could phone with any questions Council may have. This item will be scheduled for the agenda of the March 13 Council meeting.

VIII. REPORTS

2. Tom Jenkinson, LCOG Director - Master Road Plan

Mr. Jenkinson distributed a memo to Council members stating it was responding to Council's direction summarized in discussion at the last meeting. He discussed main topics covered in the memo as follows: (1) Mapping system of streets and roads, existing. (2) Future street plan; looking at where City could extend future streets. (3) Dealing with engineering standards in terms of existing streets. (4) Developing traffic plan and street circulation system on the basis of existing street system. (5) Develop and examine existing ordinances in effect dealing with street subdivision and platting, etc. (6) Look at street naming and numbering plan and reviewing how it ties into County system. Mr. Jenkinson stated willingness of County to assist as time permits with the help of someone who knows streets of Dunes City. Mayor Merz stated that both Mr. Campbell, our City Engineer, and Councilman Brown are knowledgeable. There was discussion of possible source of funding to help with this project. Mr. Jenkinson will send an additional report which will be submitted to the Road Committee for study to ascertain if some of their funds may be used. Mr. Jenkinson is to send a basic system for street naming, which will be studied by the Planning Commission.

2. Mayor Merz called for the road report from Mr. Mann. The matter of Salal Court was then discussed. It was stated that Mr. Brown, Mr. Campbell and Mr. Mann all went and investigated and found Salal Court had never been cleared and put through and the street Mrs. Wood referred to in complaint and is trying to use is Mr. Fosses private driveway. It is a dedicated street that has not been opened up or accepted. Mrs. Passenger stated she would like to clarify the matter, Mrs. Woods did not come to the Planning Commission. After discussion of the matter, it was agreed that the City does need a policy with regard to street development. The Mayor will present the County Road and Street Ordinance to the Road Committee to look over and then it will be referred to the Planning Committee for their study.

VIII. REPORTS

4. Planning Commission Report

Dr. Hunt, the new Planning Commission Chairman, was introduced. Dr. Hunt commented on the item of New Business regarding a letter of recommendation for Mary Jaye Gerber to the Western Lane County Planning Commission, but at the time of the meeting after discussion and by the time they were ready to write the letter it was too late. They did want to, however. Dr. Hunt reported there was discussion of the Boundary Commission letter re EPW-2 regarding supplying water rights and operating their sewer plant for them. There was no formal vote taken, but it was the feeling of most of the members they would be against supplying them with City's water rights or operating their sewer plant. The Commission unanimously voted to recommend Mr. Heckman to fill the vacancy on the Planning Commission.

VIII. REPORTS

5. Report on Appeal on County Zoning of Jakob Property

Mayor Merz reported that the latest status on this matter is still in limbo; we have not -- Mr. Gerber interrupted at this point to elucidate as follows: "As far as we know the final word has not been approved. I put a call in to County Counsel today. She did not return it and I gather she was in a meeting. We cannot appeal until there is a final word of appeal from them; so we will wait until the County issues the final word and the paper work is all drafted, signed, and ready to file. Actually, as I am sure we have discussed before, the matter was remanded from LCDC to Lane County --we decided on procedural technicalities, and that is where we are at right now. As soon as that final order is passed, we will go back to LCDC on whether the City was proper and LCDC has 60 days to hand down a decision from the time the County prepares its transcript. When the appeal starts, the County has to prepare a transcript and once that transcript is submitted, the decision has to be rendered in 60 days. So, right now we are waiting for the County." Mayor Merz asked if there were any questions from the audience. Mrs. Jakobs stated she didn't hear anything he said. After questions and answers back and forth, with Mr. Gerber explaining the City cannot appeal until the County adopts the order, and the time limits entailed, there were no further questions from the audience.

VIII. REPORTS

6. Discussion of letter from Lane County Public Health Engineer re Water System for Dunes City Community Building

The letter from the County Public Health Engineer with requirements for chlorination or filtration of the water system was discussed. Mr. Campbell stated that our plans had been revised to include the required system, consisting of an 82 gallon pressure

tank, two 119 gallon storage tanks, and an automatic chlorinator and filter tank. The approximate cost would be \$800. Bids on the building should be held in abeyance until receipt of answer from the County. Discussion followed on the lack of bid interest, as well as volunteer builders for this project.

IX. OLD BUSINESS

2. Witt Variance/Major Partition Application

Mr. Gerber addressed Council, stating that since the Witt Variance was No. 2 on the agenda and EPW-2 was No. 1 and would take awhile, he would like to state that discussions with the principal's attorney led to Mr. Witt's request that the matter be postponed to the March City Council meeting inasmuch as agreement had not yet been reached as to a solution to present to Council. Motion was made and seconded that Council table the issue of the Witt Variance until the March meeting with vote as follows:

Ayes: Fillman, Petersdorf, Slocum, and Tout
Abstaining: Mayor Merz
(because of previous litigation)

IX. OLD BUSINESS

1. EPW-2

Mayor Merz introduced Mr. Frank Elliott, who had requested a hearing on the subject matter. Mr. Elliott explained his absence at the former Council meeting and proceeded to speak to the issue of the Boundary Commission's statements to the City regarding the City's eventual possible responsibility for maintaining the water and sewer systems. He stated that his Association was supposed to hire a man to monitor, supervise, and maintain the sewer and water system and would like to have Dunes City approval and/or licensing of the person they select. Mr. Elliott was asked to address himself to status of meeting conditions set forth in the enabling legislation. Mr. Elliott stated there was a matter of legal clearance which delayed the cleaning up of buildings, however, that is now done. The seeding has been done, however, additional work will be needed as the weather and vehicles destroyed some. Also, the removal of tanks and filling has been accomplished with the exception of one tank which they gave to someone and he has not as yet picked it up.

Mr. Elliott stated he was unable, physically, to attend the Council meeting of January 10. After discussion, Mr. Gerber reaffirmed what seemed to be the wishes of the citizens in attendance at the meeting--that they did not want the City to be put in the position of having to take over and/or manage the sewer or water systems. Mr. Elliott stated that, in order to go before the Boundary Commission, EPW-2 must have Preliminary Approval from Dunes City. Then they can proceed with the next steps.

Inasmuch as there was no further motion from Council regarding this matter, Mr. Elliott stated they would have to take whatever steps are necessary in order to proceed, and they will be back.

IX. OLD BUSINESS

3. Report from Building Inspector re Nuisance Complaint -
Cornelius

Mayor Merz stated that, at the time Mr. Baker came forward with his report on this complaint, she went back to the minutes for July when the C U P was granted. The Secretary typed up an addendum to the minutes (verbatim dialogue). Mayor Merz stated she understands it is permissible and legal to adopt past minutes for a better record of minutes. At this time the Council considered the copy of the Addendum to the Minutes of July 12, 1979, moved, seconded and adopted amendment to Minutes and insertion of this extra page by unanimous decision.

There was discussion of Mr. Cornelius lack of building permit. Mrs. Evelyn Passenger, Planning Commission member, clarified that the Planning Commission findings of fact stated the building permit had been applied for; which was the information they had been given, but was subsequently proven to be erroneous. After discussion, it was determined that the Conditional Use Permit can be revoked on the basis of Mr. Cornelius not applying for a building permit, providing the proper skirting, etc.

Motion was made to commence abatement proceedings on the Cornelius property for failing to obtain building permit, seconded by Councilman Tout, and approved by the following vote:

Ayes: Fillman, Merz, Petersdorf, Slocum and Tout

X. NEW BUSINESS

1. Appointment to Planning Commission - Bob Heckman

Mayor Merz clarified that the name of Bob Heckman appears on the agenda as the person recommended by the Planning Commission. Following a short discussion of past participation on City committees of the candidates, a vote was taken by ballot. The audience was informed by Mayor Merz that the ballots would be available to the public for their perusal, should they so desire. The ballots were counted and Mr. Heckman received three votes, Mrs. Baumeister received two votes. It was moved, seconded and unanimously approved that Mr. Heckman be appointed to the Planning Commission.

2. Acceptance of Resignation and Hiring of New Planning Commission Secretary

Mayor Merz stated that Council had received the resignation of Karri Mealy as Planning Commission Secretary who has taken a full time position with Dave Wilson Realty. She introduced Mrs. Debbie Stinger. She also discussed the withdrawal of application of Mrs. Haslem as she felt she might be rejoining her husband. Motion was made, seconded and unanimously approved that the application of Mrs. Debra Stinger be accepted, and that she be hired.

ADDENDUM TO COUNCIL MINUTES
REGULAR COUNCIL MEETING
FEBRUARY 14, 1980

RECEIPTS

U. S. Dept. of Revenue (Revenue Sharing)	\$1,067.00
Variance (Rodney Smith)	50.00
Conditional Use Permit (Roy Cayton)	75.00
Interest from Maturing TCD #039839	461.99
Building Rental	20.00
Building Permits (4% OR surcharge \$14.16)	496.16
Lien Search	25.00
Lane County (Motel Tax)	6.17
OR Dept. of Transp.-Highway Div. (State Tax St. Fund)	1,207.32
Central Lincoln PUD (Franchise Tax)	253.70
State of OR (Liquor Tax Rev. Apportionment)	1,550.71
Copies	8.15
Comprehensive Plan	7.00
Zoning Ordinance	5.00
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	\$5,233.20

BILLS

Paid - not reviewed by Council

Dept. of Commerce, Bldg. Code Div. (4% State Surcharge	
Building Permit fees July 1 - Dec. 31)	\$ 26.81
Dunes City (Building Permit, Com. Center Water	
Equipment Bldg.)	12.48
Postmaster, Westlake	15.13
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	54.42

BILLS

Siuslaw News (Printing envelopes & adv. legal notices)	\$ 20.00
Siuslaw Rural Fire Prot. Dist. (inspection of priv.dwlg)	260.00
Lane Council of Governments (EIC dues FY 1978-80)	82.00
State Accident Ins. Fund (add'l payment due)	44.83
Read Insurance Agency (notary bond - Gene Chase)	20.00
Pacific Northwest Bell	26.16
Key TV (cassettes & foot control for recorder	26.54
Central Lincoln PUD (building lighting)	57.80
" " " (street lighting)	253.70
Frank's Office Equipment (copier paper)	46.00
E. Mortier (services re Bldg. Permits)	179.25
State of Or, Div. of Audits (filing fee to cover cost	
of reviewing audit report for period ending 6-30-79)	40.00
Shirley Merz (reimb-reg. OMFA Chase & Merz, 2-7-80)	40.00
Shirley Merz (mileage - Eugene LCOG reg. meeting)	23.80
Gene L. Chase (" - Jan.)	13.60
Petty Cash	10.00
Ed Fillman (Water usage)	5.00
Jim Gwilliam (mileage - EIC meeting, Eugene)	22.78
	<hr/>
	\$1,171.46

X. NEW BUSINESS

3a. Unscheduled -

Mr. Gerber informed the Council he received a letter dated February 11, 1980 that Mrs. Jakobs is contemplating bringing an action against Dunes City. He will check into this further and so inform the Council. Mayor Merz stated that Mr. Read has asked that copies of any correspondence regarding this matter be forwarded to his office inasmuch as they carry Dunes City's tort liability coverage.

3. Adoption of Policy Regarding Enforcing Fines for Ordinance Violations. (Reference: Zoning Ord. Page 78, paragraph 4 and Zoning Ord. Page 82.)

Mayor Merz stated Council had discussed this at the last meeting, but had not come up with any conclusions. After discussions of the stated references, it was determined that the City does have the necessary ordinance coverage for fining violators. The Council was requested to review lengthy pending actions (especially the Witt Variance/Major Partition) for future consideration at the next Council meeting.

4. Unscheduled -

Councilman Tout brought up the matter of Executive Sessions and the legal circumstances under which an Executive Session may be held. It was determined that under existing legislation, the City could be considered legal in holding executive session at the meeting January 10, 1980 to consider the Jakobs litigation. Mr. Gerber said he would check into the matter further and would so advise the Council if he discovered anything to indicate the City was in violation of law.

XIII. ADJOURNMENT

The meeting adjourned at 11:25 p.m.

Gene L. Chase
SECRETARY

Shirley M. Merz
MAYOR
Robert L. Read
Phil Tout
Steven Slocum
L. E. Giffman
James Gulliam

RECEIPTS - 4.6. 1980

U. S. Dept. of Revenue (Revenue Sharing)	\$1,067.00
Variance (Rodney Smith)	50.00
Conditional Use Permit (Roy Cayton)	75.00
Interest from Maturing TCD #039839	461.99
Building Rental	20.00
Building Permits (-4% OR surcharge \$14.16)	496.16
Lien Search	25.00
Lane County (Motel Tax)	6.17
OR Dept of Transp.-Highway Div. (State Tax St. Fund)	1,207.32
Central Lincoln PUD (Franchise Tax)	253.70
State of OR (Liquor Tax Rev. Apportionment)	1,550.71
Copies	8.15
Comprehensive Plan	7.00
Zoning Ordinance	5.00
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	\$5,233.20

BILLS - 4.6. 1980

Paid - not reviewed by Council

Dept. of Commerce, Bldg. Code Div. (4% State Surcharge Building Permit fees July 1 - Dec. 31)	\$26.81
Dunes City (Building Permit, Community Center Water Equipment Bldg.)	12.48
Postmaster, Westlake	15.13
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	\$54.42

BILLS - 4.6. 1980

Siuslaw News (Printing Envelopes & adv. legal notice)	\$ 20.00
Siuslaw Rural Fire Prot. Dist. (inspection of private dwlg)	260.00
Lane Council of Governments (EIC dues FY 1979-80)	82.00
State Accident Ins. Fund (add'l payment due)	44.83
Read Insurance Agency (notary bond - Gene Chase)	20.00
Pacific Northwest Bell	26.16
Key TV (cassettes & foot control for recorder)	26.54
Central Lincoln PUD (building lighting)	57.80
" " " (street lighting)	253.70
Frank's Office Equipment (copier paper)	46.00
Emile Mortier (services re Building Permits)	179.25
State of Oregon, Div. of Audits (filing fee to cover cost of reviewing audit report for period ending June 30, 1979)	40.00
Shirley Merz (reimbursement - registration OMFA Chase & Merz; 2-7-80)	40.00
Shirley Merz, (mileage - Eugene L-COG reg. meeting)	23.80
Gene L. Chase (mileage - January)	13.60
Petty Cash	10.00
Ed Fillman -(water usage	5.00
	<hr/>
	\$1,148.68
Jim Gwilliam - (mileage - EIC meeting, Eugene)	22.78
	<hr/>
	\$1,171.46

IX. OLD BUSINESS

1. EPW-2

Mayor Merz introduced Mr. Frank Elliott who had requested a hearing on the subject matter.

Mr. Elliott: Madam Chairman and Ladies and Gentlemen of the Council, I hardly know where to begin. I am sorry I wasn't here when all the scuttlebutt was going around and got completely blown out of all proportion and to take the heat off you people because it is unbelievable what I read in the papers, etc. so I am here to answer questions and put to rest some of the scuttlebutt that has been going around. In the first place, we are legal property owners in the City of Dunes, all we want is due process; we have a project, you people thought so before and this hasn't changed. To begin with, we aren't asking anything from anybody excepting due process. We don't want anybody's water, we have water of our own, the sewer system will be approved under the guidance of DEQ. We can't do any of that and you folks... We can't put anything in that isn't approved by the State. We don't want to put anything in that is not approved by the State; and so it is with our water system. We have been in touch with Water Resources and we are assured that as soon as we know how much water we need we will get the water right. We applied last Sept. and they have been working on it, but they need to know exactly how many units and how much water we need.

It is true have not asked it and this is where Diane Nechak muddled the water a little bit in mentioning irrigating gardens and lawns. We have not applied for that and the Water Resources Board won't grant that; we don't want it anyhow because that is not in our project. So we have no problem with the Water Resources Board. The cooperation with Dunes City on the water right came about over many discussions and I think Mr. Campbell was one of the first ones that asked if we would be willing to cooperate maybe in allowing an extension of our water system or going over our property with a line or something at a later date if it seemed desirable in the future; and of course we would--no problem. We are glad to cooperate with Dunes City because we are a part of Dunes City; and so it is amazing how these things have grown out of proportion. We came here originally and asked for a water district and a sewer district under the management and supervision of the Owner's Association asking that by State law it be a water district and a sewer district. And the main thing that I came in

(Note: indicates portion garbled on tape)

to ask for, which on the road to something else, was that we have to hire a man to monitor, supervise, and maintain our sewer and water system. The newspaper says Dunes City is supposed to hire somebody. Not so. We are supposed to hire somebody and all the time said we would hire somebody and we will pay for it--nobody else pays any of our expenses. It all comes right out of our pocket. And so that is what we asked for was, maybe I didn't put it very well, that Dunes City approve of the man that we have selected, talked about hiring, license him or whatever you care to do, but Oregon law requires that. That the man who is going to monitor our sewer and water system must be approved by the municipality within which it exists, and that is what we came in to ask for. Out of that came the discussion again of more cooperation, which we are glad to do.

Finally, somebody on the City Council said, "Why don't Dunes Citiers take a vote" and at that time, the minutes will show, I said, "Well, I think it would probably be agreeable to us, but I can't make a decision for our corporation. I went back and talked to the fellows; not a corporate decision, but they said they didn't see any problem with that. But, we are back now, and if this is the problem there is no problem with us, we are back now to where we are perfectly happy to have our own sewer district and water district and hire the man. And if selected he is not the man in favor with Dunes City, we will select someone else; whoever you want us to hire and whether Dunes City wants to license the man and approve of him, or whether State law does require that, at least you approve of this man saying you think he is qualified or whatever, and that should meet the requirement of the State law and so, however Dunes City wants to do that, there is no problem with us.

Again I want to say we are not asking anything of anybody in Dunes City. Our people have paid for everything, the road and streets, the water, the sewers, and if anybody thinks otherwise, I am sorry, it is not true. We are neighbors and unfortunately sometimes neighbors like to jump on each other. I have been around a long time and seen a lot of that and I guess that is more or less human nature maybe, and so I apologize because I couldn't be here to answer these questions to begin with before things got out of hand and I know that apparently by the paper you folks took quite a beating on this thing and I should have been here to answer them. One of them apparently we were not even on the agenda.

Last week I called in and if you want a bare explanation of why I wasn't here and why the weather forecast report of new snow in the Cascades, I can give you I didn't feel it necessary to tell the Mayor why normally I would be able to make that drive even though there was snow, but I think maybe to satisfy some of you people that I would have been here under normal conditions. I just got out of the hospital the 24th, Christmas Eve, after major surgery, anyone want to see my scar from here down to here, and my bladder thrown away--a malignant bladder--major surgery and intestines remodeled, etc. and so I was driving, but I felt I should not risk getting stuck in a snowdrift and having to put on chains and that day I had no one to drive for me. And so, after listening to the

weather report I felt it best to call the Mayor and say that with road conditions as ... as they are going to be I think I had better ask for a 30 day extension. Possibly, I should have elaborated a little more at the time. Unfortunately, I felt that all of you knew me well enough to know that if I could have been here, I would have been here. However, I would like to point out to you the project after a lot of time is not the project we came and asked for to begin with. It was modified by the Planning Commission and the public, at their discretion, and we went along with that. After a lengthy time we came before the Council. You folks discussed it and approved it; the Attorney read at length the Findings of Fact, and then the Findings of Law and you folks approved it unanimously, which we appreciate. Those facts are not changed. It is still the same project, it is still legitimate, we are still sincere and earnest and hope to go through with the project. Again I want to say, we are not asking for anything from anybody except in due process under ordinances of Dunes City. So, I don't know what more I can say at the moment unless you have questions.

Mr. Gerber:

Mayor, perhaps Mr. Elliott should address himself to one more issue that was raised at the last meeting and that is that the PUD preliminary approval was revoked on the basis, if I recall correctly, failure to meet conditions set forth in the enabling legislation, and I can't remember specifically what the grievances were, but I think he again ought to be made aware of and to have an opportunity to respond to those at this time.

Mayor Merz: He is aware; Would you like to respond?

Mr. Elliott:

The main one, of course, was cleaning up those buildings. As I had to come in and explain at an earlier meeting, we found ourselves in a legal bind where we could not do that. Apparently we were "between the devil and the deep blue sea". We finally were able to get enough clearance, at least in my opinion, that we went ahead and hired a contractor to clean it up. We may get into a legal problem later, I don't know; we will worry about that later. But we did clean it up, that is all cleaned up now. Did you get word from Mr. Mortier?

Mayor Merz: Yes, we do not have a written report yet, but he did report that it was all cleaned up.

Mr. Elliott:

Yes, because I asked him, look, I would like to go down when you are there and if you find anything wrong and you will tell me what it is we will do it; but he did call me back later and said it was fine as far as he was concerned. I think there was

one other thing mentioned. You said the grass wasn't seeded, that is not true, it was seeded. Nature didn't coordinate with us, we did not get germination and some of the.....and we also had a major amount of heavy four wheel drive rigs that tore the heck out of the rest of it. And so we are sorry about that. We have posted it, but have not tried to enforce that too heavy. The weather has not been too good at the moment. There will come a come a time when we will have to shut it off. The fact is one neighbor, I think his name if Mr. Smith, came through as I was seeding myself, and one man when I was going out and got stuck with my pickup and he had to pull me out; so I have two witnesses to see that I did seed a lot. We did not have good luck with the seeding and we are sorry about that too, but the planting in due time all that planting will be done. I don't know how many thousands of, what do you call it, Bush Pine, fir, three or four different kinds are growin up now by the thousands and they are just beautiful; so we will distribut those where it is desirable and get other vegetation going on that bare spot. We are going to have to build roads through part of it and we won't know where until we get the final engineering done just exactly where that will be. That is something we are just as concerned about as you are, and probably more so, because we don't want any of that to get in the lake. We don't want to get in trouble with you folks, but more than ever we don't want to get in trouble with the State.... by getting mud in that water. So if there is any more than that, I don't remember. Those were the two major ones as far as I know.

Councilman& Mayor Merz: Reminder of the filling or removal of underground tanks.

Mr. Elliott:

That has all been done; two tanks removed, from the back and one from the front. I knew --

Councilman: Did they locate those two of uncertain location?

Mr. Elliott: Ones in the back had a hard time finding them. Cat skinner did find them by poking around. The one other tank laying out there yet was in the water. We gave them away and the people didn't come and get them. My son was down there last Sunday, I guess, and he picked up the smaller one which was 150 to 200 gallons, which was pretty heavy. The other one is still there; it isn't hurting anything or anybody. We gave it to somebody, I can't remember who, but they haven't picked it up yet.

Mayor Merz: Any other questions from the Council? Mr. Gerber, any questions?

Mr. Gerber: Well, I just have two observations and that is; that our report from the Boundary Commission indicates the staff will not recommend approval of the septic and water system until the

City is willing to come in writing to make up--well, the Boundary Commission staff is going to recommend a minimum of 1,000 gallon per day per household and apparently the Boundary Commission staff is of the opinion that Mr. Elliott cannot get that kind of water allocated to him without a commitment from Dunes City for some of its municipal water source and until Dunes City is willing to commit that, the Boundary Commission staff is not going to recommend approval.

Further, Boundary Commission staff is not willing to recommend approval of the septic or sewage disposal system unless Dunes City is willing to assume responsibility in accordance with DEQ regulations and I have not been able to track the regulations down and do not have them in my office. I have written for them, but I suspect what they say is that if the system fails, the City will in effect guarantee that it will be properly repaired. That means if the Owner's Assoc. can't do it, the City will have to.

Mayor Merz: We have one in the office.

Mr. Gerber: AHA! Is that what it says?

Mr. Elliott: I would suggest, if I may, if that ever becomes the case and I have had a good many years of experience with sewer systems and water systems and all that; if that ever becomes the case Dunes City has the authority to assess the property owners served and nobody else has to pay for it but the property owners involved, and you have that authority.

Mr. Gerber: I understand that, Mr. Elliott, I just wanted to make clear, primarily to you, what the position of the Boundary Commission is because it appears at variance with what you were telling us earlier on. Apparently staff is going to recommend 1,000 gallons per day requirement per household and this City assume responsibility for the sewage system if it fails.

Mr. Elliott: May I suggest --

Mr. Gerber: ... mentioned on that....recommendation that staff is recommending.

Mr. Elliott: That's right. I appreciate that. I have known the staff for many, many years and we get along fine. She was hired to ask questions, but I got to find the answers. Our engineers are working with the County and the State on the water system, and as I mentioned before she mentioned in her report, maybe not in the one you have, but in the one that I have, she mentioned watering gardens and lawns. Also there is a difference of whether you are putting in a gravity flow system or a pressure system, and my engineer called me today from Bend. He couldn't be back in time to get over here. He assured me that whatever is required we can work it out. I would also suggest that we can supply water.

It doesn't have to come out of the lake. We can drill a well or two wells, and so if Dunes City doesn't want to cooperate with us on water I see no problem, because we can drill wells. We don't think we are going to use it because we are working very closely with the County and the State and the Water Resources Board. I would say that the recommendations of Diane Nechak are taken seriously by the Boundary Commission, but I think when the State Water Resources Board and the engineers explain the difference between a pressure system and a gravity flow system and the fact that we have no intentions of watering lawns and gardens; that modifies what her expectations are. But, I can assure you that we can work that out. That is something that has to be done, but the information I got from the State Water Resources Board, the engineers, and the County is that it is not insurmountable at all; whatever it takes, we will do.

Mr. Gerber: Well, my understanding of the law, Mr. Elliott, is that if that septic system fails and the Owner's Assoc. is unwilling or unable to repair it, the State of Oregon will order Dunes City to maintain it. Well, I might be wrong on that, but that is what I understand the law is on it.

Mr. Elliott: I would say again that --

Mr. Gerber: The point of that comment is that I think you will find it very difficult to eliminate the second condition in a report given the sewage system because what Ms. Nechak is really trying to tell us out here in Dunes City, I think is if you are going to approve this project you had better be willing to accept responsibility for the sewage system some day because if it goes bad and the owners don't fix it, you are going to have to, Dunes City is going to have to.

Mr. Elliott: And actually what that means is, as I said before, that the City, well there are several ways to do it, one is hire a contractor to come in and do the job and assess the costs to the affected property.

Mr. Gerber: We explained that very carefully to a number of people who had come a few sessions ago and that didn't seem to impress them at all.

Mr. Elliott: That is a fact, though.

Mr. Gerber: I understand that fact. However, it seemed the overwhelming consensus of the audience that this was the sort of thing the City ought not to do. I don't personally agree with that, but that is what the majority of the people seemed to be saying that night, so I guess what I think may not count for very much.

Mr. Elliott: Let me suggest again that the septic, the drain fields system is not what we advocated to begin with. Actually the thing that I advocated was a septic tank digesting system clustered in strategic areas and the effluent going from there to filters and pumped in pressure lines out into the rivers where the river then moves.....and it can be approved by State law and I like it better than the septic tank and..... The law also requires that if the first drain system fails you must have adequate space to replace it with another. We have that space.

Mr. Gerber: Well, I don't challenge your engineering, Mr. Elliott, it is just that the best laid plans of mice and men will eventually go astray and I think what Nechak is trying to tell Dunes City is that when that does happen, and it will happen some day, if your Owners' Assoc. doesn't take care of it, it is ours and the overwhelming testimony that came before the City Council a couple of meetings ago was that the citizens of Dunes City didn't want this. Again, I don't agree with that but that's what the people seem to be telling us in no uncertain terms and in overwhelming numbers.

Mr. Elliott: They don't want any sewer system?

Mr. Gerber: That's what they say, you all were here --

Councilman Slocum: They don't want the City to manage any sewer system.

Mayor Merz: That was the testimony of the ones present.

Mr. Elliott: I would have to say that we are reaching a long ways out there in speculating "what if", because there are all kinds of ways of municipalities taking care of any problems coming up in the City.

Mr. Gerber: Is it any legitimate reason why we shouldn't or should? and the answer is "Yes" or "No", it is either one, you know. Certainly if the City wants to it can, but it doesn't have to.

Councilman Tout: I think what the people were saying and what their concern was, if we were to become involved in your system, it would be the first step of a community-wide system and their feeling about it if--I think I made the mistake in making the suggestion in the first place, why not when you finish with your system and get it all built, why not turn it over to the City and let the City operate it instead of you operating it. That way it is in our control from the beginning and we know it is not going to go gunnybag because of running out of funds because we will see to it there is enough paid into it to keep it running; which was my thinking at that point. But, the citizens who were concerned felt that this would be the first step in a City-wide water system which the City has voted on about three times and rejected each time and they felt that if we were to become involved in any system then we must immediately offer water to the whole community. I don't know if that is valid, I am not up on whether we are obligated to go ahead and offer

everybody water, if, in fact, you people put in the water and we assume the responsibility. But that is what their concern was. It was the first step in something they already said they didn't want.

Mr. Elliott: Well, to satisfy that question, I know the history of Dunes City very well, I would suggest that ---

Mr. Gerber: We don't quarrel with that, but if it goes gunnybag, and it will some day, those systems aren't made that will run forever and if there isn't money to maintain it, and that is the history of an Owners' Assoc., the overwhelming majority of them don't have money in Capital Improvements; then the City gets it whether we want it or not. Whether the citizens want it or not, the State of Oregon will, in their infinite wisdom, order us to take over your system and that is what these people were telling us they didn't want us to do.

Councilman Slocum: Mr. Gerber, may I ask a question. What is the legal definition of the term "provided"? In other words, if the City should agree, as apparently the Boundary Commission wants them to manage the septic sewer system or whatever, if it were community would the City be providing the facility? Because if I read my Coastal LCDC Public Services and Facilities correctly, we cannot "provide" a service for any one area in the City without providing the same service, or planning to, for the whole city.

Mr. Gerber: I couldn't begin to answer that question. To my knowledge it has never been litigated. It would require some research. I am sure there is no authority on it and my opinion would be worth about 35¢, it might buy you a cup of coffee at the Oceanaire.

Councilman Slocum: If the City manages it, is that "providing"?

Mr. Gerber: There certainly is a possibility it could be interpreted that way and we would run into all kinds of problems under various rights of people.....other citizens are not equal....

Mr. Petersdorf: I read some place in this correspondence if we approve this water system and we do take it over, we set a precedent and we have to take over any water system that exists in Dunes City if the people say "take it over".

Mayor Merz: Well, that was from Diane Nechak because I talked with the local DEQ man, or Sanitation man, or whatever you call it. We have existing private water systems in Dunes City right now and I am sure there have been times when some of the people on those systems wish they didn't have them or own them and wish somebody would come in and bail them out, and he said he is not aware of any law that would force Dunes City to take it over.

Mr. Gerber: Not the water system.

Mayor Merz: Right, not the water system. This is only on the water system.

Mr. Gerber: That's true.

.....GARBLED CONVERSATIONS

Councilman Slocum: She didn't say, she left it open, we could, or could not; then there was additional correspondence that was more persuasive about the City managing the water system. But, she said if it was a community sewer system that the only way they could approve it was if the City would agree to manage it, am I incorrect?

Mayor Merz: That is what she stated.

Mr. Elliott: Yes, she said that and that is not true.

Mr. Campbell: May I ask a question, this sewer system would be basically a utility provided by area, now in order to insure the continuance of the thing couldn't we require that an adequate sinking fund be set up that would renew the system at the end of 25 years?

Mr. Gerber: We can require anything, but enforcement of that is very difficult unless you actually take it over and assess it as you would a tax; and the folks that were here two meetings ago said they didn't want the City in the assessment business and the utility management business and all that and they were very clear about that.

Mr. Campbell: But couldn't that area, as a part of our agreement with them, be required to set up an adequate sinking fund that could be audited under State law and so on?

Mr. Gerber: Everybody I have talked to said if you leave this up to the management association, they will not provide for capital improvements/capital replacement.

Mr. Campbell: Well, that is a comment, of course.

Mr. Gerber: Well, people that are a lot smarter and with a lot more experience than I kept telling me that time after time.

Mr. Elliott: Well, I am prejudiced, but I suspect I have been through more than most people in this part of the County and a lot of other parts of the County and a lot of them were pretty bad sewer systems and water systems. There is always a way, whether it is a County authority, or the State authority, or the City authority, to see to and help the people involved to correct their situation when it malfunctions. And, in the first place if our sewer system over here malfunctions you can believe me the people

involved are not going to let it malfunction more than a day or two. They are going to start doing something about it to get it working again. And, in the second place..... Again, I, and it is a strange thing when you have a City government operating under a.....and yet you have some of your citizens saying you don't want that government to do anything. It would be interesting to read your Charter and see what your obligations and responsibilities are to the citizens of Dunes City. No doubt the government was set up for something and I have worked with a lot of the cities and counties and they all have a purpose and a responsibility, have obligations to all people; and they can't be based on emotions, they have to be based on law, facts, and so I am not going to get into giving you legal.....on the subject.

Mr. Gerber:convince me, my personal opinion of your project is that it is well thought out and a good project, but the overwhelming number of the people that were here indicated that what the Boundary Commission staff was going to require for approval, or suggest be required....is not acceptable to the citizens of Dunes City, and I frankly don't know of anything that requires Dunes City to accept this. You know, to accept what the Boundary Commission staff seems to be telling you, you are going to need. I don't know anything in the Charter that requires it and I don't know anything in the Ordinance that requires it and I don't know anything in the State law either by statute or court decision that requires it.

Mayor Merz: I think maybe, unless you have some new information, we should review the action taken by the Council last meeting because this may be all moot we are discussing right now anyway. The motion was to revoke the Preliminary Approval of the EPW-2, the development and, under our Ordinances we do not find any legal way that we can rescind the action that we took at last month's Council so this means, if I interpret it correctly, that at this point it is necessary for EPW-2 to go back to the Planning Commission at such time when they have worked out the problems that we all are now aware of with the DEQ and statutory requirements on the sewer development and water development and when that is worked out then you are free to go back to our Planning Commission.

Mr. Elliott: And start all over again?

Mayor Merz: That's what the actions were taken last month.

Mr. Elliott: I'm afraid that we would have to take legal action and I don't want to do that because I don't think we are required to do that--to go back, it was a good project, it was approved by you unanimously and this has not changed. I understand what you are saying, but I do not agree that your ordinance can stand that way, that you cannot reinstate the Preliminary Approval.

Mayor Merz: Well, Mr. Gerber has sent us a memo on that. Do you have something to add Mr. Petersdorf?

Councilman Petersdorf: I would say maybe we should write to Lane County Boundary Commission and tell them that we will not allocate water and will not be responsible for the sewer system.

Mayor Merz: That has been taken care of, you have a copy of that letter in your file.

Mr. Elliott: I might suggest that where we.....ourselves is things have to be taken step by step by step. Now you are asking that we go to the Boundary Commission, but we can't go to the Boundary Commission unless we get Preliminary Approval.

Mayor Merz: That's right.

Mr. Elliott: And, so the only step we can go is to--hopefully you people could do this--give us Preliminary Approval subject and it has to be subject to all these things. Then we can complete our water system, then we can complete our sewer system and get all the State approval and all the way down the line, then we can get the Boundary Commission approval. But it has to be taken in order. And.

Mr. Gerber: Well, if there was authority to re-hear or reconsider the motion it would have, there would have to be a motion tendered by one of the Council at this time to reconsider the decision that was made last week and pursuant to Roberts Rules of Order it would have to be made by one of the people that voted affirmatively. I don't perceive that that authority exists under our Zoning Ordinance. And, where it is a Land Use decision we are unfortunately not bound by Roberts Rules of Order; we are bound by whatever authority the City has created for itself by its statutes or ordinances. So, I would merely point out to you that there has been no motion by anybody to reconsider and that I don't think that City law could do that anyway. Second of all, the reason for the revocation didn't have anything to do with the merits of your proposal, it had to do with the failure to meet conditions that were placed upon them; and I really can't tell you any more than that.

Mr. Elliott: Well, I am sorry that we have come to this state as I don't like to have to go and review the proceedings and the laws, etc. but we may be forced to do that and I don't want to go that way. After all, we are part of Dunes City, we are neighbors and we should be able to operate that way.

Mayor Merz: Mr. Elliott, you will remember you were given 90 days to meet some of the required conditions, okay, at the end of that extension of time which the Council granted and a 31 day extension of time to meet the razing of the buildings, the planting of the dunes, the pulling of the underground tanks and the wet garbage. At the end of the 31 days the job still had not been accomplished. Therefore, we feel, or Council felt, you had violated meeting the consitions. We had no alternative but to revoke the Preliminary Approval.

Mr. Elliott: Well, may I say the grass had been seeded in due time?

Mayor Merz: All right, we found that out later.

Mr. Elliott: And I came and explained to Council why we were in a legal bind on the buildingsand I think that was beyond our control. We had the property inspected and under thelaws of the State of Oregon three people found no wet garbage -- we went in there to see. Now, I don't know who your inspector was that found the wet garbage because we found none.

Mayor Merz: Well, we had three different people. One was the Sheriff's Department, the Building Inspector, and one of the Council persons themselves.

Mr. Elliott: Had your Attorney defined "wet garbage" under the State law?

Mr. Gerber: Well, I think we are counting the angels on the head of the point of a pin at this point and you are going to have to do what you think is appropriate, and this is sort of like the Martha Jakobs thing I've got -- I have reached what I consider to be the proper legal recommendation that's been tendered the City and the City will act on that if they see fit,..... I think your project is a good thing, but I am a minority of one right now.

Mr. Elliott: All I can say is we try to be good neighbors and..... We have to meet and we intend to meet all State health laws, the sewer district and the water district under all the laws legally, etc. and, of course, there were things we could not control, and this happens all the time, and as fast as we could do them they were met and I suppose; I guess it is probably useless to say anything more at this time excepting again, we have acted in good faith at all times and so we had hoped without major problems that we can get on with the project. So as far as going back to the Planning Commission and starting all over again, that is a major time consuming and expense which we may have to do, but it is a good project and we fully intend to do it. We could go back to a subdivision plat which we are entitled to do under your law, but that would open it up to tourists who could pop in there at will and we don't think that is such a good idea for Dunes City or our people so that is why we wanted to go to planned unit development--so it could have some control. I can assure you the project will be the -- one of the nicer parts of Dunes City one of these days; and so with that I don't know what else to say excepting we will go back and talk with my people and take steps wherever we decide to start, I don't know. We may possibly challenge some of the proceedings, I don't know. We will have to consult with an attorney to decide that. Anyway, I am sorry it has come to this point, but again we would like to think we are good neighbors, and good neighbors shouldn't find themselves in this kind of situation, and unfortunately I have always been trying to help people and so when I find myself in this kind of situation I will just have to take whatever steps are necessary, I guess. So, I thank you anyway and as soon as we decide how to proceed I am sure we will be back. Thank you very much.

Mayor Merz: Thank you, Mr. Elliott, I appreciate your testimony of explanation at the beginning of your testimony and wish you luck in however it works out.

Mr. Elliott: Thank you.
glc

3/17/80 cc: City Atty

NOTICE: Please bring all information pertinent to EPW-2

AGENDA

REGULAR MEETING OF
DUNES CITY COUNCIL

March 13, 1980

- I. CALL TO ORDER AND ROLL CALL
- II. ANNOUNCEMENTS
 1. Community Center Water - Cost Estimate for the Building to House Equipment - \$1,400
 2. Appointment of Budget Committee Members (6)
 3. Public Information Meeting re: "A" and "B" Ballots - School District and County Waste Management, March 14, 2:00 p.m., Dunes City Community Center
- III. CITIZEN INPUT ON UNSCHEDULED ITEMS
- IV. REPORTS
 1. Adoption of Housing Action Program - B. Canon (Resolution 3-13-80-B)
 2. Road Committee
 3. Planning Commission
- V. PUBLIC HEARINGS
 1. Mr. & Mrs. Rodney Smith - Request for Variance
 2. Roy Cayton - Conditional Use Permit
 3. Witt Variance/Major Partition Application
 4. EPW-2
- VI. APPROVAL OF MINUTES OF FEBRUARY 14, 1980 & ADDENDUM TO MINUTES OF FEBRUARY 14, 1980
- VII. BILLS AGAINST CITY
- VIII. RECEIPTS OF SESSION
- IX. CORRESPONDENCE
- X. OLD BUSINESS
- XI. NEW BUSINESS
 1. Resolution in Support of the 20th U. S. Decennial Census of Population and Housing (Resol. 3-13-80-A)
 2. Contract for Police Protection - renegotiation.

AGENDA - REGULAR MEETING
OF CITY COUNCIL, DUNES CITY
March 13, 1980

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XII. ORDINANCES

XIII. OTHER BUSINESS

XIV. ADJOURNMENT

DUNES CITY, OREGON

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
MARCH 13, 1980

- I. The regular meeting of the Dunes City Council was called called to order by Mayor Merz at 7:33 on the 13th day of March 1980.

ROLL CALL

Present: Mayor Merz, B. Petersdorf, G. Slocum, P. Tout
C. Fillman, City Recorder G. Chase, Secretary
D. Stinger, City Attorney R. Gerber

Absent: D. Brown, J. Gwilliam (arrived later at 8:50)

There were 33 citizens present.

II. ANNOUNCEMENTS

- 1) The building for the well pump house and filtration has been started.
- 2) Budget committee nominations: Morrie Miller, Hill Top Dr., Darrel Mealy, Hill Top Dr., Emily Hunt Leavitt Lp., Ira Mann , Cloud Nine Rd., Mr. F. S. Culver, Pacific Ave., B. LaForge, Cloud Nine Rd., and there was a carry over of Maxine Baumeister from last year.

Mr. Petersdorf made the motion to accept the nominations for the budget committee. This was seconded by Mr. Fillman. The motion carried.

Mayor Merz made the statement that some of these terms were split up in two and three year terms and that it would be straightened out in the office later.

- 3) There will be an information meeting for the voters on the issues that will be on the main ballot, March 14, 1980.

III. CITIZEN INPUT

John Carlson of P.O. Box 126, Westlake, spoke for the Citizens Association. He said that a few years ago the association was in communication with the telephone company for the purpose of changing Dunes City to a base area. Nothing ever came of it because the phone company said that Dunes City was not growing fast enough. Mr. Carlson felt that there is a possibility that this situation has changed. He went on to explain that if Dunes City were to become a base area, some peoples rates would go up, those on a four party, rural line, but the majority of the residents rates would come down. In some cases from \$15.75 to about \$8.00. He then went on to say that rather than the Citizens Association to get involved this time, he felt that the City Council would have more

clout with the telephone company and that they should get involved. He would be glad to give them any information that he had. His suggestion was that the council should first get in touch with the citizens and see what their feeling were on this and then go to the telephone company. This was important because this will affect different people differently.

Mayor Merz suggested that one of the council people work with Mr. Carlson and the phone company to get the information needed before it was made public. Then it was discussed further and decided that the recorder would send a letter to the telephone company requesting the information needed and then the council could work from that along with what Mr. Carlson had.

Mr. Carlson again took the floor stating that he did not feel it was fair the way Dunes City goes about granting permission for Mobile Homes to be in the city. He himself is not fond of Mobile Homes but he can come in and get a permit in one day to build a "stick" house and it takes up to 90 days to get a Conditional Use Permit to place a Mobile Home in Dunes City. He felt that the procedure of going through the Planning Commission could be eliminated to save time on granting these CUP's.

Mayor Merz said that this was thoroughly discussed by the citizens at the time they wrote up the Zoning Ordinance and at that time the citizen input was that they wanted it to take time and they wanted the people who wanted Mobile Homes to appear before the Planning Commission.

Mr. Carlson then brought up the matter of Mrs. Martha Jacobs. He wanted it to be a matter of record that he no longer opposed her request for zone change. He has further investigated the situation. His original objection was on spanning the pond with a bridge. He also felt if the council were to have a site inspection they might also drop their plans of appealing it to LCDC.

IV. REPORTS

1) Adoption of Housing Action Program.

This has been in front of the Citizens Involvement Committee for several months and before the council. It has been read and they have a resolution for that adoption. Resolution 3-13-80-B. Mr. Tout made the motion to adopt the resolution and this was seconded by Mr. Fillman. The motion carried.

2) Road Committee- no report given

3) Planning Commission - Chairman Tom Hunt reported that on regular meeting of the PC dated 2-20-80, they had two Public Hearings. One on Rodney W. Smith and another on Roy Cayton. The Smith's requested a variance to have cooking facilities in an apartment over their garage which is now considered a guest house. The commission recommended to the council that this variance be granted with two conditions. Mr. Cayton was asking for a Conditional Use Permit to have a small welding and repair business in his garage. This was recommended to the council by the Planning Commission, for approval.

Chairman Hunt went on to say that the Planning Commission held a special meeting on March 11, 1980. At this meeting there was a Public Hearing to hear EPW-2 revised proposal. They were asking for a preliminary approval of their project, once again. The Planning Commission recommended to the council that this approval be granted with the PC adding two additional conditions to the original 35 conditions placed previously.

V. PUBLIC HEARINGS

Public Hearing for Rodney Smith - variance- TL# 130 & 131, Map # 19-12-26-2.

The public hearing was opened at 7:55 for Mr. & Mrs. Smith. Mrs. Smith of 83353 Spruce Lane, testified for the variance. She stated that they are requesting a variance to have cooking facilities in their room over the garage. This room would be for their son and his wife,

Mayor Merz asked Mrs. Smith if she would be able to meet the conditions requested by the Planning Commission for the variance to be granted and Mrs. Smith said that these conditions could be met.

City Attorney Gerber stated that there are three things that must be established in the application for a variance. These are from the Zoning Ordinance, page 54, Sect. XI, B 1 a-b-c.

- a) That they would have to establish practical difficulty or unnecessary hardship.
- b) That there are exceptional and extraordinary circumstances.
- c) That the interpretation of the ZO would deprive her of some of the privileges enjoyed by other property owners in the zoning district.

Mrs. Smith said that the greatest hardship was the fact that her son and daughter-in-law could not afford to live in other housing. They live in the garage apartment without paying rent. Also she added that she could not afford to support them in a separate household. Also, if she were to combine the two tax lots into one as was one thing that could be done, she would be deprived of building on the other lot as others would be able to do. Also Mrs. Smith said that she knows of other guest houses with cooking facilities in Dunes City, however, they could have been here before the Zoning Ordinance was adopted which would make them grandfather.

Opposition: Mr. Lyle Neesley of 83378. Spruce Lane, took the floor stating that he was a neighbor of the Smith's and that he and Mr. Denis Hough attended the Planning Commission meeting for the Public Hearing on the Smith Variance. At that time he submitted a list of 7 neighboring property owners in opposition of this variance and the Smith's only had one letter in favor. At the end of the Public Hearing the Planning Commission stated that there were 7 out of 23 property owners in opposition. Mr. Neesley did not understand this because he did not see where there were

23 property owners neighboring. The council told him that this was the number of property owners that were notified of the Public Hearing so there must be that many within 300 ft. of the Smith's property line.

Mr. B. LaForge of 83925 Cloud Nine Rd., spoke not in opposition to the Smith Varinace, but that he would like to give some light on the subject. He was the developer of the subdivision that the Smith's live in. He felt that the way that the Smith's property is layed out that it would be almost impossible to build another house on the extra lot. These two lots are only 75 ft. wide and that part of the ggrage in on about 5 ft. of the other lot. Also Mr. LaForge said that he does know of other guest houses in Dunes City with cooking facilities.

Mr. Nessley then added that he did not understand how this variance could be considered because the work was done illegally without a building permit in the first place. Mayor Merz told him, that is why this first came to the attention of the council. However, they could not issue a building permit on an illegal structure, until there was a variance. That is why there has been the Public Hearings, for the variance to be decided on.

The public hearing for the Smith's was closed at 8:15.

After lengthy discussion by the council it was found that the Smith's situation was in fact a hardship and that there were exceptional circumstances, that there are two lots with only one residence and that there are two septic systems and that it was testified that the two lots are smaller than most of the other lots in the area. Also it was found that there are other guest houses in Dunes City, although it is not known if they are legal. So the criteria for a variance was met.

Findings of Fact:

- 1) The Smith's own two tax lots in an approved subdivision and at the time of approval, two residences could be built on those lots.
- 2) Smith's will combine the two tax lots into one.
- 3) The apartment is only 18X24.
- 4) There was testimony that the way the buildings are situated on the lots a building permit could probably not be obtained to build a second residence.
- 5) A hardship has been established that this is a young family not steadily employed and unable to rent other housing.
- 6) This is all of one family.
- 7) The Son in not paying rent.
- 8) There had been previous testimony that it was a help to the Smith's to have the son around the house to help.
- 9) There was testimony that there was other guest houses in DC.
- 10) This is on a public water system.

Conclusions of Law:

- 1) This meets the criteria set in the ZO page 54, Sect. XI.
B, 1, a-b-c

The motion was made by Mr. Fillman that the variance for Rodney

W. Smith be granted to have the cooking facilities in the guest house, over the garage with the following conditions:

- 1) With the sale of the property the variance would be terminated.
- 2) A restrictive deed be place on the property so that the apartment could not be rented.
- 3) That both of the tax lots be combined into one tax lot.

Mrs. Slocum seconded the motion. The motion carried.

Mayor Merz then made the statement that they would like evidence in the office at the time the tax lots are combined.

Public Hearing - Roy Cayton - Conditional Use Permit - TL #115
Map # 19-12-26-2

The Public Hearing for Roy Cayton was opened at 8:50. Mr. Roy Cayton, 83414 Spruce Lane, Siltcoos Subdivison, took the floor stating that he was asking for a Conditional Use Permit to have a small welding and repair business in his garage. He understood that there was some concern from the Dunes City Cable TV, of electrical noise from his welding interfering in the TV reception. He agrees to do what ever has to be done in this situation, to remedy the problem if it should arise. Also there had been some concern with excess light and smoke bothering the neighbors. He stated that his garage only had four small windows in the front and these could be covered and the only neighbor in sight of his house is Marty Katz and he has no objection to this operation. Also Mr. Cayton stated that he would be installing power ventilation to the garage.

After some discussion by the council and Mr. Cayton it was found that Mr. Cayton would not have any items in for repair larger than a boat trailer and that the items for repair would be in the garage and not outside.

Mrs. Slocum disqualified herself because her husband works with Mr. Cayton.

Opposition: Mr. Carroll Lockhart 527 Juniper, Florence, spoke for the Dunes City Cable TV, as their engineer. He said that he was not in opposition of Mr. Cayton's business request but that they would like some kind of protection in case the electrical noise form the welding did interfere with the TV reception. He was asking that the council put in a stipulation that if this did happen that the operation would be stopped until remedied and if this could not be remedied, that the permit be revoked.

Mr. Howard Campbell, PO Bx 912, Florence made the statement that the PUD passed a regulation that no customar can cause any radio or TV interference and if there is a complaint then the PUD will send out their radio and TV expert to investigate the matter and cause the interfering party to cease or correct that interference.

Mr. Cayton then made the statement that he had done some testing on his own in the last few weeks and that he had no interference reporter by his neighbor who is on the cable system.

Public Hearing for Mr. Roy Cayton was closed at 9:04.

Mr. Gerber asked to amend a memorandum sent from him to the council. The ZO page 24-25-26-27 , the application seems to conflict the spirit of what is set forth as the allowable home occupation but it does not appear to conflict with any of the requirements of a home occupation.

Mr. Gwilliam suggested that since there is some concern on if this will cause electrical noise or not, why not have the council review this situation in a year after operation, if the permit is granted.

The council then had some discussion as to whether the proposal of Mr. Cayton's qualified under page 26, sect. D- 8 , the space of the dwelling devoted to a home occupation shall not exceed 300 sq. ft. in floor area or an equal to 25% of the floor area of the dwelling.

The public hearing was reopened so the council could ask Mr. Cayton some more questions on this and there could be a chance for public input.

It was found by the council that Mr. Cayton's operation would qualify under this ordinance. The hearing was again closed.

The council adopted the findings of fact previously found by the Planning Commission with the addition of four more.

Findings of Fact:

- 1) The garage area is approximately 400-425 sq. ft. and about 50% of the area would be dedicated to the welding operation.
- 2) That the largest item in repair would be a boat trailer.
- 3) Mr. Cayton has testified that he plans to install a power vent inside the garage.
- 4) That there was testimony that all of the repair would be done inside of the garage.

Conclusions of Law:

- 1) Does not appear to conflict with Sect. 7, Sub Sect. II, C & D of the Zoning Ordinance.
- 2) It appears to conform with Sub Sect. D of that same section.

Mr. Gwilliam made the motion to grant the Conditional Use Permit to Mr. Roy Cayton to have a small welding and repair shop in his garage at, 83414 Spruce Lane, adopting the findings of fact previously found by the Planning Commission and adding the four new ones found by the council, with the following conditions:

- 1) Power ventilation be installed in the garage within 90 days.
- 2) If there is TV interference with the extent that the Dunes City Cable TV engineer feels it is detrimental, they will notify Dunes City and recommend to the city that the CUP be revoked.

- 3) The CUP will be reviewed within one year.
- 4) All work will be done inside the garage.
- 5) Mr. Cayton will cooperate with the Dunes City Cable TV engineer in the case of any investigation of electrical noise.
- 6) All work must be done between the hours of 8 a.m. and 6 p.m.

Mr. Fillman seconded the motion. The motion carried and Mrs. Slocum abstained from voting.

Mayor Merz called a recess at 9:25. The meeting reconvened at 9:37.

Public Hearing - Varinace - Robert Witt, 83630 Kiechle Arm Rd., Florence, Oregon , TL # 200, Map # 19-12-23-4

Mayor Merz requested that she be disqualified from this issue and the meeting was turned over to council president Mr. Petersdorf.

Mr. Gwillam made the motion that the council recess into executive session to discuss the matter of risk management in this issue.

Mr. Gerber stated that for the record a law suit has been threatened over the decision made tonight.

Mr. Fillman seconded the motion and the motion was carried. The council went into executive session at 9:40. The public hearing was reconvened at 9:50.

Mr. Orin R. Ormsbee, PO. Box 1136, Coos Bay, Oregon, attorney for Robert Witt, took the floor asking to call a number of witnesses to question.

Mr. Ormsbee first called Leonard Buckley , 85594 Market St., Florence, Oregon.

Through Mr. Buckley's testimony it was found that he had been hired by Mr. Witt to build a road from Kiechle Arm Rd. down through an easement on Jackson property to Mr. Witt's house. Mr. Buckley stated that he built the road and graveled it. Through doing this he did encounter a water system, which was moved from where it was on Mr. Witt's property onto Mr. John Toffel's property with Mr. Toffel's permission before this was done. Mr. Buckley explained the system and he felt that it was as good if not better system than what was there before. It was found that they had not spoken with Mr. Reavis before this was done but shortly afterward. Mr. Buckley also stated that there had been a permit obtained from State Forester Ron Lindsey and that he had come and inspected the work site and told them the regulations for the road. However, there had been no permits obtained from the city of Dunes City. In Mr. Buckley's opinion , this was a good passable road.

The council asked Mr. Buckley some questions on the quality of the water after the system was moved. Although Mr. Buckley is not an expert on water quality he did say that he felt the water was running quite clear.

Next Mr. Ormsbee called Mr. Robert Witt, 83638 Kiechle Arm to testify. Mr. Ormsbee asked Mr. Witt what the circumstances were for building the road. Mr. Witt said that he was land locked

by court order. He had bought two acres from Rob Jackson and with it came an easement. Mr. Ormsbee asked Mr. Witt if he had obtained any permits from Dunes City or inquired to anyone in Dunes City about necessary permits. Mr. Witt said that he had talked to Mr. Jim Barber who had been on the road committee and it was found that as long as the road was being put on private property there would not have to be any permit. He did get a permit from Ron Lindsey of the Forest Service to build a road. Mr. Witt also testified that he felt that the water system they put in to replace the one they moved was alot better then the old one. He also felt that there was more water flow than before. Mr. Witt stated that the State Forester did inspect the road after it was done.

The council asked Mr. Witt at what point did Mr. Camera and Mr. Reavis complain to him about the water system and Mr. Witt said that they had come about two days after the road operation had been started.

Mr. Ormsbee then asked Mrs. Evelyn Passenger, 83262 Dorothy Lane, Florence, Oregon to testify. Mrs. Passenger had been the chairman of the Planning Commission at the time this was first brought up and since she is still a member of the PC, she asked to consult with the city attorney before questioning. This was granted.

Mr. Ormsbee asked Mrs. Passenger about the site review that the PC held on the Witt road. She testified that they found it to be a good gravel road which she felt could be one of the better roads of DC. As far as the water system, the PC did look into the stream where the pipe was and the water seemed to be running clear and it was a rainy day. She also testified that after their review it was recommended to the City Council to grant the variance for the road to be 12 ft. in one place instead of 50 ft. and also to grant the major partion.

The council asked Mrs. Passenger if she knew when Mr. Witt first applied for a variance and the major partition. Mrs. Passenger said that on 8-6-79 he applied for a CUP and then when it came to the PC he was told that he would need a variance and a major partion and this second applicaiton was applied for on 11-3-79. Mrs. Passenger said that all sections for the major partition were met.

Mr. Ormsbee asked Mr. Gerald Reavis, POB 1128, 83620 Kiechle Arm Rd. Florence, Oregon, to speak. Through testimony it was found Mr. Reavis had applied for Water Rights on 4-12-79. He was not informed by Mr. Witt that the water system would be moved and that his only prior knowledge of the operation was the sound of the road equipment working. Mr. Reavis felt that the water was destroyed and the quality was terrible. It was muddy, in fact too muddy for him to use. He connected to an old well that he has. Mr. Reavis said that he has been using water from this system for about 11 years and that he had on his deed and easment agreement to use the water and to have the system on Mr. Witt's property. As it stands now, the system was moved onto property that he has no right to be on.

Also Mr. Reavis stated that his neighbor Mr. Camera, who is also on the same system, has dirty water. Mr. Camera was not present to testify, however, Mr. Reavis said that Mr. Camera had been checking the water and said it was still quite muddy.

Mr. Ormsbee introduced two letters from Bruce K. Mower, sanitarian from the Lane County Environmental Health. One addressed to Mr. Robert Witt dated 3-13-80 and one addressed to Mr. Bob Camera. Mr. Ormsbee asked the council to read these letters before they made their decision. Mr. Ormsbee went on to say that there was nothing of record that indicates that Mr. Reavis has any legal access to the water system at all. Also in ORS it states that no person shall use or divert water without first obtaining a permit. Mr. Ormsbee said that Mr. Reavis has gone ahead and done something without first obtaining a permit and then later applied for a permit. By Mr. Reavis' own testimony he used the water for 11 years before applying for a permit. Now Mr. Reavis is saying that Mr. Witt did not obtain a permit from this council and he is saying that what Mr. Witt did was make reasonable inquiry as to what was necessary for him to do. Mr. Ormsbee then went on to say that, granted Mr. Witt did not contact the right person but he felt sure that Mr. Witt did not do this deliberately. Mr. Ormsbee gave the council a document for them to read that states the council's duty in granting a variance. He went on to say that what is in question is the fact that in one place on this road that Mr. Witt built, it is not up to city code. It is about 12 ft. wide instead of 50 ft. Next he called the council's attention to the Supplemental Hearing Memorandum which addresses itself to tort liability. He asked the council to review pages 4-5-6-7 of the memorandum where he addresses that there is not any liability on the city. They have governmental immunity.

Mr. Gerber told Mr. Ormsbee that the problem with Mr. Reavis and Mr. Witt is not the interference with the water but that the catch basin was moved onto property that Mr. Reavis doesn't own. There had been an agreement given to Mr. Reavis and Mr. Camera by Mr. Witt and it had been rejected.

Opposition: Mr. Reavis spoke in opposition. He stated that it is on his contract and on Mr. Witt's contract that there has been water rights on that property for a number of years. He also went on to say that the permit that Mr. Witt obtained from the Forest Service was for a logging road only and a permit for him to log. He didn't feel that when the Planning Commission had their site review that they gave it justice. They were not close enough to tell what the water was like.

Mr. Gwilliam asked Mr. Reavis if the problem is that the water system was moved onto property that he has no rights on? Mr. Reavis answered that this is all he is asking for. That Mr. Witt get permission from Mr. Toffel to have the water system on his property. He also wanted the council to hold their variance until Mr. Witt makes this step.

The council had some discussion on what should be done with this situation and it was asked of Mr. Reavis if he would be satisfied if Mr. Witt would go and get this easement from Mr. Toffel to allow the water system to be on his property. Mr. Reavis agreed but also said that he would like to have the catch basin about 10 ft. higher.

The public hearing was closed for Mr. Witt at 11:10.

The council asked Mr. Ormsbee if he foresaw any problem with Mr. Witt getting the easement that Mr. Reavis was asking for and had he talked to

to Mr. Toffel verbally and did he think there would be any problem with him. Mr. Ormsbee said that there had been communication with Mr. Toffel and he saw no problem with getting this easement.

Mr. Tout made the motion that the council grant the variance for Mr. Robert Witt, subject to Mr. Witt getting a written, signed agreement for an easement for Mr. Reavis and Mr. Camera, from Mr. Toffel, to have their water system on his property, which would include the right to move the basin an extra 10 ft. up stream. Mr. Gwilliam seconded. The motion carried unanimously.

Mr. Tout made the motion that they grant the major partition, subject to the variance being completed. Adopting the findings of facts and conclusions of law previously recommended by the Planning Commission. Mr. Gwilliam seconded this and the motion carried.

Mayor Merz again took charge of the meeting.

Public hearing for EPW-2 - Planned Unit Development
Public hearing was opened at 11:17.

Mayor Merz stated that the council had before them the material of what was recommended by the Planning Commission on their special meeting of 3-11-80. The preliminary approval was recommended with two added conditions.

Mr. Gerber reviewed the EPW-2 proposal for the council and citizens present.

Mr. Frank Elliott, 1456 McKinley Ct., Eugene, Oregon spoke as a representative for EPW-2. He stated that they are as they were before. They have the same proposal and they are asking for preliminary approval to go ahead with the project after the conditions are met and then the next step is to go on to the DEQ and the Boundary Commission and the county for the water system. He stated that they are prepared to do whatever is required from the DEQ and the Boundary Commission. He felt that there would be no better system in Dunes City when they have finished theirs. Also he stated that there had been some concern shown by the Planning Commission on the finances of the project. When the time comes there would be a bond posted. This is the proper procedure and they are prepared to do this to insure construction.

Opposition: Mr. Harry McClain, Green Gate Rd., Florence, read an article from the Register Guard newspaper. It was written on his testimony at the special meeting of the Planning Commission on 3-11-80. He read that he was speaking for approximately 25 lake residents and he described the project as a "CHINESE WALL" of housing. He said that the project may threaten water quality and he reminded the PC that the lake is a source of drinking water for many Dunes City residents. He said that the proposed Planned Unit Development is legal but not in public interest. His concern was mostly the swampy ground and the water table in the ground. He felt this would not be good in the case of a large septic system. He also added that he does not go along with Dunes City taking over the system if needed. This would lead to a municipal system and this is what the citizens do not want. He is also opposed to clustered housing concept.

Mayor Merz told Mr. McClain that the reason for clustering is for better use of the land. Also she told Mr. McClain that we have to put our trust in the DEQ to do what is right with the sewer system and deciding if the water table is good or not. The proponents of the Planned Unit Development will have to follow whatever is set by the DEQ. She also said that...

the entire area proposed is almost 100 acres and they are only considering acreage which does not include the swamp land.

Mayor Merz went on to say that it has been asked by the county for Dunes City to consider adopting the Lane County Code of Environmental Collective Sewer Systems, as a city ordinance. This would give the county authority to monitor systems in DC when they are built. DC is now under county authority if sewer systems fail, so if we were to adopt the county code, the county would monitor those systems on a regular basis.

Mr. John Carlson, P.O. Box 126, Westlake, took the floor stating that he felt there would be some advantage to developing a single lot subdivision out of the proposed area because there would not be as many units as there is gross acreage because of the swamp land. The DEQ would not accept all of that acreage for homes.

Mr. Carlson went on to say that on the problem with the sewer and water system, in the event that it might fail, in a single lot subdivision there would be only one system failing at one time. In the proposed PUD there would be an entire 77 unit system failing at one time. This could be a problem. He made reference to a development proposed by Davidson Industries that was approved at Heceta Beach. There was an agreement between Davidson Industries and the county commissioners to use a management system plan that was approved by the Water Pollution Control Division of Lane County Department of Environmental Management. This system is physically run by Davidsons and a Homeowners Association but it is monitored by the DEQ and if there are any failures, the Homeowners are required to correct them and if they are not corrected, the county would correct any deficiencies and it would be charged against the Homeowners.

Mr. Carlson also added that these lots that are sold for single family dwellings may not be built on for several years. Possibly some would be sold two or three times before they would be built on. As for right away all we would see built would be the roads, water and sewer system and possibly a few of the condominiums. The land may not look too great in between times. However, since the land was logged several years ago and never reforested, and the developers do plan to replace trees, the land could look better than it does now. What is important is that something be settled so the land can have something done to it before erosion carries it away.

Mr. Baumeister, 83959, View Terrace Dr. took the floor thanking the council for going through all they have previously and for the conditions that were put down and sticking to them when they were not followed through. Also Mr. Baumeister suggested that in the Planning Commission condition that stated that Dunes City would not be responsible if the water and the sewer system were to fail, that this be changed to read and/or sewer system in such case as one or the other should fail.

B. W. LaForge, 83925 Cloud Nine Rd., Florence spoke out to the council that he felt that there are a lot of people around the lake who have testified against EPW-2, with a lot less than one acre that their houses are on. These people have no guarantee that their drain fields will not fail and if they do, they themselves will take care of them. So if the system fails on the EPW-2 project, they themselves will take care of it.

Mr. Machida, 84284 Alder Dr., Florence said to the council that he liked what Mr. Carlson said about the county being responsible agent. If this is the best protection for us, he felt this is what should be done. If the council needs to adopt the Lane County Code to allow the county to monitor these systems, they should do so. He felt that there is a precedent

for others and unless the council adopts such a thing as the county code, he feels that there are going to be other developers coming in to ask for the same thing.

Public Hearing for EPW-2 was closed at 12:12.

It was discussed by the council whether to adopt the Lane County Code or not. It was felt that further study by the councilmen would be best and they would set it on the agenda for the next council meeting.

After some discussion by the council Mr. Gwilliam made the motion to accept the Planning Commission's recommendation to grant preliminary approval of the Planned Unit Development to EPW-2 with the conditions set by the Planning Commission. The council adopts the findings of fact and conclusions of law previously found by the Planning Commission. This approval be granted with the following conditions added to the original 35:

1) That the water and/or sewage system be developed and the approval be granted in a way that the city will not become involved in any way, but the final arrangement must be approved by Dunes City.

2) That when the final plans are brought for final approval that an acceptable statement of financing and credit be given before final approval is granted to the project or...

3) An adequate performance bond be posted.

4) A progress report be provided to the City Council every 60 days.

This order is subject to amendment by the Western Lane County Planning Commission and our approval and it must be done within 30 days.

Mrs. Slocum seconded this motion and the motion carried unanimously.

IV. APPROVAL OF MINUTES

Mr. Petersdorf made the motion to approve the minutes of the February 14, 1980 meeting and the Addendum to minutes of February 14, 1980. Mr. Tout seconded this motion and the motion carried.

VII. BILLS AGAINST THE CITY

The bills against the city totaled 1555.03. Larry Slocum worked tearing down the old pump house and cleaned up the mess. He has submitted a bill for \$30 and did agree that he would be willing to take the old pump and pressure tank off the city's hands in lieu of the \$30.

Mr. Gwilliam made the motion that the agreement with Mr. Slocum be accepted and Mr. Petersdorf seconded this. Mr. Petersdorf made the motion that the bills against the city be paid and Mr. Fillman seconded this motion. Both motions were carried.

XI. NEW BUSINESS

1) Resolution in Support of the 20th U.S. Decennial Census of Population & Housing (Resol. 3-13-80-A)

This is a resolution for the council to adopt in support of the census. Mayor Merz asked Mrs. Slocum to explain what this is used for and Mrs. Slocum, who is in charge of this, said that the pre-census review had been overlooked, however that in June they will have 10 days to review it again. She said that she would like someone to help her make a guess as to how

how many people there are in Dunes City so that when the figures from the census do come in she would have some idea if they are correct. The figures have alot to do with the revenue of DC. It comes to about \$225 a person.

Mr. Petersdorf made the motion that the council adopt Resolution 3-13-80-A and Mr. Gwilliam seconded this. The motion carried.

2) Contract for Police Protection - Mr. Petersdorf stated that he had had a discussion with the Lane County Sheriffs Department and that since Dunes City is running low on funds, they will cut down their hours of patrol. They will try to give us 8 hours a week and split that up into different days. They will continue this until DC's new budget is activated on June 31, 1980. They will also get a new contract to us as soon as possible.

XIII. OTHER BUSINESS

1) Mr. Gwilliam asked Mayor Merz if she could get a letter to LCOG to get a review on current funds available to us as a city for things DC could be going after. Such as grants, etc.

Mayor Merz said that LCOG tries to keep Dunes City informed. With some of those grants there are certain duties that have to be performed to qualify for them. Also some have to be matched on the dollar amount and DC has never had the extra dollars to do this with.

2) Mr. Gwilliam asked Mayor Merz what is going to be done when some of DC's current revenue dries up? This is serious.

Mayor Merz said that if the council was going to discuss an established tax base, it should have been done 2 months ago to get on the ballot for MAY. The deadline was 3-20-80. The vote can be done in November but then the tax cannot be used until the following year. This can only be done every two years either on a primary or genreal elction.

Mrs. Slocum said that she feels it would be hard to get a tax base passed in DC. Mr. Petersdorf said that the residents of DC are going to have to realize that after all of these years something has to go back into the city.

Mayor Merz said the tax department informed her that DC's assessed value is about \$28,000,000 and at 2¢ a 1,000 we could raise over \$250,000. She said that most of the money in the past has gone to roads in DC. The roads are so-so now and don't take as much of the money, however Mr. Mann of the road committee has proposed to have a couple of the roads in DC paved. One of these is Huckleberry Lane which is used by alot of people. An alternative to this would be if the people would go for an allied deed, where they are paying for the first coat of pavement and the ditching. This way more of DC's money could go to other areas in the city.

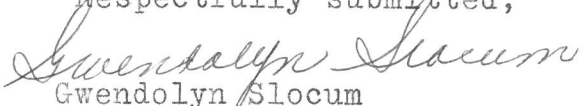
The council then had a short discussion on what could be done to Huckleberry Lane and the conditions of roads in DC.

XIV. ADJOURNMENT
12:45

Debra K. Stinger Secretary
Shirley M. Merz Mayor
Ed Gillman
James Slocum
Donell Brown
Paul Hilly

Dunes City Council
Minutes of Executive Session
March 13, 1980

The Council retired to executive session to discuss possible litigation arising from the Witt request for variance and major partition. City Attorney Gerber pointed out three possible courses of action by the City Council and the probable consequences of each. After a short discussion the Council returned to open session.

Respectfully submitted,

Gwendolyn Slocum
acting secretary

RECEIPTS - Feb. Mar, 1980

OR State (cigarette tax for Dec.)	\$ 195.64
OR State (Motor Vehicle apportionment)	1,596.45
Maturing TCD Int. #40056	33.98
Central Linc. PUD (Franchise tax)	253.70
Building Permits (4% Surcharge - 4.18)	108.68
Building Rental	20.00
Lien Search	50.00
Zoning Ordinances	30.00
Comprehensive Plan	21.00
Subdivision Ordinance	15.00
Copies	17.00
Conditional Use Permit (Dewey E. Mattie)	75.00
Planned Unit Dev. Fee (EWP-2)	250.00
	<hr/>
	\$ 2,666.45

BILLS

Paid - not reviewed by Council

U.S.Dept.of Agriculture-Forest Service (sign at Highway 101 and Pacific)	20.00
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BILLS

Mike Johnson (gravel & grader)	\$ 915.74
Plants & Assoc. (prints)	4.50
American Business Machines (copier @ \$0.0265)	53.53
Galeria (ofs. supplies)	1.50
Siuslaw Glass & Mirror	28.15
Pacific NW Bell	28.30
Copeland Lumber Co. (pipe & couplings)	3.02
Shirley M. Merz (reimbursements: Printing of Bldg. Permits printed paper & env. -Centennial Press)	18.60 76.10
Shirley M. Merz - mileage L-COG meeting - 140 mi.	23.80
Key TV - cassettes & foot control	17.66
Siuslaw News - Adv.	5.58
Centr. Linc. PUD (Street Lighting)	253.70
" " " (Building)	65.10
Emile Mortier (Bldg. Insp. services)	54.75
	<hr/>
	\$ 1,550.03
Ed Fillman -(water, Community Center)	5.00
	<hr/>
	\$ 1,555.03

Larry Slocum (removal of water pump & housing, cleaning area & removing housing material to dump.)	30.00
(Mr. Slocum offered to take the pump in lieu of payment of the above bill. This request was acted on by Council at meeting of March 13, 1980 and approved.)	

BILLS - MARCH, APRIL 1980

Read Insurance Agency (Mrs. Stinger's bond)	\$ 35.00✓
Pacemaker Industries (street name signs)	94.69✓
Down to Earth Constr. Co. (Pump house - Com. Center)	1,400.00✓
Galeria (office supplies)	8.20✓
Frank's Office Equipment (office supplies)	42.00✓
Pacific Northwest Bell	24.19✓
Siuslaw News	28.45✓
Emile Mortier	80.63✓
Dwight R. Gerber	859.35✓
Central Linc. PUD (Bldg. lighting \$44.30 Street lighting \$253.70)	298.00✓
Gus Swanson (reimbursement for cleaning suppli	20.27✓
Shirley Merz (reimbursement - travel)	23.80 26.80 ✓
" " plant & card, Deputy O'Malle	3.35 3.35✓
Gene L. Chase (reimbursement - travel - Feb.)	27.15 13.60✓
Ed Fillman (water - Community Center)	5.00✓
Howard Campbell (Com. Center Water, 9 Hr. @ \$ Roads 2 Hr. @ \$10 = \$20)	110.00✓
Tidewater Elec. (Serv. for water pump - Com.	425.38✓
	<u>3,474.91</u>

RECEIPTS - MARCH, APRIL 1980

OR State (Cigarette Tax)	\$ 239.51
OR State (Motor Vehicle Rev. Share)	234.03
Interest TCD #39997	1,284.46
Lien Search	157.78
State Liquor Contr. Com. (Liquor Rev. Share)	25.00
Minor Partitions	501.65
Pac. NW. Bell (Franchise Payment)	905.93
Florence Cable TV (2 1/2% of gross-Franchise Payment)	200.00
LC Dept. of Finance (Motel Tax)	833.76
Copies	1,061.12
Variances	126.70
Subdivision Ordinance	13.23
Zoning Ordinance	200.00
Building Permits	3.00
Central Linc. PUD (Franchise Payment)	15.00
	827.92
	253.70
	<u>6,882.79</u>

AGENDA

REGULAR MEETING OF
DUNES CITY COUNCIL

April 10, 1980

- I. CALL TO ORDER AND ROLL CALL
- II. ANNOUNCEMENTS
 - 1. Reminder to Council re Statement of Economic Interest
 - 2. Budget Workshop (Understanding the Budget Process)
 - 3. Proclamation re St. Jude's Bikeathon
- III. CITIZEN INPUT ON UNSCHEDULED ITEMS
- IV. REPORTS
 - 1. Nick Landis re Economic Improvement District
 - 2. Road Committee
 - 3. Planning Commission
- V. PUBLIC HEARINGS
 - 1. Conditional Use Permit Request - Dewey E. Mattie
- VI. APPROVAL OF MINUTES OF MARCH 13, 1980
AND ADDENDUM TO MINUTES
- VII. BILLS AGAINST CITY
- VIII. RECEIPTS OF SESSION
- IX. CORRESPONDENCE
- X. OLD BUSINESS
- XI. NEW BUSINESS
 - 1. Request for Street Light - Harold Ellefson,
5350 Boy Scout Road

Agenda - Regular Meeting
City Council, April 10, 1980
Page 2

XII. ORDINANCES

XIII. OTHER BUSINESS

XIV. ADJOURNMENT

NOTICE Please bring all information pertinent to EPW-2

AGENDA

REGULAR MEETING OF
DUNES CITY COUNCIL

January 10, 1980

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF DECEMBER 13, 1979 & REVISED MINUTES OF NOVEMBER 8, 1979
- III. BILLS AGAINST CITY
- IV. RECEIPTS OF SESSION
 - GUEST: Wes Kvarsten - LCDC
- V. CORRESPONDENCE
 - 1. Thank you letter from George Johnson, F.C. of U.S.C.G.A. for use of building last two years.
- VI. ANNOUNCEMENTS
- VII. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VIII. REPORTS
- IX. OLD BUSINESS
 - 1. Mr. and Mrs. Rodney Smith Building Permit Application
 - 2. Witt Variance/Major Partition Application
 - 3. EPW-w Show Cause Proceedings (copy enclosed)
Building Inspector's Report (copy enclosed)
 - 4. Approval and Signing Resol. re Tree Planting on Arbor Day
 - 5. Dunes City Appeal on Zoning of Jakob Property
- X. NEW BUSINESS
 - 1. Nuisance Complaint Against Property Owner (Cornelius)
(Copy of complaint form & notice enclosed).
 - 2. Resolution accepting Audit Report

005-21

DUNES CITY, OREGON

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
APRIL 10, 1980

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Merz at 7:30 p.m. on the 10th day of April, 1980.

ROLL CALL

Present: Mayor Merz, P. Tout, D. Brown, Fillman, B. Petersdorf, G. Slocum, J. Gwilliam, City Attorney R. Gerber, City Recorder G. Chase, Secretary D. Stinger

There were 8 citizens present.

II. ANNOUNCEMENTS

- 1) Reminder to council re Statement of Economic Interest.
- 2) Budget Workshop April 15, 1980, 7:00 p.m. This is on understanding the Budget process.
- 3) Proclamation re St. Jude's Bike-a-Thon - Don Brown spoke to the Council as chairman of this event. He stated that the Bike-a-Thon will be held on May 3, 1980. It is an event held to raise money for the St. Jude's Children's Hospital to aid in their cancer research. He said the City of Florence has already adopted a proclamation to make May 3, 1980 the official St. Jude's Day. This is what he is asking for from Dunes City.

Mr. Tout made the motion to proclaim May 3, 1980 official St. Jude's Day. This was seconded by Mr. Petersdorf. The motion carried.

- 4) Mr. Petersdorf gave a report on Deputy O'Malley who was recently wounded in the line of duty. He seems to be coming along fine, but will be out of commission for several months yet.

III. CITIZENS INPUT - None

IV. REPORTS

- 1) Economic Improvement District - Mr. Nick Landis reported to the Council the projects that the Economic Improvement Commission was working on. Their purpose is to work with different communities to find ways of providing jobs in the community. Economic Improvement is their goal.

Some of the examples he gave as to what some of their projects are, were:

- 1) Oakridge Industrial Park
- 2) Cottage Grove's Water Line
- 3) They have been helping such cities as Springfield, Veneta, Cottage Grove, and Florence on their Comprehensive Plans for economic strategy.

He then added that most of these cities don't have a lot of retail business and they have the potential for it.

- 4) He said they have been working with small businesses helping them find the things that are available to them, through the State and County.

The Council had some discussion on the value of this Commission to Dunes City. It was expressed by some that Dunes City doesn't need or want economic growth and others expressed the need to be included as a coastal town and a voice in Lane County. Also most of Dunes City citizens work in the outlying cities and it would be to the citizens advantage to have this commission working on economic growth in those cities.

Next Mr. Landis told the Council the fee for participating in the program for the next fiscal year would be \$189. Mayor Merz stated that this would be discussed at the Budget Committee meeting.

- 2) Road Committee - Mr. Tout had Ira Mann's report on improvements that had been done to some of Dunes City's roads. He read the letter to the council.

Mayor Merz gave a brief report on a site inspection that she, Mr. Tout and Mr. Mann had on the Little Woahink Subdivision. The developer, Mr. Lempke, had asked for the inspection, but didn't show up when it was held. Mayor Merz stated that those present found a few minor improvements that could be made to the roads, but nothing major. However, Mr. Lempke has never fully met all of the conditions of his variances.

Mr. Campbell had submitted a memo to the council on the National Hydropower requesting that a letter be sent from the council in support. This was ok'd by the council.

- 3) Planning Commission - Chairman Tom Hunt of the Planning Commission spoke on the Public Hearing they held on 3-19-80 for Dewey E. Mattie. Mr. Mattie was asking for a Conditional Use Permit to put a double wide Mobile Home on property between Clear Lake Road and Shady Lane. The Planning Commission recommended to the Council that this permit be granted with the condition that a 10 ft. buffer of natural vegetation be left around the property lines except for the driveway.

V. PUBLIC HEARING

- 1) Conditional Use Permit - Dewey E. Mattie , P.O. Box 412,
Greentrees Lot # 141, Florence, Oregon
Map # 19-12-13 Tax Lot #305

Mr Gwilliam stated that he would have to disqualify himself because he is associated with Mr. Mattie as a realator.

Mr. & Mrs. Mattie wish to put a new double wide Mobile Home on property between Shady Lane and Clear Lake Road.

Opposition - Mr. Devereux, 5658 Shady Lane spoke in opposition of having Mr. Mattie put a Mobile Home on the property on Shady Lane. He also stated that Mr. Mattie had come to him asking for his permission as an adjoining property owners, to do this. On this letter that Mr. Mattie wanted him to sign, was a list of three property owners. Mr. Devereux's question to the Council, was how many adjacent property owners are there.

The Council answered his question that there are 6 property owners within 300 ft. of the property lines and all of these owners were notified by mail of the Public Hearing. There were no letters or testimonies in opposition at the time of the Planning Commissions meeting and the Public Hearing. The Council went on to explain the meaning of a Conditional Use Permit. It was said that the reason Mobile Homes are set up in Dunes City on a Conditional Use Permit, is so that they can be granted with conditions. This way the owners have to comply or the permit is revoked. Also, if there are any reasonable complaints against the dwelling or surrounding area, the permit can be revoked.

Next the matter of Mr. Mattie's driveway was discussed. It was found that the realators are working on getting an easement for part of the driveway to go over part of an adjacent property, so the driveway could come off of Shady Lane. If this cannot be obtained, they will apply for a permit from the County for access off of Clear Lake Road.

The Council discussed what would have to be obtained by Mr. Mattie if this Conditional Use Permit were to be granted. His next step would be a building permit and with this he would have to follow all State Mobile Home Standards and then he would have to go to the County for a septic permit. Mr. Gwilliam stated that he has the documents showing that the septic permit has been issued.

Public Hearing closed at 8:35.

The Council had some discussion on the fact that there is no septic system installed yet.

Mr. Gerber also brought to the Council's attention that they had the option to place conditions on the Mobile Home to pro-

tect the neighbors and neighborhood from an eyesore or nuisance.

The Council found one more Findings of Fact to be added to the Planning Commissions previous facts:

- 1) The proposed Shady Lane driveway requires an easement from the property on the west.

Mrs. Slocum made the motion to grant the Conditional Use Permit to Dewey E. Mattie to have a Mobile Home on Tax Lot #305 on Shady Lane, adopting the Findings of Fact previously found by the Planning Commission, with the one additional fact found by the Council, with these conditions:

- 1) A 10 ft. buffer of natural vegetation be left around property lines except for the driveway.
- 2) There be an approved installed septic system by the County and that document of this be given to the City.
- 3) That a recorded easement for the driveway from Shady Lane or a permit from the County for access off of Clear Lake Road be obtained.
- 4) The Mobile Home must be new.
- 5) The Mobile Home and surrounding area be kept nice and in good repair.

Mr. Tout seconded this motion. The motion carried. For the record Mr. Gwilliam did not participate in the vote, only audience participation.

Mayor Merz stated that the Conditional Use Permit will be issued when the City receives the documents requested.

VI. APPROVAL OF MINUTES

Mr. Petersdorf made the request that when something is stated to be on the record, it should be in the typed minutes. (~~see-Addendum #2 to minutes of March 13, 1980.~~) Mr. Petersdorf stated for the record, in the Smith Variance, the fact that it was a young couple living in the apartment and that they could not afford other rental housing, was a hardship but not an exceptional hardship.

Mayor Merz said there should be a correction on page 13 where it was stated that at 2¢ per 1,00, Dunes City would raise \$250,000. This should be corrected to read \$56,000.

Mr. Tout made the motion to approve the minutes of March 13, 1980 as read and corrected. Mr. Petersdorf seconded and the motion carried.

VII. BILLS AGAINST THE CITY

The receipts for March and April were \$6882.79. The bills for March and April were \$3474.91.

Mr. Petersdorf made the motion to pay the bills against the City. Mr. Fillman seconded. The motion carried.

VIII. RECEIPTS OF SESSION - ~~None~~ Approved

IX. CORRESPONDENCE - None

X. OLD BUSINESS

Mrs. Slocum asked the City Attorney if there had been any word from the Western Lane County Planning Commission on the matter of the EPW-2. Mr. Gerber answered that there had been none and that their 30 days were up.

The Council discussed what should be sent to the Western Lane County Planning Commission to notify them of what Dunes City is doing. Mayor Merz said that she and the City Recorder had made up a form to mail to the Commission each time there is something that they should know about. Mr. Tout suggested that an agenda of the Planning Commission's meetings just be sent. It was found that it would be much more accommodating to the Commission to have the form that was made up because it lists alot more information on the subjects.

Mayor Merz asked Mr. Tout how the Charter Committee revisal meeting were going. He said that they were almost finished and it would be ready for the next council meeting. Mayor Merz suggested that it be put together for the ballot in November and that it has to be into the elections board in August.

Mrs. Slocum asked for some assistance in getting an estimate of the population for Dunes City for the census. In June there will be two weeks to review the census figures and Dunes City should have some idea of how many there are in Dunes City. Mr. Brown felt that there should be some figures on record that would assist her in this.

XI. NEW BUSINESS

- 1) There has been a request for a street light from Harold Ellefson, 5350 Boy Scout Road. This was discussed by the Council at some length and was felt that the situation should be reviewed by one of the council members before a light be put in. The neighbors should be notified in case of conflict, also. It was found that Mr. Ellefson has been burglarized several times and this is the reason he is asking for the light. Mayor Merz said that in the past the City has issued street lights to anyone who asks as long as the City still has street lights to issue from the light company. A motion was made to table this matter until Mr.

Petersdorf could look the situation over and report back to the Council

- 2) The renewal of liquor licenses in Dunes City was brought to the Council. The motion was made to renew these licenses and the motion carried. The record shows that Mrs. Slocum did not vote.

XII. ORDINANCES - None

XIII. OTHER BUSINESS

Mrs. Baumeister asked the Council when the EPW-2 would be giving reports that were requested by the Council. The Council answered this question with, the EPW-2 would start reporting as soon as the actual earth moving begins. They are still going through the Boundary Commission and the County. Mrs. Baumeister then asked if the citizens would be notified of these reports through the Council Meetings and she was told, yes they would.

XIV. ADJOURNMENT

9:23

Shirley M. Merz
MAYOR

James Furkham
Robert Petersdorf
Donall Brown

Debra K. Stinger
SECRETARY

Joe Cant
C. E. Gillman

REVENUE SHARING FUNDS
HEARING

Dunes City, Oregon
April 30, 1980

Public hearing was held on April 30, 1980 in the Dunes City Community Center, Westlake, to consider the use of approximately \$4,500 of Federal Revenue Sharing funds for the current fiscal year.

In attendance were: Mayor Shirley Merz, Don Brown, D. Mealy, R. M. Miller, Mrs. Emily Hunt, Bernie LaForce, Ira Mann, F. S. Culver, and Mrs. Maxine Baumeister.


Mrs. Merz discussed the possibility of Federal Revenue Sharing funds being unavailable to the City this year.

Suggestions were made by the Budget Committee members present, as well as input from the audience, as to the possible uses the funds could be advantageously utilized for.

Mrs. Merz also instructed the Budget Committee that they may hold Budget sessions at any time after the completion of the 1980-81 budget matters, and may wish to give some thought to the establishment of a City tax.

It was the consensus that the funds should go into General Administration, if they are received; however, budget would be compiled as if funds were not to be available at this point.

Hearing was closed at 8:15 p.m.



Gene Chase,
City Recorder

MINUTES OF BUDGET WORKSHOP
DUNES CITY, OREGON
April 16, 1980

The budget workshop commenced at 7:00 p.m. with the following members in attendance:

F. S. Culver
Mrs. Maxine Baumeister
R. M. Miller
Ira Mann
Darren Mealy
Bernie LaForge
Mrs. Emily Hunt

Mrs. Shirley Merz, Mayor
Councilwoman Gwen Slocum
Councilman Phil Tout
Councilman Bob Petersdorf

The session was started by Mayor Merz explaining that this was merely a workshop, requested by a few of the new members of the Committee, to familiarize them with the forms used, sources of income, categories of expenses, and history of Dunes City budget and finance.

The budget of fiscal year 1979-80 was reviewed line by line. The Committee was also informed that any recommendations they wish to make, ie. Police Protection, would be made to Council at the time of Hearing together with the reason for their recommendation.

They were informed they could hold a meeting as long as they had a quorum, even without the full complement of Council members (providing the necessary publication requirements are met.)

The Committee was informed that a schedule of budget meetings would be forthcoming from the Accountant's office. They were also informed of the Budget Hearing (which will be published on April 17) to be held at 7:30 on April 30. A second meeting is set for May 22 at 7:30 and this will be published at a later date.

A Chairman of the Budget Committee and a Secretary will be selected at the regular budget hearing.

Gene L. Chase

Gene L. Chase,
City Recorder

TO ALL COUNCIL MEMBERS:

City Attorney Gerber advises that each Council member should make every effort to site review each land use proposal that is before them on this agenda.

S.M.M.