

0-19

AGENDA

REGULAR MEETING OF
DUNES CITY COUNCIL

May 8, 1980

I. CALL TO ORDER AND ROLL CALL

II. ANNOUNCEMENTS

1. Mr. Tim Fiegel has resigned from the Planning Commission because he has moved from the area. Applications will be taken until 2:00 p.m. May 19.

III. CITIZEN INPUT ON UNSCHEDULED ITEMS

IV. REPORTS

None

V. PUBLIC HEARINGS

1. Planning Commission Report re Public Hearing Items
2. Request for Variance/Minor Partition - Joseph C. Riesenhuber
3. Request for Variance - Sabry E. Mason
4. Request for Variance - Robert M. Halvorson
5. Request for Variance - Thomas J. & Emily J. Hunt

VI. APPROVAL OF MINUTES OF APRIL 10, 1980 & ADDENDUM TO MINUTES

VII. BILLS AGAINST CITY

VIII. RECEIPTS OF SESSION

IX. CORRESPONDENCE

1. U. S. Dept. of Agriculture, Forest Service meeting re: National Forest Planning Process, June 18, 1980, Siuslaw High School, Florence 9:00 a.m. to 2:00 p.m.
2. Dept. of Transportation meeting 9:00 a.m., Tuesday, May 20 City Hall, Eugene re: transportation issues and priorities.
3. Board of Commissioners public hearing on proposed fee schedule of County solid waste sites Tuesday, May 6 at 1:30 p.m. at Harris Hall in Eugene.
4. Public Hearing of Board of County Commissioners on Wednesday, May 21, 1980 at 9:00 a.m. in Harris Hall, Eugene re: Lane County Transportation Plan and proposed changes to the Master Road Plan.

X. OLD BUSINESS

1. Request for Street Light - Harold Ellefson, 5350 Boy Scout Road

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XI. NEW BUSINESS

1. Liquor License Application - Woahink Lodge, Inc.
2. Waiver of Policing Requirement - Country Pickers Building Rental
3. Increase of Rental Fee on Building (Present rental fee is \$15.00 plus cleaning deposit of \$25.00, which is refundable.)
4. Cancellation of Permit to Use Water from Siltcoos River
5. Street light request at intersection of Huckleberry Avenue and Wright Road.

XII. ORDINANCES

1. Discussion re cost factors involved in issuing Conditional Use Permits and Variances.

XIII. OTHER BUSINESS

XIV. ADJOURNMENT

BILLS - April, May 1980

Pacific Northwest Bell		\$	24.36
Key TV			16.78
West Lane Plumbing & Htg. (St. signs)			23.56
Central Linc. PUD (St. Lighting)	\$253.70		
" " (Bldg. Lighting)	<u>36.00</u>		289.70
Frank's Office Equipment			27.00
Siuslaw News			17.88
Lane County, Dept. of Finance (Police Protection-Apr)			528.65
Ed Fillman (Water- Com. Center)			<u>5.00</u>
			932.93

BILLS - Paid - Not Reviewed by Council

Lane Co., Dept. of Finance (Police Protection period ending Mar. 80)	2,049.20
Bldg. Codes Div. (4% surcharge on permit fees)	34.42
J J & K Well Drilling (partial billing for work on Community Center Water)	<u>500.00</u>
	2,583.62

RECEIPTS - April, May 1980

State of OR (Cigarette Tax)	218.93
OR State Highway Div (Motor Veh. Rev. Shar)	1,187.86
U.S Treas. (Fed. Rev. Shr)	1,067.00
Lane County (Motel tax)	30.08
Building Permit (Permit \$328.50, Plumb. 60, 4% surch 11.16)	399.66
Building Rental	85.00
TCD Maturing Int.	67.30
Lien Search	15.00
Subdivision, Zoning Ord.	13.00
Comprehensive Plan	7.00
Copies	<u>14.55</u>
	3,105.38

DUNES CITY, OREGON

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
MAY 8, 1980

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Shirley Merz at 7:30 p.m. on the 8th day of May, 1980.

ROLL CALL

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

Absent: J. Gwilliam, G. Slocum

II. ANNOUNCEMENTS

Tim Feigel has resigned from the Planning Commission because he has moved from the area. Applications for the vacancy will be taken until 2:00 p.m., May 19, 1980.

The Lane County Board of County Commissioners will be holding a public meeting on May 15th at the Florence Lane County Annex Building. This will be on the Sub-area Plan. On the following week, May 22, there will be another Public Hearing on the Sub-area Plan in front of the West Lane Planning Commission. These meetings will be discussing areas North of the river and Coastal Goals.

III. CITIZEN INPUT-None

IV. REPORTS

Mayor Merz stated that the reports from the Planning Commission would be held until the time of the Public Hearings. She then asked Mrs. Passenger, who was in the audience, if she would be doing those reports tonight in the absence of Mr. Hunt. Mrs. Passenger stated that she was not instructed to do so, however, Mrs. Miller had been Chairman for the Planning Commissions Public Hearings and she was also not present. Mayor Merz stated that the Council had the recommendations from the Planning Commission with the information needed if no one show up to give a report.

Mrs. Passenger did make a statement to Mayor Merz saying that at the last Planning Commission meeting it was questioned as to whether there has to be a time listed for the Public Hearings. At the last meeting they were scheduled for fifteen minutes apart and there is no way that they can be heard and decided on in the length of time allowed. This makes it hard to start the next Public Hearing on time.

Mr. Gerber stated that it is legal to start a Public Hearing late

but it is illegal to start it early so if you stagger them too far, you would have to sit around and wait for the next one if the prior one happened to be short.

Mayor Merz stated that there has to be a time published as to when the hearings are to begin.

Due to the time, the Mayor went on in the agenda to the Bills against the City.

VII. BILLS AGAINST THE CITY

The Bills for April-May 1980 totaled \$932.93 and the bills that were paid prior to Council totaled \$2,583.62. Mayor Merz stated that these are on contract and have been approved previously.

Mr. Petersdorf made the motion that the Bills Against the City be paid. Mr. Tout seconded and the motion carried.

VIII. RECEIPTS OF SESSION - April-May 1980: \$3,105.38

VI. APPROVAL OF MINUTES OF APRIL 10, 1980

It was found that Mr. Fillman's name was omitted from the roll call on the minutes and he was present. Mr. Petersdorf made the motion to approve the minutes as corrected. Mr. Tout seconded and the motion carried.

It was still too early for the Public Hearings to start so the Council went on to item #6 in New Business.

XI. NEW BUSINESS

6. Proposal-Emil Mortier re Plumbing Inspections

Mayor Merz stated that Mr. LaForge was here and may not want to stay through the whole meeting so this is why the Council will take this item up now.

Mr. Mortier had submitted a letter to the Council explaining the necessity to hire the City's own Plumbing Inspector. Mr. B. LaForge has submitted a contract to the City to do these inspections for 75% of the fees collected. According to Mr. Mortier's letter, it seems the plumbing inspections have been neglected to be done by the County.

Mayor Merz read the new contract by the County. It stated that in addition to the plumbing permit fees that Dunes City collects, they are asking for an additional 26.5% of the regular plumbing permit fees. This would have to come from other City revenue because there is no authority to collect any additional fee. Mayor Merz also stated that there was a deadline for submitting a contract to the State and Mr. Mortier has already submitted to the State that Dunes City would probably be hiring it's own

Plumbing Inspector.

Mayor Merz stated that Mr. LaForge has submitted a contract to the City that he will do the inspection for 75% of the fees collected and also after reading his contract it was felt that there should be a 30 day clause that would allow either party to terminate the contract. Mr. LaForge found this acceptable.

Mr. Tout made the motion that Mr. LaForge's contract be accepted with the additional 30 day clause added. Mr. Brown seconded. The motion carried unanimously.

V. PUBLIC HEARINGS

Mayor Merz stated that they have had one suggestion regarding the Public Hearings and this was that all testimony on all of the Public Hearings be heard and then the Public Hearings be closed and then the Council could decide on each one, one at a time. The Council discussed this and found that it would be too confusing to do it this way. The idea was dismissed.

PUBLIC HEARINGS-Joseph Riesenhuber- Variance/Minor Partition
5394 Canary Rd., Florence, Oregon
S 19 R12 Sec. 11 4 Parcel #1200

The Public Hearing was opened at 7:48.

City Attorney Gerber read a letter submitted to the Council from Mr. Harry McLain. In general it stated that it was a matter of record that he was opposed philosophically to the variance requests for building within the 50' lake setback, at the April 16, 1980 meeting of the Dunes City Planning Commission. He felt that the Dunes City Ordinance was written and accepted that there would no building within 50' of the lake and this should be enforced or the Ordinance should be amended. He felt that too often building within this 50' was being allowed by the City.

Mr. Gerber stated that this original letter be made an exhibit to all three variance requests for lake setbacks.

Mayor Merz asked the Council to allow herself to clarify her position in the Riesenhuber case from the beginning of their requests for a variance and minor partition. The Riesenhubers came to the Dunes City Office at a time when the office personnel was changing and she had helped them quite a bit in answering questions and also she has been contacted several times to answer questions for them. She felt that she should abstain.

The Council and the City Attorney discussed this matter and found that she had only answered questions that were asked of her and that she has made it known that she had prior knowledge of this matter. It was felt that this should not interfere in her being objective. Mr. Brown made the motion that Mayor Merz be allowed to continue

to act as Chairman of this Public Hearing. Mr. Fillman seconded. The motion carried.

Mr. Tout made the statement that he had also been to the site prior to the Public Hearing. Mayor Merz said that all of the Council was asked to do a site review. Mr. Gerber said that it should be disclosed, all of those who were there prior to the hearing. Mr. Petersdorf, Mr. Brown and Mr. Fillman stated that they had not been to the site. All other members had.

Mayor Merz made the statement to the Council that what is being heard tonight is the Riesenhuber's request for a Minor Partition of 2.3 acres into two 1.1+ acre parcels, which was recommended for approval by the Planning Commission and also a request for a 25' lake setback variance which was recommended for denial by the Planning Commission.

Mr. Brown brought to the Council's attention that the minutes of the Planning Commission's meeting, April 16, 1980, were in error. In the Findings of Fact and in the Recommendation for the Minor Partition. The minutes stated that there is 2.3 acres to be divided into two 2.1+ acres. This should read two 1.1+ acres.

Mr. Riesenhuber gave testimony to the Council by reading a few things he had written down. He read that he has been paying high taxes for a lot of years for lake view property and that it wouldn't be asking too much for a 25' lake setback so they could see the lake from the proposed building site. He stated that they have taken out just enough trees for the building site, however the Planning Commission seems to feel that they should fall three or four more so that the house could be setback and change the house plans to fit the property. With this setback they would not be able to see the lake. The house plans now are only 1800 sq. ft. and he felt this is not a large house for a family of four. He felt that they laid the house out as best as possible to fit the land. He felt that some consideration should be taken for the view and the size and shape of the lot.

Mr. Gerber stated that what has to be established is whether this can be located outside of the 50' setback.

The Council had some discussion on the reason why the house was proposed in the site that it was. It was said that the reason was that they wanted to take out as few trees as possible out this was the logical place to do this. If too many trees are taken out, it creates a hazard because of high winds. If a lot of trees are taken out, most likely the rest will fall in high winds. Also the house had to be placed where it is proposed because of the County setbacks for drain fields.

The question of whether there is a setback required on Marshland arose because the only place that they are within the 50' setback is bordering the marshland. It was found that the Marshland was

to be considered the same as the lake.

Mr. Brown asked Mr. Riesenhuber if the only reason that the house was proposed in this particular place was for the lake view. Mr. Riesenhuber said that this was the logical place for the house to be because of the trees and also for the lake view. Mr. Brown also asked if the County had suggested a place for the septic tank and drain fields and Mr. Riesenhuber stated that they had not gone to the County because they had to have Dunes City's OK on the variance in order to go to the County. Although they felt that with the setbacks and the requirements from the County, that they had a place for the septic and drain fields.

Mrs. Passenger stated that in the Planning Commission's site review they felt that the house could be built in a way so a variance would not have to be obtained and that this could be done by taking out only two additional trees. This would be moving the house East.

The Council asked Mr. Riesenhuber how much higher was the property than the bordering Marshland and he stated that it was quite a bit higher, at least 5-6' higher.

Mayor Merz closed the Public Hearing at 8:10.

The Public Hearing was re-opened for more testimony at 8:12.

A letter was read from Mr. Don Houghton. In the letter he stated that the reason the ordinance was adopted for the 50' lake setback was for protecting the Wildlife Habitat, Water Quality, and to avoid visual pollution. He felt that none of these would be affected with the request of this variance. Mr. Houghton stated that as a neighbor he would have no objection to this building being placed within the 50' setback.

The Council had some discussion of the situation with taking out trees and possibly moving the existing driveway so that the house could be set up from the lake. It was again said that the trees have to be left in groups to avoid trees from falling in the wind. They must be left protected to some extent.

The Public Hearing was closed at 8:20.

The Council discussed the matter of the Minor Partition in regards to the request for the variance. Some felt that since the Minor Partition was recommended for approval by the Planning Commission this should tie together with the variance. If the variance were going to be disapproved, then the Minor Partition should be held back until the variance was worked out.

Mr. Gerber stated that in the future a Minor Partition should be approved only with proof of prior septic approval.

There was some discussion on the four criteria for a variance. It was found that on the third criteria that there are others enjoying

less than 50' lake setback and on the fourth criteria it was found that this would not be detrimental to others.

The Council went on to discuss the Minor Partition. As to the fact of the shape of the lot being difficult and that this is the only place to put the house according to the shape of the lot, it was found that through the Minor Partition the shape of the lot was created by Mr. Riesenhuber himself. Possibly the boundary lines in the proposed Minor Partition could be changed so that the house could be moved back from the lake. The Council discussed some of the ways they felt this could be done.

Mrs. Haslem, Islamabad, Pakistan, Mr. Riesenhuber's daughter, stated that they had had surveyors out to the site several times and they felt this was the only way that the land could be divided and still have over an acre in each piece.

The Council went on to discuss the criteria for the variance. It was discussed whether not having a lake view was a hardship or not. As for the exceptional circumstances, the shape of the lot could be changed with a change in the boundary lines of the Minor Partition, if in fact this could be done.

Mr. Tout made the motion to grant the variance, stating that not having a lake view was a hardship, the shape of the lot is exceptional, removing of more trees would be detrimental, and others are enjoying less than 50' setback from the lake and also that it was estimated that the land is about 6' above the marshland.

This motion died for lack of a second.

Mr. Brown made the motion that the matter of the variance for a 25' lake setback be tabled until the owners have the opportunity to consult with their surveyors to discuss other alternatives. Mr. Fillman seconded. The motion carried.

Mr. Fillman made the motion that the Minor Partition be tabled until the variance is brought before the Council again. Mr. Brown seconded.

AYES: Fillman, Tout, Petersdorf, Brown
NOES: Merz

The motion carried.

For the record, Mr. Gwilliam arrived at 9:05.

PUBLIC HEARING

Sabry Mason- Varinace- Siuslaw Plaza, P.O. Box 1146, Florence, Oregon
SW1/4, Sec. 23, T 19S, R12WWM, Russel Drive, Florence, Oregon

The Public Hearing for Dr. Sabry Mason was opened at 9:05.
Dr. Mason had counsel to represent him.

Dr. Mason is asking for a 30' lake setback instead of the required 50' lake setback.

Mr. David Clark, P.O. Box 146, Florence, Oregon stated that at the Planning Commission meeting on April 16, 1980, he did state that a letter had been sent from an adjoining property owner stating that they had no objection to this variance, but that they were concerned as to the future. This letter was from Thomas Voigt, 2415 E. Seville, Anaheim, California 92806. This was not in the Planning Commission minutes and he felt that this should be put in the record as the letter from Mr. McLain had been.

Mayor Merz stated that in the Planning Commission minutes in the Findings of Fact, it states that there was an objection to the variance in principal. This was not clear as to who this was that objected. The name should be included.

Mrs. Passenger stated that Mr. Harry McLain made this statement referring to all three of the variance setback requests.

Mr. Clark submitted maps to the Council of the area proposed. He stated that this is just the architect's rendering of the land and it turns out to be not exactly accurate as to the actual slope.

Mayor Merz asked the Council how many had reviewed the property. It was found that three of the Council members had seen the property and three had not.

Mr. Clark stated that at the Planning Commission meeting there was a great deal of discussion on the proposed area for the home. There were some stakes that had been placed on the property previously that were not actually where the home was proposed and they had confused the Planning Commission. Also there is a piece of land called Lot A that is in the subdivision that is a common area to be used by all in the subdivision. This would not be an alternative access to Dr. Mason's property.

Mr. Clark went on to say that Dr. Mason had to buy three lots to make a piece of land that could be built on. This land had a double slope and it was very difficult to find an area that could be built on. The slope was found to be greater than 16%. The only access would be the driveway at the top of the property. There will be quite a bit of excavation that will need to be done for this proposal, but if the house were to be moved up the hill farther there would have to be even more excavation. The hill would have to be cut into a lot. This would create more of an erosion problem. Also it was brought up at the Planning Commission meeting that the variance would have to include the decking. This will have to be decided by the Dr. if the house will be moved back to include the decks or if they will eliminate the decking.

Mr. Clark went on to read his interpretation of the four criteria for a variance.

Bla) Practical difficulty or unnecessary hardship: With the 100' setback for the septic system required by the County, this leaves virtually the whole West side of the property unavailable. It is a unique lot configuration, and there is a two way slope. The 30' that was proposed was felt by the designer and himself, was the best compromise for the City, the Lake, and for the applicant. The higher up the slope the house would be placed would give cause to more erosion and slippage into the lake.

Blb) Exceptional or extraordinary circumstances: The septic system can only go where it is proposed so that it will be 100' from the lake. The other lots in the subdivision have other places where septic systems could be placed. There is room for septic setbacks on the other lots. The slope on these lots is much greater than the slope on the other lots in the subdivision and the other lots have flat areas for building.

Blc) If the home were set back outside the 50' setback this would deprive the applicant of a view of the lake and would be much more expensive to the applicant for the excavation and the building.

Bld) If the home were to be placed higher up on the property, this would obstruct the view of others in the area and this would be detrimental to others. The way it is proposed now, the home would be tucked back and would blend in with the lake and the surrounding area.

Mr. Petersdorf made the comment that the garage would be built at the top of the property and would it be possible that the garage would obstruct someones view of the lake. It was felt that this would not create a problem.

Mr. Gerber stated that he didn't feel this would be detrimental and would not fall under criteria Bl-d. What this is getting at is something that would be destroying to other property owners. such as destroying an easement, etc. Also he stated that he didn't feel that the idea that the septic system had to be place where it was proposed for the 100' setback from the lake, would come under exceptional circumstances. He didn't feel this had anything to do with the setback for the variance.

The Council had some discussion on what would be the result if the proposed house were to be moved back on the property 20'. It was found that there would be a lot more excavation and the hillside would have to be cut into a lot. The foundation of the house would probably exceed the allowed height. With the extra excavation there would be a lot of erosion and slippage into the lake.

The Public Hearing was closed at 9:45.

Mr. Fillman made the motion to accept the Planning Commission's recommendation to grant Dr. Sabry Mason, P.O. Box 1146, Florence, Oregon request for a variance of a 30' lake setback with the two conditions:

- 1) That extreme caution be taken regarding the erosion into the lake.
- 2) That the variance for the 30' setback also include the decking.

Also to adopt the Findings of Facts and Conclusions of Law found by the Planning Commission.

Mr. Tout Seconded.

Mr. Gwilliam made a motion to amend the motion with the two additions:

- 1) That before a building permit be issued that our building inspector be satisfied to adhere to the Erosion Control Ordinance.
- 2) That the 30' between the lake and the house be left in natural vegetation or better. Vegetation can be added but nothing existing should be removed.

Mr. Fillman seconded . The motion on the amendment carried.

Mayor Merz suggested that another Finding Fact be added to the previous facts found by the Planning Commission. This being that three lots were purchased because any one of the lots were not buildable alone. And that a septic system could not be on any one of the lots alone.

Mr. Brown stated that another fact would be that the slope of the hill is more than 12% the further up the hill you go and also that the slope falls in two directions.

The amended motion carried unanimously.

Mayor Merz called a recess at 10:04.

The meeting reconvened at 10:10.

PUBLIC HEARING

Robert Halvorson- Variance- P.O. Box 603 Florence, Oregon
Contractor, dba: Kingdom Carpentry- Location of work: 82804 Ocean Blvd., Westlake, Oregon Sec. 34T, 19S, Lot #3600

The Public Hearing for Robert Halvorson was opened at 10:10. Mr. Halvorson is asking for a variance to have a building 3' from the property line. He is doing the work for Mr. Bob Jackson. This variance was recommended for denial by the Planning Commission at their April 16, 1980 meeting, for failure to meet the Variance Criteria.

Mayor Merz read from Mr. Halvorson's letter of appeal. He felt that this variance would comply with what is in the existing neighborhood and denying it would deprive Mr. Jackson of what his neighbors have.

Also by denying the variance it would place a hardship on Mr. Jackson by not allowing him to utilize the minimum space that he has due to the small size of the lot.

Through discussion the Council found that the proposed carport was actually going to serve the purpose of a breezeway to keep out the Southwest weather. The existing garage is now one foot from the property line. The breezeway could not be placed farther from the property line because it has to clear the garage door. Mr. Jackson has ample parking area, garages and an existing carprt, however, he does collect antique cars and used the garage areas for storage of those cars. It was discussed that the area in question is zoned commercial, but the criteria for a variance is till the same and the setback from the property line is the same.

Mr. Gwilliam made the motion to accept the recommendation of the Planning Commission to deny the approval of this variance , accepting their Findings of Facts, for a 3' property line setback to Robert Halvorson, P.O. Nox 603, Florence, Oregon.

Mr. Brown seconded.

AYES: Merz. Fillman, Tout, Gwilliam, Brown
NOES: Petersdorf

The motion carried.

Mr. Halvorson asked in what way would he appeal the Council's decision. Mr. Gerber told him that yes he could appeal this decision through LCDC with a \$250 filing fee, through the State Land Use Boards of Appeals. Mr. Gerber then gave him the address for this board: Land Use Board of Appeals. 475 Cottage St., NE, Salem. Oregon 97301, Ph.# 373-1265.

PUBLIC HEARING

Tom & Emily Hunt- Variance- 5440 Leavitt Loop. Florence, Oregon
Map 19-12-14-1 TL# 400

The Public Hearing for Tom & Emily Hunt was opened at 10:30.

They are asking for a 5' variance because they are asking for a 45' lake setback. There was no one present to testify.

The Public Hearing was closed at 10:31.

Mr. Fillman made the notion to table this until someone was present to testify. This motion died for lack of second.

Mayor Merz said that the Planning Commission did a site review and the Council was requested to do a site review and the Council has a lot of information on which to base a decision.

The Council discussed the facts that Mr. Hunt had submitted and the facts found by the Planning Commission. It was discussed that

the existing house is 32' from the lake now. It was built prior to the Zoning Ordinance. It was built as a lakeside cabin. Tom & Emily Hunt wish to turn it into a permanent residence. They wish to remodel and add onto this cabin to make it a permanent residence.

After extensive discussion on the possibility of changing the design of the house to minimize the trespass into the 50' setback, Mr. Petersdorf made the motion to table this matter until Mr. Hunt could be present to answer the Council's questions.

Mr. Gwilliam seconded and the motion carried.

Mr. Gerber suggested that the Council do a site review with the Hunt's present so that the question could be answered and the Council could give them a decision so that they would not have to wait another 30 days.

Mayor Merz said that everyone was supposed to do a site review and she felt that Mr. Hunt probably stayed away from the Public Hearing so he would not be intimidating because he is the Planning Commission Chairman.

IX. CORRESPONDENCE - Per Agenda

X. OLD BUSINESS

1. Request for Street Light- Harold Ellefson, 5350 Boy Scout Rd.- Mr. Petersdorf reported on his investigation of this situation. He had driven down in the area several times in the last month. Mr. Ellefson has left his garage doors open, has made no attempt to leave lights on in the house or in the yard, and Mr. Petersdorf recommended to the Council that the City not put a street light in. He felt that Mr. Ellefson himself has made no effort to protect his property with lighting on his own.

Mr. Fillman seconded this and the motion carried.

2. Mr. Gerber had received the records from the County on the Jakobs appeal and the City has until May 20, 1980 to file our objections.

The Council had lengthy discussion on the Martha Jakobs situation with the County and the zoning problem that arose.

Mr. Gwilliam made the motion that Mr. Gerber talk to Mrs. Jakobs about reducing the amount of property that was zoned commercial by the County, from the 13 acres zoned.

Mr. Brown seconded and the motion carried.

XI. NEW BUSINESS

1. Liquor License Application- Woahink Lodge and Darlings Resort.

Mr. Petersdorf made the motion to accept the applications.

Mr. Gwilliam seconded and the motion carried.

2. Waiver of Policing Requirement on the Building Rental for the Country Pickers.

Mayor Merz said that this group has expressed to the City that they will not be drinking and that this is a family group. They didn't feel that they would need a policeman for their group. The application for building rental for dances states that a policeman is required. They have said that they will change their hours from 9-1 to 8-12 to be courteous to the neighbors.

Mayor Merz said that the Council has to decide whether to have the requirement for this group or to waive it.

The Council had some discussion on what has gone on in the past with other groups and the reason the requirement was made. Mr. Fillman stated that he would be at the first dance that will be held. It was suggested that this requirements could be waived this time and see what happens. If there are any complaints then the requirement will have to be enforced in the future for this group.

Mr. Petersdorf made the motion to waive the requirement for police patrol at the dance to be put on by the Country Pickers, at this time and see what the future holds as far as complaints. This was seconded by Mr. Gwilliam and the motion carried.

Mr. Brown made the motion to modify the application to say that police patrol "may be" required at dances.

The motion died due to lack of second. It was felt by the Council that it would be hard to say who would need the police and who would not.

3. Increase of Rental Fee on Building- It was discussed by the Council on whether to increase the present \$15 rental and \$25 cleaning deposit.

Mr. Tout made the motion that the Building Rental be increased to \$25 rental and \$25 cleaning deposit to be returned to the renting party if the building is left clean. Also that the fees for the Building Rental be reviewed in 6 months. This was seconded by Mr. Gwilliam. The motion carried.

4. Cancellation of Permit to Use Water from Siltcoos River: There has been correspondence from the County concerning the permit to use Water from Siltcoos River. Since Dunes City does not need it, the City Recorder wrote a letter saying that they do not need it, but the County says that they cannot cancel it unless it is done by the Council.

The Council discussed this and Mr. Petersdorf made the motion to leave the situation as it is and let the County do any more

corresponding. Mr. Brown seconded

AYES: Merz, Brown, Petersdorf, Gwilliam, Fillman
NOES: Tout

5. Street Light Request at intersection of Huckleberry Ave. and Wright Rd. - The City Engineer Howard Campbell has requested a street light be put at this intersection because it is very dark and Wright Rd. can be confused with a private drive in the area. (per Mr. Campbell's letter, 5-7-80)

The Council discussed this and the motion was made by Mr. Gwilliam to accept Mr. Campbell's request for a street light at the intersection of Huckleberry Ave, and Wright Rd. if approved by other residents in the area.

This was seconded by Mr. Fillman.

AYES: Merz, Fillman, Tout, Brown, Gwilliam
NOES: Petersdorf

The motion carried.

Mayor Merz also asked the Council to study the rest of Mr. Campbell's letter about street lights because the franchise will be up for renewal soon.

XII. ORDINANCES

1. Cost re factors involved in issuing Conditional Use Permits and Variances- Mayor Merz stated that part of the reason these are costing the City so much is because of the number of things that were listed in the Comp. Plan to be Conditional Use.

Mr. Brown made the motion to consider turing this over to the citizens for review for some possible changes in the Comp. Plan and to make recommendations to the City Council.

Mayor Merz stated that it should be discussed as to possible additional zones. Such as Mobile Home zones, or restrictive areas. The way the City is laid out, there is not spot zones.

Mr. Gwilliam seconded and the motion carried.

2. City Charter Revisions to CCI- Mr. Tout reported that the Charter Revisions are almost done and he made the motion that when it is done that it be turned over to the CCI so it won't have to go through the Council so to save time because it has to be ready for the ballot in mid-August.

Mr. Gwilliam seconded. The motion carried.

XIII. OTHER BUSINESS

1. Mr. Fillman said that the water to the building should be hooked up soon and as of the first of May there will be no further charge due him.
2. Mayor Merz stated that the City is well over budget on what was budgeted for the water project. The tanks and the requirements from the County on Chlorination is what has cost.

Mr. Brown stated that the City would be getting a bill for \$530 for the fire inspections and another one around \$300. Mayor Merz said that the fire budget is also over.

Possibly some of the well expense will have to be deferred until after July 1, 1980.

3. City Recorder Gene Chase submitted her resignation to the Council effective July 1, 1980. (per letter dated 5-7-80)

The reason is because the job turned out to be more than 20 hours a week. The job can not be done in this amount of time. She suggests to the Council that this job be made into a full time job so that it can be done properly.

Mayor Merz stated that the Budget will not stand a 40 hr. week for the City Recorder. The City is over budget on all office personnel and the City income will be even less next year.

The City is going to have to come up with some other means of income. It is questionable if the City is actually surviving.

The Council talked over several different ways that the City could get extra revenue. Such as City Business Licenses, Charging for Liquor License to be on the agenda.

Mayor Merz said that this has to be done through the Citizens Committee. You have to have the citizens input.

XIV. ADJOURNMENT

11:55

Shirley M. Merz
Mayor
James Fillman
Ray E. Pillman
Donald E. Brown

Reba Kay Stinger
Secretary
Phil Cant
Donald E. Brown

BILLS - MAY-JUNE, 1980

IBM (ofs splies	36.00)	
(typewriter serv.	<u>48.00)</u>	\$ 84.00
Shirley Merz (travel)		9.85
James Gwilliam (travel)		22.10
Gene L. Chase (travel)		13.60
Tidewater Electric (bal. due Community Water System hookup)		63.75
J J & K Well Drilling (bal. due " " " pump syst)		1,551.93
GP Excavating, Inc. (street work)		496.73
Key TV (recording tapes)		7.68
Central Linc. PUD (street lighting)	\$253.70	
" " " (building lighting)	<u>25.10</u>	278.80
Bernie LaForge (plumbing inspections)		217.50
Pacific Northwest Bell		31.69
Siuslaw News (advertising hearings - budget hearings 49.67)		64.44
Joseph A English (accounting)		385.00
Emile Mortier (building inspections)		31.50
		<hr/>
		3,258.57
Dwight Gerber (retainer for April, May, & June)		600.00
		<hr/>
		\$3,858.57

BILLS PAID - NOT REVIEWED BY COUNCIL

Howard Campbell (lock for Com. Water System Bldg.)	9.49
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RECEIPTS - MAY - JUNE, 1980

OR State (Liquor Rev)	1,615.61
OR State (Motel Tax)	90.43
OR State (Motor Vehicle Tax)	1,384.13
OR State (Cigarette Tax)	112.36
Building Permits	505.54
Lien Search	25.00
Interest (TCD)	32.88
Copies, Comp. Plan, Zon. Ord. & Subd. Ord.	70.55
Registration Refund (travel)	20.00
Central Linc. PUD Franchise	507.40
	<hr/>
	4,363.90

DUNES CITY
BUDGET COMMITTEE MINUTES

May 22, 1980

The budget session was called to order at 7:30 p.m. with attendance as follows:

Shirley M. Merz, Emily Hunt, and Maxine Baumeister, Ed Fillman, Ira Mann, Phil Tout, F. S. Culver, Committee Members; Joe English, Accountant; and Gene Chase, City Recorder.

The first item on the agenda was the election of Chairman of the Committee. Mr. Ira Mann was unanimously elected to fill the position. Mrs. Maxine Baumeister was unanimously elected as Secretary of the Committee.

Mayor Merz reviewed for the Committee the latest information she had on the status of Federal Revenue Sharing Funds. It was decided that a portion of the money may be used for social recreation (including janitorial and upkeep, also some on the water costs) when the building is furnished to citizens for use on a charge-free basis. If funds are received Dunes City may make a budget amendment, but inasmuch as there is a cost involved in doing so it was decided to incorporate possible funds in budget now.

Mr. English asked Mayor Merz if she had a budget message at this time. The Mayor stated the office is in good shape, have a new typewriter, a new copy machine, however, do need some office renovation consisting of carpentering work to make space for more files and a map file. Mr. Mann also asked that new plat maps be included.

Community Center Maintenance was added to budget items to cover painting costs, some outside work, and possible insulation of water equipment building.

There was discussion of the recent vote and its effect on the use of Highway Funds. Dunes City will no longer be able to utilize a portion of those funds for Police Protection.

In discussion of legal retainer and balance of payments due him for this year; the comparison of fees charged Florence by their City Attorney was brought to the attention of the Committee. This item was to be investigated further.

There was considerable discussion regarding the advisability of entirely dropping funds for Travel and for Dues. It was the consensus that some Travel funds would be necessary for transaction of City business. Also, that membership in LCOG was beneficial to the City and membership should be retained if at all possible.

Page 2
Budget Committee Minutes
May 22, 1980

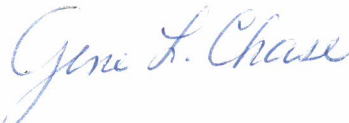
At this time, Chairman Mann asked for motion from Committee to accept budget as changed. Motion was made, seconded and unanimously carried that the budget be accepted as changed by the Committee.

Mr. English asked Mayor Merz how many copies would be needed for Council review at the hearing and she answered, "half a dozen".

Mr. English stated that the information must be given the paper for publication by Friday at noon to meet publishing requirements for holding public hearing.

The Budget Committee was informed they may wish to set a future meeting date at this time. They may wish to consider proposing a City tax for voters consideration at the November election. Mr. English stated that they couldn't possibly make that deadline. Mayor Merz also reminded Committee there will be three Council vacancies to be filled, as well as Mayor, for the November ballot.

The meeting was adjourned at 10:45 p.m.



Gene L. Chase
City Recorder

orig.

AGENDA
REGULAR MEETING
OF
DUNES CITY COUNCIL

June 12, 1980

- I. CALL TO ORDER AND ROLL CALL
- II. ANNOUNCEMENTS
 - 1. Public Hearing re Adoption of Budget and necessary Resolutions will be held on June 19, 1980 at 7:30 p.m. at the Community Center.
 - 2. Representative of Tri-Agency and local dog control will present information re contract and services offered at the Council meeting of July 10, 1980.
- III. CITIZEN INPUT ON UNSCHEDULED ITEMS
- IV. REPORTS
- V. PUBLIC HEARINGS
 - 1. Planning Commission Report re Public Hearing items.
 - 2. Request for Variance - Joseph C. Riesenhuber
Request for Minor Partition " "
 - 3. Request for Minor Partition - Davidson Lumber Co.
 - 4. Request for Variance - Thomas J. & Emily J. Hunt
- VI. APPROVAL OF MINUTES OF MAY 8, 1980
- VII. BILLS AGAINST CITY
- VIII. RECEIPTS OF SESSION
- IX. CORRESPONDENCE
 - 1. Oregon State Speed Control Board proposes to establish speed zoning on Canary Road -- letter of May 21, 1980. Also, subsequent conversation with Mr. George indicates also propose to establish speed zoning on Clear Lake Road.
 - 2. Oregon State letter re Support of Boundary Commission

Agenda - Regular Meeting
City Council
June 12, 1980

Page 2

X. OLD BUSINESS

XI. NEW BUSINESS

1. Appointment of Planning Commission member.
2. Flood Control
3. Hiring of City Recorder
4. Siuslaw Sanitary Service - Rate Increase Request

XII. ORDINANCES

1. Discussion re cost factors involved in issuing
Conditional Use Permits and Variances --
CIC recommendations

XIII. OTHER BUSINESS

XIV. ADJOURNMENT

210
0

DUNES CITY, OREGON

DUNES CITY COUNCIL
REGULAR MEETING
JUNE 12, 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 12th day of June, 1980.

ROLL CALL

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

Absent: P. Tout (excused)

There were 16 citizens present.

II. ANNOUNCEMENTS

1. There will be a Public Hearing re Adoption of the budget and necessary resolutions on June 19, 1980 at 7:30 p.m. at the Community Center.
2. There will be a representative from the Tri-Agency and local dog control to present information to the Council at the July 10, 1980 meeting. This will be regarding a contract and services offered.
3. There will be four vacancies on the City Council as of July 1, 1980. The candidates have to be filed with the County by September 4, 1980. Dunes City would like the candidates to have their petitions in about ten days prior to that date. The petitions are available in our office. There has to be twenty five signatures on each petition.

Mayor Merz announced that Mr. Fillman was seeking re-election and possibly former Planning Commission Chairman, Evelyn Passenger would also be seeking a Council seat.

III. CITIZEN INPUT

Mary J. Gerber, 876 Terrace View Drive, Florence, Oregon spoke to the Council as a representative of a local group trying to form a Park and Recreation District in Florence. The County has initiated them and they have been to the Boundary Commission for almost twenty-four hours and have come across their first problem with them.

Ms. Gerber reminded the Council that last August they had passed

a resolution in support of the formation of the Parks and Recreation District. She explained that the Boundary Commission felt that that resolution was too old to indicate how Dunes City actually feels about the subject. She then went on to say that she had re-typed the resolution that Dunes City passed last August. She presented copies to the Council to read and discuss.

Mr. Petersdorf made the motion to re-adopt the resolution 6-12-80, reaffirming resolution 8-9-79B, SUPPORTING THE CREATION OF A PARKS AND RECREATION DISTRICT FOR WESTERN LANE COUNTY.

Mr. Gwilliam seconded the motion. The motion carried unanimously.

IV. REPORTS

1. Road Report - Mayor Merz read the Road Report from the Road Committee. They had a meeting on June 5, 1980. The letter stated that the committee had decided, after discussing the up-coming budget, to place \$4,500 into the new budget out of the old balance, by applying \$4,200 into the street maintenance fund and \$300 into the street lighting fund. They stated that there was no decision made as to the police fund. The committee recommended to have a street light placed at the intersection of View Terrace and Clear Lake Road and also a new light at the intersection of Berry Lane and Clear Lake Road.

V. PUBLIC HEARINGS

1. Mayor Merz made reference to a letter sent to the City Council from the Dunes City Planning Commission expressing their concern in the time it is taking to make land use decisions. Mayor Merz read the letter aloud and then she read into the record a communicate from the Mayor.

It expressed the appreciation of the Planning Commission's work and also an understanding on why they may feel frustrated at times. She expressed her feeling on the way the Planning Commission's report has been presented. She didn't feel comfortable with it done as an agenda item. She felt that it would be much better to have the recommendation and the Findings of Fact read into the record before each Public Hearing.

Tom Hunt, Planning Commission Chairman spoke for the Planning Commission and stated that this was one of their suggestions. To have the Findings of Fact read into the record before the Public Hearings. This way if there are any questions, possibly he could go answer them quickly for the Council rather than go over questions that have already been gone over in a Public Hearing by the Planning Commission. He stated that he understood that the Council has the option to go back over the Findings of Fact and ask questions of testimony.

The Council discussed what could be done and then Mrs. Slocum

made the motion to have the Findings of Fact and the Conclusions of Law and the Recommendation from the Planning Commission read aloud into the record, by the Planning Commission Chairman or the Secretary, at the beginning of the Public Hearing.

Mr. Brown seconded and the motion carried.

2. Joseph Riesenhuber- Minor Partition/Variance - 5394 Canary Road, Florence, Oregon
S 19 R 12 Sec. 11 4 Parcel #1200

The Public Hearing was opened at 7:50. Mr. Brown made the statement that he had pre-hearing contact. Mr. Joe Clark contacted him asking about the Citizen Involvement Committee's involvement in answering questions relative to interpretation of Wetlands vs Conditional Use Permits and Variances. He does not wish to abstain from the hearing, just to declare pre-hearing contact.

Mr. Hunt read the Findings of Fact and the Conclusions of Law adopted by the Planning Commission April 16, 1980.

The Council first took up the matter of the Minor Land Partition.

Mr. Dave Clark, P.O. Box 146, Florence, Oregon spoke for Mr. Riesenhuber as his attorney. Mr. Clark stated that at the Council's last meeting they tabled this issue of the Minor Partition and the Variance until they received more information on the boundary lines of the partition and if they could possibly be changed in some way to make the lots a different shape so the house could be placed on the one lot in a way so a variance would not have to be obtained. Mr. Clark stated that they do not feel it is in Mr. Riesenhuber's best interest to change the boundary line and to have easements across the access road to make this a better looking lot.

Mr. Gerber made the statement that the reason the Council tabled the item in the last meeting, was so the applicant could possibly restructure the request for the variance. As far as meeting the criteria for the Minor Partition, the Council didn't have any problem with that.

Mayor Merz asked if Mr. Riesenhuber had tried to get a permit for a septic system and Mr. Clark stated that he has discussed it with the County but felt that things should be held off until the decision was made on the Minor Partition.

Then the Council had some discussion on their responsibility of creating a buildable lot. They felt that they could not partition land and then not have it buildable as far as getting a septic permit on it.

Mr. Clark stated that in moving the house back a little and by changing the boundary to a straight line, Mr. Riesenhuber would

be taking away from the value of his remaining property. Mr. Clark stated that Mr. Riesenhuber has made the decision to leave the boundary on the roadway as was previously decided on.

Mr. Gene Wobbe, 1415 20th St., Florence, Oregon spoke as Mr. Riesenhuber's surveyor. Mr. Wobbe first made the statement on the City's responsibility as to dividing the property and then being able to have a septic tank on the property. He said as far as he knew, it is the seller's responsibility to guarantee septic approval on the property.

Mr. Wobbe then spoke on why the parcel was divided where it was. The first reason was because there is an existing driveway and it seemed logical to use this for a common boundary. It would not make any sense to tear out an existing driveway and make a new one. The next reason was because the only remaining area was off future septic tank area. If you change the road and take it through there, you would be destroying the only remaining area for septic tank. Also Mr. Wobbe stated that the question in the last meeting was brought up to the elevation of the land above the lake. This land is actually 8-10' above the lake.

Mr. Brown made the statement that at the last meeting the issue was tabled so that there would not be a decision made on either issue so as to not put the applicant in an awkward situation. If the partition were granted and then the variance were not this would be a bad situation.

Mr. Wobbe stated that this would not be a bad situation because Dunes City ordinances allow you to move lot lines as long as you are not creating a substandard lot size. He felt this would not be a problem.

Mr. Bob Heckman, 83047 Parkway Dr., Florence, Oregon spoke as a member of the Planning Commission and he said the Planning Commission had no problem with the Minor Partition. They were told where the boundary lines were to be and that was all. There was no talk of changing the lines. It was the variance that the Commission had problems with.

Mayor Merz stated that it was at Council's request that Mr. Riesenhuber reconsider the boundary lines and possibly moving them so he would not have to have a variance. Apparently he has reconsidered it and has decided to go with the original proposal.

The Public Hearing was closed at 8:13.

Mr. Gwilliam stated that he would like to abstain from any discussion because he was not in on the last hearing.

Mayor Merz said that the only reason he could abstain is if he had a conflict of interest. Mr. Gwilliam said he did not so his request was denied.

Council had some discussion on creating a non-buildable lot and how they could protect themselves from something like this. It was decided that they could put in a condition that the partition would be granted if document of septic approval were provided to the City Recorder.

Mr. Brown made the motion to adopt the Findings of Fact and Conclusions of Law and the recommendation of the Planning Commission to grant the Minor Partition to Joseph Riesenhuber, 5394 Canary Road, Florence, Oregon, with the condition that there be verification of septic approval provided to the City before the partition is issued.

Mr. Fillman seconded and the motion carried.

2b. Joseph Riesenhuber - Variance - 5394 Canary Road, Florence, Oregon
S 19 R 12 Sec. 11 4 Parcel #1200

The Public Hearing was opened for Mr. Riesenhuber at 8:17.

Mr. Clark again spoke for Mr. Riesenhuber. He stated that he felt that some of the Planning Commission's Conclusions of Law had nothing to do with the variance, but he felt they dealt with the Minor Partition. Mr. Clark went on to say that he felt that the variance asked for does follow the criteria for a variance. The Council had asked that possibly the property could be cut into a different shape but this was not feasible. Also the proposed homesite is fighting two problems. The lake setback and also the 15' property line setback. The home that was proposed is the home that they would like to build. It is two story and approximately 1800 sq. ft. and the house was designed to take advantage of the lake. The home is designed with 10' decks and this is why they are asking for a 25' variance. It is possible that they could go back into design and change this to comply with any conditions.

He then went on to discuss the four criteria for a variance. He stated that the lot has now been divided in the best possible place and it now needs to be used by the property owner as others around the lake are using their property. To do this it needs to have some kind of variance. Mr. Clark said that going along with Mr. Tout's motion at the last meeting, not having a lake view is a hardship. Also that the shape of the lot is exceptional and unusual. The removal of any more trees would be detrimental and others in the area are enjoying less than 50' from the lake. Also with testimony tonight, it was said that the land is 8-10' above the lake, it should not be detrimental to the lake. There will be no visual effect on the lake and with this the property owner should be able to use the property in his best interest and in the lakes best interest.

Mr. Heckman spoke again to the Council as a member of the Planning Commission that attended the site review on the Riesenhuber variance on April 19, 1980. He stated that they had spent alot of

time on this issue including the Planning Commission meeting on April 16 and the site review on Saturday April 19. He didn't feel that the Council should be "blackmailed" into approving something that people went out and paid for plans before ever even applying for any paper. In looking at the property, when we were there, we figured that the house could be moved back 25' and stay within the 15' from the roadway, and if necessary they could "flop" the garage the other way and come in from the other way, only removing one tree, just to the North and East of the pumphouse. Reasons given for the variance when the Planning Commission was out on the site review, was so they could have the garage facing the lake so they would have access in that way, and they wanted the house where proposed so they would have a lake view. Mr. Heckman went on to say that the lot is plenty buildable with septic approval by moving the house back. The only change would be to change the position of the garage. It was his hope that the Council would take into consideration the time that was spent by the Planning Commission and that they would deny this variance.

The Public Hearing was closed at 8:26.

The Council had some discussion on the footage involved in the variance. It was found that the house is actually 36" from the lake but they are asking for 10' decking so this is where they came up with the 25' variance request.

Council next discussed the moving of the proposed house as was recommended by the Planning Commission.

Mr. Fillman made the motion to accept the Planning Commission Findings of Fact, Conclusions of Law and their recommendation to deny the request for a 25' lake setback variance to Joseph Riesenhuber, 5394, Canary Road, Florence, Oregon.

Mrs. Slocum seconded the motion.

Mr. Gerber stated that they need to add another Fact to the Findings of Fact by the Planning Commission. This would be that there was testimony that the house can be built at other locations outside of the 50' lake setback.

AYES: Slocum, Fillman, Gwilliam, Brown, Merz
NOES: Petersdorf

The motion carried.

3. PUBLIC HEARING - Davidson Lumber Co., P.O. Box 525, Mapleton, Oregon - Minor Partition
T 19S R 12W S 22 TL 700 101 Hiway

The Public Hearing for the Minor Partition for Davidson Lumber

Co. was opened at 8:37. The Planning Commission Chairman read the Findings of Fact and Conclusions of Law and the recommendation of the Planning Commission to grant the Minor Partition to Davidson Lumber Company with the one condition that the access to the lots come in from the North end of the property.

Mr. Perry Fox, Mapleton, Oregon spoke as a representative of Davidson Lumber Co. He said that there had been some question on where the roadway would be into the parcels. He submitted some maps to the Council showing where the road is. This is an existing road.

Planning Commission Chairman Hunt looked at the map submitted and verified that this is the map that the Planning Commission saw and approved.

The Public Hearing was closed at 8:42.

Mr. Gwilliam made the motion to adopt the Findings of Fact and Conclusions of Law found by the Planning Commission and accept their recommendation to approve the Minor Land Partition to Davidson Lumber Co., P.O. Box 525, Mapleton, Oregon, with the condition set by the Planning Commission. The roadway into the parcels must come from the North end of the property.

Mr. Fillman seconded.

Mr. Brown made an amendment to the motion to include that documentation of septic approval be presented to the City before the Minor Partition is issued.

The motion to amend carried and then the motion as stated carried.

4. Public Hearing - Tom & Emily Hunt- Variance - 5440 Leavitt Loop
Florence, Oregon
Map 19-12-14-4- TL #400

Due to the parties involved in the Public Hearing, Mayor Merz read the Findings of Fact and Conclusions of Law found by the Planning Commission. The Planning Commission's recommendation to the Council was to grant the request of a lake setback variance to build within the 50' lake setback.

Mr. Hunt spoke for the variance to the Council. He referred to the revised plot plan that the Council had. He stated that the existing deck on the house is 36' from the lake and they want to go 32' with the new deck from the new portion of the house. The closest place to the lake would be 32' this would be the new deck.

There was some discussion on whether the deck could be changed so it would not trespass so much into the 50' lake setback. Mr. Hunt showed the Council house plans and showed why he had to have

the deck for access to one of the entrances. They discussed alternative ways of putting the deck so it would keep in compliance with the existing house which is grandfather being within the 50' lake setback.

Mr. Hunt found no complaint in changing the deck the way that Council suggested.

The Public Hearing was closed at 9:11.

Mr. Fillman made the motion to adopt the Findings of Fact and Conclusions of Law found by the Planning Commission and to accept the recommendation to grant the variance for a 45' lake setback to Tom & Emily Hunt, 5440 Leavitt Lopp, Florence, Oregon with the exception that the proposed deck be changed so it would not trespass into the 50' lake setback any further than the existing decking.

Mr. Petersdorf seconded.

(Mr. Stout arrived at 9:12)

Mr. Brown made the motion to amend the motion to add another condition that documentation of septic approval be presented to the City before the Variance is issued.

Mr. Petersdorf seconded and the motion to amend carried.
The motion as stated carried unanimously.

~~The motion as stated carried unanimously.~~
Council recessed at 9:16 and reconvened at 9:27

VII. BILLS AGAINST THE CITY

The Bills Against the City totaled \$3,258.57 with the addition of a bill presented tonight by Mr. Gerber which added \$600.00 which was his retainer fee for April-May-June. This made the total bills \$3,858.57.

Mr. Petersdorf made the motion to accept and pay the bills totalling \$3,858.57.

Mr. Brown seconded and the motion carried.

VIII. RECEIPTS IN SESSION - \$4,363.90

IX. CORRESPONDENCE

1. per agenda
2. Oregon State letter re Support of Boundary Commission - They are asking for a voluntary contribution of \$81.00 to support the Boundary Commission. Mayor Merz first pointed out that on page two first paragraph, they have our unit population at 1770. Mrs. Chase called Portland State University and they said

that this figure was not the figure that they gave Senate President Jason Boe. It should be 1120.

Mayor Merz stated that she had started a letter declining this request and then decided that this should be done with Council action. She felt that any decision that have been made by the Boundary Commission in the past, were not exactly approved by the people in Western Lane County.

Mr. Petersdorf made the motion to refuse the request to give an \$81.00 contribution to support the Boundary Commission.

Mr. Gwilliam seconded and the motion carried.

3. There will be a Fair Housing Seminar sponsored by Lane County City's on June 24, 1980.

XI. NEW BUSINESS

1. Appointing a new Planning Commission member. Mayor Merz read the recommendation from the Planning Commission recommending Mrs. Karri Mealy to fill the vacancy on the Planning Commission.

Mr. Petersdorf stated that he would like to abstain because Mrs. Mealy is his niece.

Council felt that Mrs. Mealy was well qualified for the position on the Planning Commission because she worked as the secretary for the Planning Commission and is familiar with the ordinances.

Mr. Tout made the motion to accept the Planning Commission's recommendation to have Mrs. Karri Mealy appointed to the Planning Commission.

Mr. Brown seconded. The motion carried. The record shows that Mr. Petersdorf abstained.

2. Flood Control - Mayor Merz had the correspondence on this. The Council did not receive copies because there were so many maps involved. Mayor Merz stated that she has gone over the maps and as far as she can tell they are the same maps in regard to Dunes City's Flood Control Ordinance that was adopted in 1977. She did request of the Council, to take the time after the meeting to look them over and ask any questions that they might have. This is a study that is done by CH 2 M Hill for the US Government and then we are asked to verify that the study that they did and the maps are all OK before they send it to the Federal Government for Flood Insurance.
3. Hiring of the New City Recorder - Mayor Merz stated that the Council had in front of them all necessary paper on this. The Committee that was set up to hire the City Recorder has decided

on Mary Stocking. She is a Dunes City resident and has lived in the area for two years. Her latest employer was G.P. Excavating and they recommended her highly.

Mr. Brown made the motion to accept the committee's recommendation to hire Mary Stocking as the Dunes City Recorder.

Mrs. Slocum seconded and the motion carried.

Mayor Merz did make the statement that the hours of the City Recorder have been upped to approximately 24 hrs. a week. This does not mean that the office will be open any longer, but it was advertised as such so the applicant's were aware of the fact that it could be more hours than just part time.

Mayor Merz then stated that the Council has received a letter from the present City Recorder Gene Chase saying that she will come back after July 1, 1980 if necessary to help break in the new recorder, for \$5 per hour.

Mr. Fillman made the motion to accept the offer from Mrs. Chase to work past July 1, 1980, when needed to help break in the new recorder, for \$5 per hour.

Mr. Brown seconded and the motion carried.

- \$. Siuslaw Sanitary Service Rate Increase - Siuslaw Sanitary Service is asking to have a rate increase on their garbage pick up due to the instigation of Lane County charging the public to dump garbage at the Dump.

Mr. Mike Johnson, Florence, Oregon, owner of the Siuslaw Sanitary Service spoke to the Council on this issue. He first stated that there was an error on their copies of his proposal on the two can rate. It states that the rate is being raised from \$7 a month to \$8.30 a month. This should read from \$7 to \$9.60 a month.

Mr. Johnson went on to say that Lane County will be charging \$4 per compacted yard to dump. His garbage truck holds 18 yards. They will be charging him for dumping that 18 yards even if his truck is not full. He stated that the rate increase that he has put in his letter only reflects the actual cost for his dumping the garbage at the dump.

The Council had some discussion with Mr. Johnson on why he has asked for the increase that he has. Mr. Johnson provided figures to the Council on the actual cost per can that he will have to pay at the dump. He also stated several hardships that this will be placing on him. It was found that Dunes City will be paying more than Florence, but they are now and the actual rate increase is less than Florence's increase. The reason Dunes City

pays more is because they are farther out and this is more driving.

Mr. Tout made the motion to accept Mr. Johnson's proposal for a rate increase in garbage pick up.

Mr. Brown seconded.

Mr. Petersdorf made the suggestion that if and when Lane County goes back to the regular way, and letting people dump for free, that the rate go back to the way it is now.

Mr. Johnson stated that this is stated in his letter to the Council.

AYES:	Petersdorf, Tout, Brown, Slocum
NOES:	Merz, Fillman, Gwilliam

The motion carried.

Mayor Merz then asked the Council if they would like to discuss the fact that the franchise for the garbage route would be coming up in August. Would they like to discuss this now. The Council decided that they would like to study it further and discuss it at another time.

5. Council member G. Slocum submitted to the Council a letter regarding the sign that is at the intersection of Hwy 101 and Pacific Ave. This sign is for advertising of the businesses in Westlake. Mrs. Slocum would like to do something with this sign. She felt that it was now an eye sore. Since the sign is on Forest Service property, it has to comply with State laws. The State law prohibits changing the sign in any form except painting and in the original permit it states that the painting must be yellow letters on a dark background. Mrs. Slocum said that the sign is just the opposite now. She is asking the Council for permission to paint the sign and possibly for Dunes City to pay for the paint as she has been unsuccessful at getting the merchants to provide the paint.

After some discussion on the sign the Council found that the sign is the responsibility of the merchants to keep up. Mrs. Slocum said she would try again to get the paint from the merchants, but did need the City's approval to paint the sign.

Mr. Brown made the motion to grant Mrs. Slocum permission to do whatever is necessary to the sign at the intersection of Hwy 101 and Pacific Ave. to update it to the satisfaction of the merchants and keeping in compliance with the easement permit from the Forest Service.

Mr. Gwilliam seconded and the motion passed.

XII. ORDINANCES

1. Discussion re cost factors involved in issuing Conditional Use

Permits and Variances - The recommendations of the Citizens Involvement Committee - Mr. Brown spoke as a representative of the CIC. He stated that on June 4, 1980 the CIC prepared a rough draft of an opinion survey. They have two alternatives prepared. This was prepared in response to some questions put before them as a committee and then they turned them over to a sub-committee to study the questions and come up with a solution. Those question were why there are so many things listed in the Comp Plan and the Zoning Ordinance under Conditional Use and Variance. The committee felt that the best way to decide what the people want and need is to ask the people. So the committee came up with this survey.

The survey would be hand delivered and would have a stamped addressed envelope to assure it's return to the City. The committee has volunteers to do the delivering of the survey. However, there would be a cost factor of about \$160. This would be for the printing and the postage for the return envelopes. It was discussed whether to have the questionnaire mimeographed or printed. Mr. Brown said that it was felt that a printed form would be much more effective and easier for the people to read. The difference in cost was only about \$15. About 500 questionnaires would be required for the survey.

Mayor Merz states that about two years ago a survey was discussed to get what was needed to update the Comp Plan, but they didn't feel they had the time to get the best results in what they needed. There are so many things listed under CUP and variances and this is costing the City considerably. So if these could be cut back somewhere, the City's cost would also be cut back. She felt the best way to do this was to ask the citizens what should be done.

The Council discussed several things that could be done to the survey to re-word portions and to add a part that asks for remarks from the person or persons being surveyed.

Mr. Brown made the motion that the Council adopt the second form questionnaire with the modifications that were discussed.

Mr. Fillman seconded and the motion carried.

Mr. Gwilliam made the motion that the City have the questionnaire printed at the City's expense.

Mrs. Slocum seconded and the motion carried.

Mayor Merz suggested that several bids be taken from local printers and she would check with LCOG on their printing cost.

XIII. OTHER BUSINESS

1. Charter Amendments - Mr. Brown spoke again for the CIC on the

Charter Amendments. He stated that the Council had before them the draft of amendments. He stated that the corrections or deletions were typed in. This was done to correct typing errors or administrative lay out or to change the meaning, definition, or intent of the Charter.

The first change in the Charter was regarding the Mayor's vote. This was on whether the Mayor should vote and under what conditions. It was changed so that the Mayor would not vote unless there was a tie. Also the way that the Council does it now is that if the Mayor makes an appointment she does it with the Council's approval. This is done now but the Charter does not state this.

Mr. Brown directed a question to the City Attorney regarding Municipal Judges and whether they should be appointed or elected. The committee has decided to have the Charter read that the judge would be appointed, but they were asking Mr. Gerber his feelings on this. Mr. Gerber stated that he felt that it should be left at being appointed. It would be such a little thing, it would be a lot of trouble to go through an election for a judge. He also said that it would be to the City's best interest to have the judge appointed. This could be done by taking a contract for a judge.

Mayor Merz then read a rough draft of how the Charter Amendments will read on the ballot:

"Amendments to bring City Charter in line with Oregon State open meeting laws; limiting the vote of the Mayor and to clarify."

Mr. Petersdorf made the motion to adopt the Charter with the corrections and modifications that have been made. Mr. Brown seconded and the motion carried.

2. Mr. Brown spoke again for the CIC. His question from the CIC to the Council was why does the Comp Plan cost \$7. Supposedly the money that the City gave the architect, Mr. Danielson, was for the printing and the publication of the Comp Plan to make them available to the public at little or no cost. He also added that they would like to know how many Comp Plans the City received and how many they have sold, especially to Dunes City residents. This question was being asked because the committee wondered if the residents weren't finding out about the ordinances partly because of the cost factor in obtaining a Comp plan.

Mayor Merz said that they had no record of how many Comp Plans that the City received, except that they received two boxes of them. The City has distributed Comp Plans to all of the Planning Commission and the Council. A few of the Real Estate offices have purchased them and a few citizens trying to obtain variances

and Conditional Use Permits have purchased the Comp Plan.

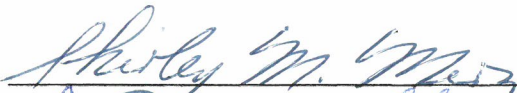
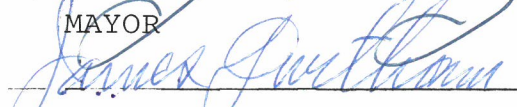
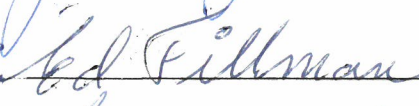
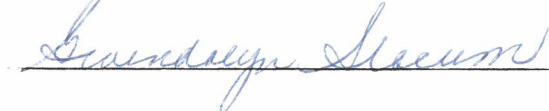
The Council had some discussion on the cost of the Comp Plan and then Mr. Brown made the motion that the cost of the Comp Plan be reduced from \$7 to \$2. This was seconded by Mr. Petersdorf and the motion carried.

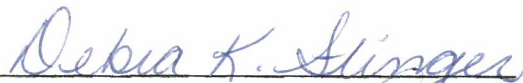
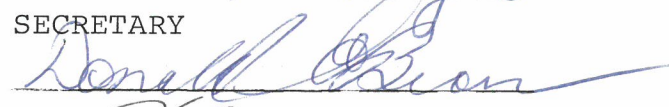
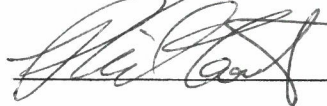

3. Mr. Brown then brought up the survey again stating that he felt it could be done so that they would know what are the questionnaires were coming from. This could be done by marking the surveys in some way as to the area they were going to. This way the City would know where the problems were.

Also he added the John and Julia Carlson have been a tremendous aid to the CIC. They have brought forth alot of good ideas and have spent alot of time and some money in the committee. He also added that they are not even residents of the City. Mr. Tout also added his appreciation to them for their help.

At 11:15 the Council went into executive session to discuss litigation.

The Council reconvened into regular session and adjourned at 11:43.


MAYOR





SECRETARY




BILLS - MAY-JUNE, 1980

IBM (ofs splies	36.00)	
(typewriter serv.	<u>48.00)</u>	\$ 84.00-
Shirley Merz (travel)		9.85
James Gwilliam (travel)		22.10-
Gene L. Chase (travel)		13.60-
Tidewater Electric (bal. due Community Water System hookup)		63.75
J J & K Well Drilling (bal. due " " " pump syst)		1,551.93
GP Excavating, Inc. (street work)		496.73-
Key TV (recording tapes)		7.68
Central Linc. PUD (street lighting)	\$253.70	
" " " (building lighting)	<u>25.10</u>	278.80-
Bernie LaForge (plumbing inspections)		217.50-
Pacific Northwest Bell		31.69-
Siuslaw News (advertising hearings - budget hearings 49.67)		64.44
Joseph A English (accounting)		385.00-
Emile Mortier (building inspections)		31.50
		<hr/>
		3,258.57
Dwight Gerber (retainer for April, May, & June)		<u>6.00</u>
		<hr/>
		3,858.57

BILLS PAID - NOT REVIEWED BY COUNCIL

Howard Campbell (lock for Com. Water System Bldg.)	9.49 :
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RECEIPTS - MAY - JUNE, 1980

OR State (Liquor Rev)	1,615.61
OR State (Motel Tax)	90.43
OR State (Motor Vehicle Tax)	1,384.13
OR State (Cigarette Tax)	112.36
Building Permits	505.54
Lien Search	25.00
Interest (TCD)	32.88
Copies, Comp. Plan, Zon. Ord. & Subd..Ord.	70.55
Registration Refund (travel)	20.00
Central Linc. PUD Franchise	507.40
	<hr/>
	4,363.90

DUNES CITY COUNCIL
SPECIAL MEETING

June 19, 1980

On the 19th day of June, 1980, Mayor Merz called to order the special meeting of the Dunes City Council to adopt the 1980-81 budget. This meeting was called to order at 7:30.

Present: Mayor Merz, G. Slocum, E. Fillman,
B. Petersdorf, Secretary D. Stinger

Mayor Merz turned the meeting over to Mr. Ira Mann, Chairman of the budget committee. He read the minutes of the June 19 1980 meeting. Mayor Merz made the motion to accept the minutes as read, Mr. Petersdorf seconded and the motion carried.

With the motion carrying, Mr. Mann submitted the 1980-81 budget to the Dunes City Council for adoption. The figure for the 80-81 budget read, \$53,918.

The Council went over some of the figures involved in the budget and there were some questions asked on things such as dog control and the selling of dog licenses, etc.

Mr. LaForge made the motion to accept the Budget Committee's presentation of the proposed budget. Mr. Fillman seconded and the motion carried.

Mr. Petersdorf made the motion to adopt the 1980-81 Dunes City Budget as presented by the Budget Committee, with the figure reading \$53,918.00.

Mrs. Slocum seconded and the motion carried.

Mayor Merz read a resolution that was drawn up by the City's accountant. This resolution was labeled 6-19-80 and would become effective as of July 1, 1980.

The meeting adjourned at 8:51.

Debra K. Stinger
SECRETARY

MAYOR

AGENDA

REGULAR MEETING OF
DUNES CITY COUNCIL

July 10, 1980

- I. CALL TO ORDER AND ROLL CALL
- II. ANNOUNCEMENTS
- III. CITIZEN INPUT ON UNSCHEDULED ITEMS
- IV. REPORTS
 - 1. Discussion on Dog Control, Tri-Agency Presentation
 - 2. Results of meeting - Flood Insurance Study
- V. PUBLIC HEARINGS
- VI. APPROVAL OF MINUTES OF JUNE 12, 1980
- VII. BILLS AGAINST CITY
- VIII. RECEIPTS OF SESSION
- IX. CORRESPONDENCE
 - 1. EPW-2 - Notification to City of Withdrawal of Van Voorhies as Engineer on EPW-2
 - 2. EPW-2 Hearing re Development of Water System
 - 3. Lane County Hearing re Formation of Siuslaw Park and Recreation District - July 24, 7:30 p.m., Florence City Hall
- X. OLD BUSINESS

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

XI. NEW BUSINESS

1. Resolution re City Charter Revision
2. Request for Maintenance Grant Funds (LCDC), Total of \$2,266.

XII. ORDINANCES

XIII. OTHER BUSINESS

XIV. ADJOURNMENT

DUNES CITY, OREGON

DUNES CITY COUNCIL

REGULAR MEETING
JULY 10, 1980

I. CALL TO ORDER AND ROLL CALL

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

ROLL CALL

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

Absent: B. Petersdorf

There were 8 citizens present.

II. ANNOUNCEMENTS

Mayor Merz made the statement that a few months back Dunes City had correspondence with the Oregon State Water Resource Department regarding Dunes City's water rights on Siltcoos Lake. They wanted another letter stating that we no longer needed water rights from the lake and Dunes City decided that one letter was sufficient. Mr. Gerber said don't answer their correspondence and see what happens and what happened is that they are going to go ahead and cancel the water rights.

III. CITIZEN INPUT - None

IV. REPORTS

1. Discussion on Dog Control - Mayor Merz stated that it has been found that Dunes City does have a dog control problem. She has received calls several times of dogs chasing deer. This has become a real problem and something needs to be done to try and control these dogs doing the chasing.

Mr. Ken Murrell, Oregon State Police Game Officer spoke on the concern of dogs chasing deer. He stated that there is a State law against dogs running at large and chasing deer. He also stated that it is very hard to catch the dogs doing the actual chasing. If the dog is caught, the

first time the owner is notified, that is if the dog has a collar and a license so that the owner can be found. The second time the dog is caught chasing deer it can be destroyed by a State Game Officer. A citation can also be issued.

Mr. Murrell also stated that if a dog is seen chasing a deer and an officer is called, but the officer does not actually see the dog chasing the deer or game, that person must be willing to be a witness and state that this is the dog that was seen chasing the game. This is a State Law that there must be a witness.

Mr. Murrell went on to say that it is not legal for anyone to destroy a dog for chasing game except a game officer. The only exception is with livestock. Then the person witnessing a dog chasing the livestock can destroy the dog.

The time involved in trying to track down the dog or dogs doing the chasing is tremendous. Mr. Murrell stated that he does all that he can to track down the dogs, but it is very difficult.

Next Ron and Bonnie Staab, local dog catchers for Tri-Agency, dog control contractors for Lane County and cities, spoke of their experiences with dog catching and their involvement with the Tri-Agency. They stated that they got into the dog catching by accident. They were just trying to protect a few dogs that were strays. They were boarding the dogs and feeding them. Tri-Agency found out about this and offered to reimburse them for their mileage and boarding the dogs, if they would do the dog catching for the Western Lane County area.

The Staab's stated that they are stretched quite far in trying to do the whole area. They enjoy what they do but they really didn't feel like they could take on the Dunes City area also.

Mrs. Staab stated that there are dog licenses being sold to Dunes City residents and the money is going to the Tri-Agency, however, Tri-Agency does not service this area. In the past they have reimbursed the revenue collected from dog licenses sold, to Dunes City, but so far this year this has not been done. Mayor Merz said that this seems to be an administration error and is still being worked on. Mr. Tout suggested that Mr. Gerber look into getting this revenue collected. Mr. Gerber agreed to do this.

Mrs. Staab went on to say that Tri-Agency has had money problems and this is why they do not render the service that they should. They get \$3.50 a day plus mileage from Tri-Agency for harboring the dogs that are caught.

Next Mr. Staub spoke on the possibility of Dunes City setting up their own dog control. He said that it could be self supporting if it were run right. Also Dunes City would have to have the cooperation of the people as far as buying licenses for their dogs and keeping them valid. There also is the cost of cages and the cost of "putting down" dogs that are not claimed or are dumped and not claimed. The last dog that they had to have "put down", Dr. McKnight charged \$15.

Mr. Staub stated that for him to do this area he would have to charge \$9.00 just to "roll" plus a reasonable amount for his time. Since he lives clear on the other side of Florence towards Mapleton, this would not be too practical. He suggested that Dunes City try to find someone locally.

Mrs. Staub then gave the Council some figures on the cost of Dog Licenses in Lane County, since she is the one who sells them for Lane County. The cost is \$9.50 per year and this expires one year from the date of purchase. It is \$4.75 for Senior Citizens and also \$4.75 for a spayed or neutered dog. Also a license would not be sold to an animal without a rabies shot certificate.

The Council went on to have some discussion on what could be done in the Dunes City area. Also it was found that there seems to be a pack of dogs doing most of the chasing. Most of these dogs have been identified but the owners have not been identified. It was also found that for Dunes City to have a contract with Tri-Agency, they would have to pay a fee up and beyond the fees taken in on dog licenses

Next Mr. Doyle , a ranger for the Camp Baker, Boy Scout Camp, in the area, spoke on the problem they have over there with dogs chasing deer. He stated that there have been no deer spotted in the area this year but he has heard a lot of dogs barking. He said that he has not seen the dogs but that he has heard them. He did say that when he has seen the dogs he can't catch them and if he did most of them do not have licenses so the owner could not be notified.

The Council had some more discussion and decided that this is a problem and that they would have to discuss the alternatives and decide on what to do.

Mr. Gwilliam made the motion to form a committee to weigh the alternatives and come up with some solutions to the dog control problem in Dunes City and to bring these solutions to the Council.

Mr. Brown seconded and the motion carried.

Mr. Gwilliam and Mr. Fillman were appointed to the committee by Mayor Merz.

2. Flood Control Study - Mayor Merz stated that they had a meeting with the Federal Agency that did the study of the Flood Control in Dunes City for the use of providing Flood Insurance to the residents of Dunes City. It was found that the study was the same as the one done in 1977 and since this was the same it would take the short route in finalizing the study so that the insurance can be provided. This will take 6 months instead of the 18 months as was stated before.

V. PUBLIC HEARINGS -- None

VI. APPROVAL OF MINUTES

Mayor Merz stated that in the 2nd paragraph of the minutes of the special meeting of June 19, 1980, it should read the minutes read of May 22, 1980, instead of June 19.

Mr. Fillman made the motion that the minutes of June 12, 1980 and the minutes of the special meeting on June 19, 1980 be approved with corrections.

Mr. Brown seconded and the motion carried.

VII. BILLS AGAINST THE CITY

Mr. Brown made the motion to pay the bills of the City totalling \$2543.55. Mr. Tout seconded and the motion carried.

VIII. RECEIPTS OF SESSION - \$3872.34

IX. CORRESPONDENCE

1. per agenda

2. EPW-2 Hearing re Development of Water System - On July 24, 1980, 7:30 p.m. at the Florence City Hall, the EPW-2 will go before the Boundary Commission regarding their Water System Proposal. At this same time the Siuslaw Park and Recreation District will go before the Boundary Commission.

Mr. Gerber had some input on the EPW-2 and what is happening with them. He stated that the Boundary Commission is having problems with the proposal from the EPW-2 because of Dunes City not being willing to back the water system if it should fail. He stated that he feels that EPW-2 might possibly come back to Dunes City asking once again for support.

Mayor Merz stated that Dunes City has told them over and

over that they will not support a proposal that would tie the City in any way to their water system. She questioned that fact that the City would even have to hear EPW-2 again.

Mr. Gerber said that the City would have to listen to them but they would not have to change their decision in any way. He was just warning the City that EPW-2 may be "coming up the driveway".

3. Mayor Merz stated that she talked to the State Road Engineer and the speed on Canary Road has been reduced from 45 MPH to 40 MPH. She said that Jim Miller, head of the County Shops here in Florence has ordered the signs.

X. OLD BUSINESS

Mr. Gerber spoke on the Martha Jakob situation. He stated that he has gone to the Court of Appeals and argued the case and the decision would be made on July 21, 1980.

Mr. Brown brought up the questionnaires that are to be distributed to the citizens of Dunes City. He said that they have been printed and that they have 500 of them to be hand delivered. It was put on the questionnaires that the out come of the poll would be heard at a Public Hearing on September 10, 1980. At this time the general remarks would be stated and the results would be determined.

The Council had some discussion on how many would have to be returned to the City to have a good cross section of the City and for it to do any good on what the citizens want. Figures were discussed on what would be a good percentage.

Mayor Merz said that a rubber stamp with the City's address on it has been ordered to stamp the return envelopes and this should be here by the middle of next week.

It was decided that a Workshop would be held on Saturday, July 19, at 9:00 a.m. and also on Monday July 21, to stuff the envelopes and get them ready to be delivered. At that time volunteers will be needed to deliver the questionnaires.

Mr. Gwilliam stated that he had some Boy Scouts to volunteer for some of the delivering.

XI. NEW BUSINESS

1. Ballot Title Measure on Amendment of the City Charter - Mr. Gerber read the Ballot measure of the Amendment of the City Charter.

Mr. Tout made the motion to adopt the measure as read.

Mr. Fillman seconded and the motion carried.

The Council did discuss some more changes in the Charter and it was decided that two sentences should be deleted from the Charter.

Mr. Tout made the motion that in Chpt. III, Sect. 8, to retain the first sentence, delete the next two sentences and to retain the last sentence.

Mr. Fillman seconded and the motion carried.

2. Request for Maintenance Grant Funds (LCDC), total of \$2,266. Mayor Merz stated that the City was notified that this would be coming to the City, because Dunes City has a Comprehensive Plan approved by LCDC.

Mr. Gwilliam added that LCDC is coming up for funding with new proposals. He said that they are some that are trying to lessen the power of LCDC and to get it back to the original intent. He stated that if anyone has any input on LCDC that now is the time to give that input to their Legislature.

Adjourned at 9:38.

Shirley M. Merz
MAYOR

Debra Kay Stinger
SECRETARY

Ed Fillman

Donnell B. Beane

Allen Secum

Phil Tout

James Gwilliam

Donnell B. Beane

AGENDA
REGULAR MEETING
OF
DUNES CITY COUNCIL
AUGUST 14, 1980

I. CALL TO ORDER AND ROLL CALL

II. ANNOUNCEMENTS

1. CITY OF FLORENCE OLYMPICS TO BE HELD AUG. 23 & 24.
2. FLORENCE AREA CHAMBER OF COMMERCE BAR-B-QUE WILL BE HELD AT HONEYMAN STATE PARK SEPTEMBER 6, 5:00 P.M.-9:00 P.M.
3. L-COG WILL MEET IN THE FLORENCE CITY COUNCIL CHAMBERS THURSDAY, AUGUST 28 AT 7:30 P.M.

III. CITIZEN INPUT ON UNSCHEDULED ITEMS

IV. REPORTS

1. STREET AND ROAD COMMITTEE RE: WIDENING AND SURFACING OF WRIGHT STREET BETWEEN HUCKLEBERRY AND WOAHINK AND SURFACING OF SALAL FROM CLEAR LAKE TO RUSSELL DRIVE.

V. PUBLIC HEARINGS

1. REQUEST FOR VARIANCE-SIGN- MARTHA JAKOB
2. REQUEST FOR VARIANCE/MAJOR PARTITION-ROBERT WITT
3. REQUEST FOR CONDITIONAL USE PERMIT-JAMES CHOATE

VI. APPROVAL OF MINUTES OF JULY 10, 1980 & ADDENDUM TO MINUTES.

VII. BILLS AGAINST CITY

VIII. RECEIPTS OF SESSION

IX. CORRESPONDENCE

1. A LETTER WAS RECEIVED FROM EPW2 WITHDRAWING THEIR APPLICATION FROM THE MEETING SCHEDULED FOR JULY 24, 1980.
2. STATE OF OREGON-DEPARTMENT OF ENERGY SENT A LETTER UP-DATING INFORMATION ON THE SMALL SCALE LOCAL ENERGY LOAN PROGRAM.

X. OLD BUSINESS

1. REPORT ON DOG CONTROL
2. E.I.C. FORMAL WITHDRAWAL

XI. NEW BUSINESS

1. SANITARY SERVICE FRANCHISE

XII. OTHER BUSINESS

1. SURVEY

XIV. ADJOURNMENT

bring

DUNES CITY, OREGON
MINUTES OF THE DUNES CITY COUNCIL
REGULAR MEETING
AUGUST 14, 1980

I. CALL TO ORDER AND ROLL CALL

Acting Mayor B. Petersdorf called the regular meeting of the Dunes City Council to order at 7:31, on the 14th day of August, 1980.

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

Absent: Mayor Merz (excused)

There were 39 citizens present.

II. ANNOUNCEMENTS

1. City of Florence Olympics to be held Aug. 23&24.
2. Florence area Chamber of Commerce Bar-B-Que will be held at Honeyman Park Sept. 6, 5:00 P.M. to 9:00 P.M.
3. L-COG will meet in the Florence City Council Chambers, Thurs. Aug. 28 at 7:30 P.M.
4. Mr. Petersdorf announced that Dunes City will be having a Town Hall meeting on Sept. 10 at the Dunes City Community Center.

III. CITIZENS INPUT - None

IV. REPORTS - Mr. Petersdorf held the road bids until 8:00 because this is the time that they were advertised to be opened.

Planning Commission - Chairman Tom Hunt reported that at the regular meeting of the Planning Commission held on July 16, 1980, the Planning Commission recommended to the City Council to grant the request to James Choate to have a Temporary Permit to have a Mobile Home on his property while he is building his "stick" home.

At the special meeting of the Planning Commission held on August 4, 1980, on the Variance for a sign for Martha Jakob, the Planning Commission recommended denial because of a 2 to 2 tie.

Mr. Hunt stated that at the appropriate time he would read into the record the Findings of Fact on each subject.

V. PUBLIC HEARINGS

Sign Variance - Martha Jakob, 83520 Hwy 101, Florence, Oregon
19-12-22-3 TL # 500

The Public Hearing was opened at 7:37. Mr. Hunt read into the record the Findings of Fact and Conclusions of Law found at the Special Meeting of the Planning Commission held on August 4, 1980.

Ms. Martha Jakob is asking for a variance to have a sign on her property located East of Hwy 101 across from her shop located on the West side of Hwy 101. The property that she would like to have the sign on, is in Dunes City and is zoned residential.

Mr. James Baumeister, P.O. Box 1402, Florence, Oregon showed some movies on the visual aspect that a sign would have on the lake. The movies revealed the visual aspect driving in a car from the North on Hwy 101 and coming from the South on Hwy 101. As an example, they had the sign on "wheels" parked out on Ms. Jakob's property on Hwy 101. It is a 4x8' sign low to the ground. With the trees and shrubbery along the lake the sign was not blocking a lake view from either direction. Mr. Baumeister explained each section of the movie and what was taking place. He also submitted to the Council some still pictures of the same thing, ^{ie} The visual aspect of the sign from the Hwy. Mr. Gerber stated that these pictures would have to be held for the record for awhile.

At the end of the movie Mr. Baumeister concluded that in argument with what was decided on by the Planning Commission, he felt that with the trees and shrubs behind the sign, there would be no visual impact on the lake caused by the sign.

Mr. H. Chickering, 84401, Green Gate Rd., Florence, Oregon, spoke in favor of Ms. Jakob's sign variance. He stated that he had read the transcript of the special Planning Commission meeting and he said that he had noticed that everybody within 300' were notified of the matter involving the property on Hwy 101. However, he did not read anything that stated that the owner of this property was notified of any zone change in her property. He also stated that he notices as he drives down the Hwy, that the public uses this property for a passing land for slow moving traffic, they stop there to fish in the lake, and even dump garbage on occasion. He went on to say that 95% of Oregon's economy depends on Tourists. He felt that this property should have been zoned Tourist Commercial. Originally the small piece on the East side of the Hwy was connected to the larger piece on the West side of the Hwy but in 1920 it was separated by the Hwy Dept. He felt that there was no way that this land should be zoned residential. He stated that he felt that the Council could be a little lenient and allow Ms. Jakob to have a sign on the property.

Mr. Harry McLain, 84401 Green Gate, Rd., Florence, Oregon spoke in favor of Ms. Jakob's sign. He stated that he was concerned with

the policy matter of this. He felt that there was an injustice being served on Ms. Jakob. He stated that he realizes that nothing illegal has been done. Everything has been followed as stated in the Comp Plan, but he did feel there was a great injustice being done. He said that the Council needs to consider the position that Ms. Jakob has been put into, do to a "bunch" of circumstances.

Mr. Floyd Doland, Hwy 101 S. Box 83595, Florence, Oregon spoke in favor of Ms. Jakob. He stated that he once owned the property that Martha Jakob now owns. He use to fly out Sea Planes from it. He stated that this was a beautiful place to take tourists. He sold this to Ms. Jakob about 6 years ago. He went on to say that the new maps don't even recognize this little piece of property. The old maps do. He went on to say that he felt that the samll businesses are being forced out. But people have to start somewhere. He stated that there are about 5,000,000 tourists coming through here in a year and we need this money here. Ms. Jakob built a beautiful place. She has no one to help her fight and has done alot of running back and forth from the State trying to satisfy everyone. He also stated that he himself was against her for awhile. He has found that he has gained more knowledge by "loving his neighbor" rather than hating them.

Mr. Doland went on to answer some questions of the Council on the lease that he held from Ms. Jakob to run his business out of her property after she had purchased it. He stated that he had a 5 year lease to run his business, with option for 5 more years. He did not take option on the lease, but he could use it anytime he wanted. He didn't use it because he had bought another piece of property. To his knowledge, the lease was never terminated.

Art Coning, Florence, Oregon stated that he didn't want to put down anyone but he felt that this whole thing was kind of "ridiculous". He said that he didn't feel that Ms. Jakob's property in hurting anyone and it is not creating a problem. He felt that she needs a sign on the other side of the road and this is all that the Council is to be considering tonight. He felt that a tremendous amount of money has been spent fighting her approval and he felt that all of this should be stopped. She needs the business and a sign.

Chick Taylor, 83720 Hwy 101, Florence , Oregon spoke in favor of Ms. Jakob.....(space in tape...testimony not recorded)

Mr. Bob Heckman, 83407, Parkway Dr., Florence, Oregon stated that he is a member of the Planning Commission and had sent a letter to the City explaining his abstaining from the vote on Martha Jakob at the special meeting. He said that he has been involved with situations concerning Ms. Jakob for

over a year. He said that he studied the papers that Martha had and that the lease with Mr. Doland did run until Nov. 1979. He had moved up the lake and the land was not being used as commercial at the time that the City zoned the land and all land that was not being used as commercial at that time was zoned residential. The lease was never terminated.

Martha Jakob, 83520, Hwy 101, Florence, Oregon spoke next. Ms. Jakob gave thanks to all that had spoken on her behalf. She then directed to the Council that this is the land of opportunity. She stated that the zoning is not really the thing anymore. As Oregonians we expect a little more than the rest of the people. She stated that she has been fighting for this dream for a year and a half and she will never give up.

Mr. James Baumeister spoke again on some of the details at the special meeting of the Planning Commission. He said that there was another reason the request was denied besides the scenic view and this was that the variance was caused by Ms. Jakob's actions. He didn't understand this because he felt that any and all variances are caused by the applicant's actions. A building too large to be put on a lot and follow all of the setbacks and has to have a variance to be built, is a result of that persons actions.

Mrs. Karri Mealy, 5147, Hilltop Dr. Florence, Oregon, gave testimony against Martha Jakob. Ms. Mealy stated that she is a member of the Planning Commission. She stated that this appeal, from Martha Jakob, has nothing to do with fairness. She then read the details of an appeal from the Zoning Ordinance, stating that, any decision that the Planning Commission makes, if anyone wants to appeal, it shall be the duty of the City Council to hear and decide written appeals when it is alleged there is error or omission by the Planning Commission. she stated that the Council has to find where the Planning Commission errored, not if it was fair or just.

She then went on to say that the Planning Commission held their special meeting a week ago Monday, "where were all of you people then." She went on to say that a variance is granted when there is an exceptional circumstance, such as an odd shaped lot. She stated that Ms. Jakob's need for a variance came about with her zone change of her property on the West side of the Hwy. If she wants her piece of property on the East side used as commercial then she should try for a zone change.

She stated that there was also testimony that this piece of property is not even shown on the map. On the big zoning map in the office it doesn't show it. This is because there is a dark black line marked all the way around the lake. This is a fifty foot setback. Ms. Jakob's property comes within this 50' setback and that is why it is not technically shown.

She went on to discuss the matter of Mr. Doland's lease and his

not using it. Also she read from the Comp Plan , Scenic Areas, Chpt E, 1&2:that building signs should not have a cluttered appearance and should conform with the rural aspect. Open spaces should be left to enhance the beauty of the community. It is true that with the trees behind the sign, the sign would not block the lake view, but you can look through trees and you can't look through a sign.

She then went on to say that the decisions on the Facts and Conclusions are made by the Planning Commission not the Council. The Council just decides on them. It some of these people showed up at the Planning Commission meeting, some of these things may have been decided on differently.

Her final statement was that her main objection to the variance was that the need for a variance was caused by the applicant. This was done so by Ms. Jakob by having the zone change on the property on the West side of the Hwy.

Mr. Hunt, P.O. Box 614, Florence, Oregon stated that there was one fact that didn't seem to get into the minutes of that special meeting held, was that Ms. Jakob also needs a permit from the State to have this sign and that they will only allow a 16 sq, ft. sign and in order for her to have a 32 sq. ft. sign (4X8), she will also need a variance from the State.

He stated that his objection was with the type of sign that was proposed, than the sign in general. Also he had a problem with the hardship part of granting a variance. He tried to get her to say in more realistic terms what her business was like with and without the sign out. Does this really mean a profit or a loss in business? He felt the the Council should be very careful to see that the hardship clause it met.

Also he stated that there had been testimony on the fact that this piece of property is zoned residential and that there is no way that a building could be put on it. Not all residential land is a buildable lot. This piece of property is still plenty usable as beachfront area, a dock could be put there, or it could be used as a swimming area.

His final statement was that in the Conclusions of Law he didn't feel that the hardship clause was satisfied.

REBUTTAL

Mrs. Baumeister, P.O. Box 1402, Florence, Oregon, stated that in the minutes of the Planning commission there was testimony that when Ms. Jakob's sign is out, her business is 90% better. Also Ms. Jakob stated at that meeting that she would put up any kind of a sign that the Planning Commission would approve. Evelyn Passenger, a member of the Planning Commission, was the one who stated that she would like to see a sign two ft. off the ground, 4X8',

which would make the top of the sign 6' from the ground, and Martha would actually be allowed 12' from the ground. The type of sign was proposed by the Planning Commission, not by Ms. Jakob.

Martha Jakob gave rebuttal to the concern on whether the sign works or not. she stated that every since she opened the doors of her shop, she had been making a game of asking the people what directed them to her shop. Most of the people say that the road sign directs them. She also stated that she does not like what she has now. She would like a sign in good taste. She has been putting the sign out, against what was ordered by the State and she has found that this is when business is the best.

She also stated that she had started the zone change in June of 1978, because she was not aware when she bought the property that it would be zoned residential and she bought it for the purpose of having a business. She was not informed that there would be a residential zoning on it.

Her final statement was that she has the right to make a living and she needs the sign to do this.

The Council then had some discussion with Ms. Jakob on whether she had figures to backup the fact that her business was better with the sign or without. she stated that she could generalize and say that the business was 90% better by the flow through the shop but she did not have figures.

John Sampson, P.O. Box 207, Florence, Oregon stated that there had been testimony that you could see through the trees but that you could not see through a sign. In the film that was shown it was obvious that you could not see through the trees to the lake. Also if it is left to comply with Dunes City's brush Ordinance, in a few years you would not be able to see the lake at all. He concluded saying that he felt the City was giving Ms. Jakob undue harassment.

Mr. Doland gave rebuttal to the issue of the trees along the property in question. He stated that those trees are only 5-6 years old because he had cleared off the lake frontage when he was flying out of there 5-6-years ago. Also he stated that this property is a place that people pull off of the hwy and stop and he felt that once they stop, if they see a sign, you've got their money !

Mr. Gary Foglio, 5429, Huckleberry Lane, Florence, Oregon, stated that we all have to be aware of the fact that we live in a tourist community and we all have to make a living one way or the other. He felt that if anyone here has seen Ms. Jakob's shop or her existing signs, you should know that any sign that she would be putting up in the future would be nothing but an addition to the community and not take anything away. He stated that he would like to see her get what she needs.

Harry McLain gave rebuttal, as he said, "soft" rebuttal. He stated that you visualize a cloud, one man sees the wings of an angel, another man reaches for his umbrella.

The Public Hearing was closed at 8:50.

Mr. Fillman made the statement concerning the zoning of the property. He said that at the time the land was being zoned, LCDC gave them Goals and Guidelines to follow. He stated that the committee working on the zoning, which he was a part of, had decided to make this land Tourist Commercial. They sent out questionnaires to the people of the community and the results were that anything that was not being used as commercial, was to be zoned residential. The people did not want any more commercial zones in Dunes City.

The Council had some discussion on the matter of the zoning and the lease that was on the property to be used as commercial even though it was not being used at the time. The lease was still in effect.

They also discussed the criteria for the variance and their duties as Council members to uphold the ordinances.

Mr. Gerber made the fact known that he did receive from the State that they would grant Ms. Jakob her variance for a 32 sq. ft. sign if Dunes City granted their variance for it.

Also Mr. Gerber stated that he didn't feel that the Council would have to find error on the Planning Commission's part because of the two to two tie in their voting. It just had to be decided upon.

Mr. Gwilliam made the motion to accept the Findings of Fact and Conclusions of Law found by the Planning Commission and to grant to Ms. Jakob, 83520 Hwy 101, Florence, Oregon, a variance to have a sign on the East side of Hwy 101 which is in Dunes City.

Mr. Fillman seconded.

Mr. Petersdorf suggested that there be a time limit on when the present directional arrows and penants should come down. It was decided that as another condition to the motion that the signs and penants should come down upon completion of the sign on the East side of the Hwy.

Mr. Gwilliam amended his motion and Mrs. Slocum seconded.

The attorney suggested that the City Recorder give a Roll Call of the Council for the vote.

AYES: PETERSDORF, GWILLIAM, TOUT, FILLMAN, BROWN, SLOCUM

The motion carried.

Mr. Petersdorf commended the Planning Commission on their actions in following the ordinances. They did what they were to do.

IV. REPORTS

Mr. Petersdorf now directed the meeting back to the road bids for the resurfacing and widening of Wright Rd. between Hucleberry Lane, down Woahink and surfacing of Salal from Clear Lake Road to Russell Drive.

Mr. Ira Mann, the road committee chairman read the minutes of the road committee meeting, August 5, 1980. In these minutes he stated what was to be done to these roads. Also that the City is in need of a brush cutter to clear brush along roadways.

Next Mr. Mann opened and read the sealed bids for the roadway work.

JOHNSON ROCK -----\$7,590.20
WILDISH----- 9,130.00
RAY WELLS----- 9,618.59

The Council asked Mr. Mann if he could confirm that all of these bids conform with all of the specifications needed on the roads.

Mr. Tout made the motion that they accept the bid from Johnson Rock for \$7,590.20.

Mr. Fillman seconded and the motion carried.

Next Mr. Mann introduced to the Council Mr. John Sampson and Mr. Vake Sampson.

V. PUBLIC HEARING

Mr. Robert Witt - Major Partition/ Variance, 83630 Kiechle Arm,
Florence, Oregon
19-12-23-4 TL# 200 & 1001

The Public Hearing for Robert Witt was opened at 9:20.

Mr. Brown read into the record a letter from Mr. Witt's attorney, Larry Thompson, dated 7-8-80. In this letter Mr. Thompson was asking the Council to reconsider the decision that they made as to the conditions that were applied to the granting of the Major Partition and the Variance, dated March 18, 1980. This condition was that Mr. Witt get a written signed agreement for Mr. Camera and Mr. Reavis, from Mr. Toffel. In this letter it stated that Mr. Toffel now refuses to give permission for this water system to be on his land. It stated that Mr. Witt is willing to move the system in the condition as good as it is onto his property. To do this, he will need a waiver of the condition which was originally attached to the variance. In the letter in requested that this be put on the agenda of the regular meeting, Agust 12, 1980 (corrected to August

14, 1980). He stated that he would contact Mr. Reavis and Mr. Camera prior to the August meeting of the intent of Mr. Witt.

Next Mr. Brown read into the record a Memo to the Mayor dated August 13, 1980, 2:00 P.M. - This stated that Mr. Thompson made a verbal request by telephone for a continuance for the Witt hearing to the regular meeting of the City Council in September. He stated that he is presently negotiating with Mr. Reavis and Mr. Camera and will have a contract on the Witt property, next month. He requested that anyone who is present at the hearing be allowed to testify and that a copy of any testimony be forwarded to him.

Mr. Petersdorf read into the record the original motion from the meeting of March 18, 1980 concerning the Witt property, Major Partition /Variance.

Mr. Petersdorf opened testimony for Mr. Witt. There was none. The testimony against Mr. Witt was then opened.

Mr. Toffel, 5821 Valley Ct., Klamath Falls, Oregon testified that he owns the property along Kiechle Arm adjoining Mr. Witt on the West side. He also stated that he has never refused Mr. Witt permission to have the water system on his property. He has not granted the permission, but he has not refused it either. He stated that he has discussed it with Mr. Witt, about a month prior to April 12 or 13, 1980. Mr. Witt had called him on the phone and he had mentioned this easement for the water system and he told him he could not do anything on the phone that he would have to come down. He said that he came down in April and at that time he told Mr. Witt that he had put him a hard position to make a decision. He didn't feel that Mr. Witt had been a very good neighbor. Next Mr. Toffel related to the Council some of the instances that brought him to this conclusion.

Mr. Brown asked Mr. Toffel if he had any prior notice of the water system being put onto his property when the road was being built.

Mr. Toffel stated that he was told about a plastic pipe being put across his land to divert the water but he really thought that this was temporary while the road was being built to keep the settlement from the road construction out of the water. He said OK to this, but he did think this would be temporary while the road was being built. He then went on to say that prior to that and April 12, his phone conversation with Mr. Witt he had heard nothing. And on that phone conversation, he stated that it would be hard for him to make a decision on the phone.

Mr. Gerald Reavis, 83620 Kiechle Arm, Florence, Oregon gave testimony against Mr. Witt. Mr. Reavis stated that at the last meeting in front of the Dunes City Council he had stated that Mr. Toffel had not been contacted about the easement or the water system. He said that he would like to express his relief that his statement

had been confirmed by Mr. Toffel.

He went on to say that he is very much against a road variance of any kind. Mr. Witt has had one year since he buried Mr. Reavis & Mr. Camera's water and Mr. Reavis felt that this is plenty of time for Mr. Witt to come up with something to remedy the situation.

Mr. Reavis also testified that he and Mr. Camera are getting plenty of water but it is still half mud and half water.

The Public Hearing was closed at 9:40.

The Council has some discussion on what is to be done at this time. Testimony was taken and if they are to decide to release Mr. Witt from his agreement to obtain an easement from Mr. Toffel. Mr. Gerber stated that the Council is not obligated to give Mr. Witt the extension until next month.

There was more discussion on whether the Council would be doing their duty if they were to extend this until next month or if something should be done right away.

Mr. Gwilliam made the motion that the Council require Mr. Witt to appear at the September 11, 1980 meeting of the City Council and show cause why his Variance should not be denied and his Major Partition revoked.

Mrs. Slocum seconded.

AYES: GWILLIAM, SLOCUM, PETERSDORF, BROWN, FILLMAN
NOES: TOUT
The motion carried.

PUBLIC HEARING

James Choate- Temporary Permit- 5290 Berry Lane, Florence, Oregon
ec. 23 T 19 S R 12 W Lot # 321, Florence, Oregon

Mr. Hunt read into the record the Findings of Fact and Conclusions of Law found by the Planning Commission at their regular meeting on July 16, 1980.

The Public Hearing was opened at 9:50.

Mr. Choate gave testimony that his septic system is in but that the paper work has not been completed so he does not have any form of paper to show to the Council that he does have approval.

Mr. Gerber stated that he would not have to have the papers until he came in to apply for a Building Permit.

The Public Hearing was closed at 9:57.

Mr. Brown made the motion to accept the Findings or Fact and Conclusions of Law found by the Planning Commission at their regular meeting of July 16, 1980, to grant the variance for a temporary permit to James Choate, 5290 Berry Lane, Florence, Oregon.

Mr. Tout seconded and the motion carried.

Mr. Petersdorf moved down to New Business to the Sanitary Service Franchise since Mr. Johnson was waiting in the audience.

XI. NEW BUSINESS

1. Sanitary Service Franchise - Mr. Mike Johnson, owner of the Siuslaw Sanitary Service was present to discuss with the Council some of the expenses involved in his garbage service in Dunes City.

Mr. Gerber stated that Dunes City had gotten a letter from another Sanitary Service in the area, stating that they would like to negotiate on the franchise with Dunes City. However, this person was not present at the meeting. Mr. Johnson's franchise with Dunes City is good until 1987, but tonight it will be renegotiated.

Mrs. Slocum did some research on different charges for garbage service in Lane County. She submitted to the Council a paper with the information on it. She then stated that she had looked up to see what percent of Dunes City residents, according to the Housing Survey, were low income and of that low income, what percent were elderly and it would appear that our Dunes City residents that are both low income and elderly, would be somewhere around 20-25%. This is a rough guess. She then stated that she did not know how many of these have garbage service. It would seem though that these would be the group of people that have been unable to make other arrangements to get rid of their refuse. She stated that she felt that the garbage rates now in Dunes City would particularly work a hardship on that group of people.

Mr. Petersdorf commented to the Council to keep in mind that during the Budget Committee meetings, it was projected to increase the garbage franchise to \$500.00 a year.

Mr. Tout stated that he felt that if the franchise was raised to \$500 a year, Mr. Johnson would be going out of the garbage business in Dunes City. According to the note he had, Mr. Johnson is taking in about \$780.00 a month in Dunes City.

Mr. Johnson stated that he did have some exact figures to give to the Council on his expenses and income in Dunes City.

Mr. Johnson stated that he serves 133 people in Dunes City. He stated that his competition is proposing 50¢ less for three can service than what he is charging for one can service. Of the 133 customers, 13% are over one can service. There is only one person in Dunes City that has three can service. The other 87½%

are one can service or every other week customers or once a month customers. He stated that he charges \$2.25 for once a month service.

He then went on to say that out of these 133 customers, these are not all paying customers. He stated that he does not have a special rate for Senior Citizens. He said that he hates to mention it but there are a few people in the area that are receiving free service, by hardship.

He then gave figures on his expenses and his income. First he stated that this is his peak season because there are alot of vacationers in the area though the summer. This is included in the 133 customers. In the winter it is less.

Total income from Dunes City	\$ 780.00	per month
Dump Fee	172.50	"
Labor	454.93	"
Gas	73.25	"
Secretary	49.00	"
Postage	5.56	"
???(garbled on tape)	33.83	"
Truck Payments	139.00	(actually more than that-taking one fifth of his rural expenses)

He stated that this alone comes up to \$928.37 per month expenses. This is not figuring his extra relief truck driver that he has to have trained and ready to go when the other driver cannot make the route. It is not figuring the extra dump fees that they have to pay when they have to dump to work on the truck, when the truck is only half full or a quarter full. The dump charges full price even if the truck is not full. It is not covering truck repairs, his other office expense, telephone, maintainance, desk, chair, or PUC's and licenses or the Franchise Fee. He figures that his franchise would be approximately 10-11¢ per can per customer. This is not covering the free customers expenses or the fences and mail boxes that are knocked down by the truck on narrow streets, or dents and scratches on the truck and certainly not any profit.

Mrs. Slocum directed a question to Mr. Johnson stating that according to these figures he is loosing money in Dunes City. Why does he service Dunes City and Mr. Johnson stated that he has been here for seven years and he feels a moral obligation to serve all of Western Lane County. He also commented on the information in the research that Mrs. Slocum did on garbage rates in other areas in Lane County. He stated that it is convenient to show that their rates are cheaper, but they have much higher density than we have here. His truck went 28 miles today on 16.9 gallons of gas, just in Dunes City.

Mr. Johnson requested that the Council appoint a committee to come to his office and audit his books to confirm these figures. He

also stated that he would like to have Mr. Gwilliam, Mr. Fillman, and Mayor Merz to be on that committee since they were the Councilmembers that voted against his rate increase in July.

The Council had some discussion on this idea and Mr. Gwilliam stated that he would not like to be on such a committee because he felt that he wasn't qualified to do an audit.

Mr. Brown made the motion to have the Mayor appoint a committee to go over Mr. Johnson's books with him, because there seems to be some difference in opinion on what is right and what is wrong, and pursue this matter in a month, the results of this audit.

Mrs. Slocum seconded.

AYES: FILLMAN, SLOCUM. PETERSDORF, TOUT, BROWN,
NOES: GWILLIAM
The motion carried.

Mr. Gerber asked the Council to excuse him from the meeting since most of the business had been taken care of at that time. The Council granted this and Mr. Gerber left at 10:30 P.M.

VI. APPROVAL OF MINUTES OF JULY 10, 1980

Mr. Petersdorf directed the meeting back to this section of the agenda.

Mrs. Slocum made the motion that the minutes of July 10, 1980 be approved. Mr. Fillman seconded and the motion carried.

VII. BILLS AGAINST THE CITY

The Bills against the City totaled \$1,064.98 and the bills paid by check , not reviewed by the Council totaled \$1,360.00.

Mr. Brown made the motion that the bills be paid. Mr. Fillman seconded and the motion carried.

VIII. RECEIPTS OF SESSION - \$4,678.55

XI. CORRESPONDENCE

1. A letter was received from the EPW2 withdrawing their application from the meeting scheduled for July 24, 1980 of the Boundary Commission.
2. State of Oregon Dept of Energy sent a letter up dating information on the small scale local energy loan program. Mr. Petersdorf stated that he felt this should be turned over to the CCI. He then gave the letter to Mr. Brown.

X. OLD BUSINESS

1. Report of Dog Control - Mr. Petersdorf asked Mr. Gwilliam and Mr. Fillman to give their report on their research of the problem of Dog Control in Dunes City.

Mr. Gwilliam stated that they found that it seems to be only a certain few dogs that are causing the problems and these are in a certain area. They felt that it would be best to try to appeal to the people, with the aid of the press, to consider the dog problem. Also for the people to be more concerned for their pets and to use more control over them and in this way to help Dunes City overcome that problem. He felt that this way should be tried for a period of 30 days before Dunes City gets into a lot of red tape in trying to form a Dog Control Dept. If this does not work, then Dunes City should go ahead and try to come up with an ordinance that can be enforced. Possibly this could be discussed at the Town Hall meeting in September, when hopefully there will be a lot of the citizens present to give input.

Mr. Gwilliam made the motion to request the participation of Dunes City residents through the press, in helping us to overcome the dog control problem and that we put this subject on the agenda for the Town Hall meeting on September 10, 1980, to draw a conclusion if control has actually been met.

Mr. Fillman seconded and the motion carried.

2. Economic Improvement Commission Formal withdrawal- Mr. Gwilliam stated that he would probably still be going to the meeting, but Dunes City must submit a formal withdrawal, because we are no longer paying dues. Mr. Petersdorf suggested that the City Recorder send a formal withdrawal due to lack of funds.

XII. OTHER BUSINESS

Mr. Gwilliam asked the City Recorder to write a letter to the Explorer Scouts Post- Ship 2-17, expressing Dunes City's appreciation for their help in delivering the questionnaires for them and for cleaning up around the Community Hall.

Concerning the Dunes City survey recently taken, it was found that 195 surveys were returned out of the 500 that were sent. This is approximately 36% of Dunes City. It was stated in the survey that the results would be presented to the public on September 10 at the Dunes City Town Hall meeting.

Mr. Petersdorf suggested that the CCI start tallying the information to have it ready by then. Mr. Brown stated that the first meeting to work on these would be held on Monday, August 18, 1980 at 7:30 and he requested that the Planning Commission be notified of this meeting. He did say that it would not be possible for

for the questionnaire to be done in one meeting. They have to
tally the answers on each question and then these have to be
applied to the issue involved.

XIV. ADJOURNMENT

10:50

Shirley M. May
MAYOR

James H. Hester

G. Ed Fillman

James Gurlman

Debra K. Stinger
SECRETARY

Donald B. Brown

Paul H. St. John

Donna L. St. John

6219

AGENDA
REGULAR MEETING
OF
DUNES CITY COUNCIL
SEPTEMBER 12, 1980

- I. CALL TO ORDER AND ROLL CALL
- II. ANNOUNCEMENTS
 - A. THE Planning Commission will have two vacancies in January, 1981. Each of the vacancies is for a term of two years and will be filled by appointment at the December meeting of the City Council. Applications for the Planning Commission may be obtained at Dunes City office.
- III. CITIZEN INPUT ON UNSCHEDULED ITEMS
- IV. REPORTS
 - A. City Attorney Gerber on Martha Jakob question.
- V. PUBLIC HEARINGS
 - A. Request for Variance-Wallace B. Johnson
 - B. Request for Conditional Use Permit-Renold Passien
 - C. Continuance of Robert Witt hearing
- VI. APPROVAL OF MINUTES OF AUGUST 14, 1980
- VII. BILLS AGAINST CITY
- VIII. RECEIPTS OF SESSION
- IX. CORRESPONDENCE
 - A. Correspondence with Census '80' ;final count 1132 with 556 housing units.

Agenda- Regular Meetin
City Council
September 12, 1980

page 2

X. OLD BUSINESS

XI. NEW BUSINESS

XII. OTHER BUSINESS

XIV. ADJOURNMENT

DUNES CITY, OREGON
MINUTES OF THE DUNES CITY COUNCIL
REGULAR MEETING
SEPTEMBER 11, 1980

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Merz at 7:34 P.M. on the 11th day of September, 1980.

ROLL CALL

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

There were 28 citizens present.

II. CITIZENS INPUT ON UNSCHEDULED ITEMS

Mr. Bill Riesenhuber, of the Sportsman Club, spoke to the Council on the subject of the tables that are in the Community Center. He asked that the tables not be taken up and down unless absolutely necessary because they are getting marked up and damaged from this going on. He asked that about six tables be left up at all times for the Club's use. Mayor Merz stated that she would talk to the cleaning people and suggest this to them.

Mayor Merz then stated that the Council would have to go into executive session to discuss possible litigation. She called a recess at 7:35.

Mayor Merz reconvened the meeting at 7:45.

III. REPORTS

Attorney Gerber reported on the Martha Jakob question. He stated that the reverse appeal from LUBA was discussed by LCDC on September 5 and that he has not heard the decision that was made. He did state that he did know that LCDC did not give any oral argument.

Next Attorney Gerber stated that the City has received a letter from Martha Jakob asking for the refund of her fee on her Variance. This request was due to the fact that she felt her property was down zoned. That her property was the only commercial property that had to go through this because of having the zone changed by Dunes City in 1975. He also stated that the Council would have to discuss this in executive session later on in the meeting.

IV. PUBLIC HEARINGS

Varinace- Wallace Johnson, 5388 Buckskin Bob, Florence, Oregon
19-12-26-1-2 TL # 115

The Public Hearing for Wallace Johnson was opened at 7:50. Mr. Hunt from the Planning Commission, read the Findings of Fact and Conclusions of Law into the record for the Council. There was no testimony given during the Public Hearing so it was closed at 7:52.

Mr. Johnson did present a letter to the City from an adjoining property owner stating that they had no objection to his variance for a carport 5' from the property line.

Mr. Tout made the motion to accept the Findings of Fact and Conclusions of Law found by the Planning Commission and grant the variance to Mr. Johnson, 5388 Buckskin Bob, Florence, Oregon.

Mr. Petersdorf seconded and the motion carried.

PUBLIC HEARING

Conditional Use Permit -Renold Passien, 4951 Lakeshore Drive, Florence
19-12-22-10 TL # 1101

The Public Hearing for Mr. Passien was opened at 7:55. Mr. Hunt read into the record the Findings of Fact and Conclusions of Law found by the Planning Commission.

Mr. Passien is asking for a Conditional Use Permit to have a Mobile Home on his property at 4951 Lakeshore Drive, Florence.

Mr. Gerber stated that the executive session that the Council had dealt with this subject. The Council felt the reason for Conditional Use Permits in Dunes City for Mobile Homes is to keep Mobile Homes presentable. What the Council has to agree upon is if this Mobile Home is presentable.

Mr. Clark, P.O. Box 146 Florence, Oregon spoke for Mr. Passien as his attorney. He presented to the Council the evidence that was presented at the Commission meeting on August 20. This was the pictures and the artists sketch of what the Mobile Home and the area around it is to look like when it is completed. He stated that the Mobile Home is not hardly visable at all except right in front of it from the road. He also stated that soon there will be a fence around it and it will look like a "stick" home from the road. He went on to say that it is a definat improvement from what was previously there. The 27' travel trailer that had been there since 1958. The Mobile Home that is now there was placed there by Mr. Passien because a Building Permit was issued by the City and now it is found that a Condition Use Permit is needed.

Mr. Fred Correll, 83763, Hwy 101 S., Florence, Oregon spoke in favor of Mr. Passien's Conditional Use Permit. He stated that he felt that there should be no objection to this Mobile Home being on this property. It is well kept and nice looking.

Mr. Larry Kimbrew, 4734 Lakshore Drive, Florence, Oregon also spoke

in favor of Mr. Passien's Conditional Use Permit. He stated that he has the lot across from Mr. Passien and he has no objection to having a Mobile Home there.

Mr. Scott Galenbeck, 644 N. "A", Springfield, Oregon 97477 spoke in opposition of Mr. Passien's CUP. He stated that he spoke for several of the residents on Lakeshore Drive. He was an attorney hired by them. These people were, Mr. Hunter, Mr. Hennon, Mr. Baker, Mr. West, and Mr. Hendershot.

He went on to say that he had read through the Dunes City Comp Plan and Zoning Ordinance and found that there is not too much distinction between Mobile Homes and Homes. He stated that in the Comp Plan it expresses to "maintain existing neighborhoods". A 27' travel trailer was removed. This is not what is there now and therefore not maintaining the existing neighborhood.

He also stated that the Council has to find this Mobile Home compatible with the neighborhood. There are two problems with this. There is a neighboring Mobile Home Park and this is where Mobile Homes are welcome, but this neighborhood would like to keep the area homes, permanent structures. The second problem is having a low cost Mobile Home in a neighborhood that is high cost living. He then stated that the residents that he is representing have suggested that since the Mobile Home is in now and the Planning Commission stated that it would be a hardship to remove it. that the Conditional Use Permit be restricted to one year and at the end of this year, a permanent structure would have to be constructed. This is so the CUP for the Mobile Home will not continue forever.

Mr. Gerber stated that there is an equal protection law against insisting that a person do a certain thing on their property.

There was some discussion between the Council and Mr. Galenbeck on the subject of Mobile Home Parks and the County Laws. The subject of Ordinances and whether or not it is right to ask a person to construct a home in a certain time.

Mr. Ted Hendershot, 4922 Lakeshore Drive, Florence, Oregon spoke against Mr. Passien's CUP. He stated that he does live in a Mobile Home on Lakeshore Drive. He stated that it was his understanding that Mr. Passien was going to bring in a new Mobile Home. Also with the matter of renting, this puts a new light on the subject.

Mr. Jack Hennon, 87288 Windward spoke against Mr. Passien. He stated that he owns a home on Lakeshore Drive with Dr. Morrell and they have owned this home for about 12 years. He stated that they tried to stop a Mobile Home from coming into the neighborhood a couple of years ago. His objection is that the Mobile Home will be a cheap rental and with a cheap rental, possibly undesirable people would come to the neighborhood. He also stated that he does rent his house through the winter, but that he gets \$500 per month for it and this amount of money brings in a good renter.

Mr. George Baker, 4930 Lakeshore Drive, Florence, Oregon spoke against Mr. Passien. He made the statement that he agrees with what the attorney had said.

Mr. Cliff West 4960 Lakeshore Drive, Florence, Oregon also spoke against Mr. Passien. He stated that his objection is to the Mobile Home being a cheap rental and the fact that Mr. Passien lives in Klamath Falls, he would be an absentee landlord.

In rebuttal Mr. Clark gave some statistics on Mobile Home Parks and the acreage needed for each Mobile Home according to the County. Also he stated that the Dunes City Comp Plan states that Dunes City must satisfy housing needs in Dunes City and that Mr. Passiens Mobile Home would probably rent for about \$300 per month and this is not cheap. If there is a problem with the renter in the Mobile Home or the appearance of the Mobile Home, this can be taken care of through the Conditional Use Permit.

Mr. Galenbeck gave rebuttal as to the inconsistency of having the Mobile Home rented. You would have no way to control who would be there and how they will take care of the place. It is incompatible with the general neighborhood.

Mr. Clark gave rebuttal again as to the value of the Mobile Home. He stated that there is no law on the value of a home or Mobile Home. He stated that Mr. Passien was very careful when he bought the Mobile Home and it is in very good condition. As for putting a time limit on the CUP, they are not applying for a Temporary Permit. Mr. Passien is 55 years old and would possibly like to build on this lot at sometime in his life but that time is hard to determine. He wishes to upgrade what was there and the question of popularity should not be in the matter at all, just if what he is doing is compatible. If there is any question to the compatibility, he suggested a site review by the Council to look the situation over.

The Council next found that the Planning Commission minutes were in error. They stated that the lot is 55'X86', this is incorrect it should read 55'X186'.

Next the Council asked Mr. Passien when he does intend to build on the lot. Mr. Passien stated that at the Planning Commission meeting Mr. Nicholson made the statement that he would like to build in a couple of years. He hoped that this did not mean 2 years, because he just didn't know. He was not on any time table as of now. He has no specific intent to build now.

The Public Hearing was closed at 8:45.

The Council had quite a bit of discussion of the housing needs in Dunes City and the percent of the population in Dunes City that is low income. The need for Mobile Homes as a low cost housing was discussed and the housing mixture as stated in the Comp Plan was read.

Mr. Gerber stated that there is no evidence that this Mobile Home

is "Junk". It must be compatible with the neighborhood and that the Council has the right to put any reasonable conditions on the Conditional Use Permit.

Mr. Brown made the motion to adopt the Findings of Fact and Conclusions of Law found by the Planning Commission with the additional conditions, that within 6 months the screen deck and other landscaping be completed, and to grant the Conditional Use Permit to Mr. Renold Passien, 4951 Lakshore Drive, Florence, Oregon.

Mr. Tout seconded and the motion carried.

Mayor Merz called a recess at 9:00 due to the fact that the tape recorder quit working and another would have to be found to resume the meeting.

The meeting reconvened at 9:10.

PUBLIC HEARING

Variance/Major Partition - Robert Witt, 83630 Kiechle Arm Road,
Florence, Oregon

Continuance of hearing.

Mr. Gerber gave an update on the Witt situation. He stated that the City served Mr. Witt with a Show Cause for not complying with the conditions that the City placed on the granting of the variance/major partition. The condition was that Mr. Witt was to contact Mr. Toffell to see about getting an easement for Mr. Reavis and Mr. Camera's water system to be on his property. This has not been accomplished. At the last Council meeting, a hearing was held to hear testimony, as was requested by Mr. Larry Thompson, Mr. Witt's attorney. They had asked that the condition that was set, be changed because they could get no where with Mr. Toffell. Just before the meeting, Mr. Thompson requested that the hearing be postponed until the next month because he felt that something may be able to be worked out with all of the parties involved. The Council did go ahead and hear testimony against Mr. Witt at the August Council meeting.

Mr. Larry Thompson, 975 Oak Street, Eugene, Oregon spoke for Mr. Witt as his attorney. Mr. Thompson stated that the reason he had asked for a postponement on the hearing was because he thought something could be worked out with Mr. Toffel. However, this was unsuccessful. He went to the chalk board and drew a map of the area and where each property was situated and where the water system was now. Mr. Thompson stated that before this meeting he did talk to Mr. Toffel and Mr. Toffel said that he felt that he could negotiate.

Mr. Robert Witt, 83630 Kiechle Arm, Florence, Oregon spoke in reference to his negotiating with Mr. Toffel. He stated that after the March 13, 1980 meeting, he called Mr. Toffel and asked about

negotiating for an easement for the Reavis's and Camera's water basin to be on his property. Mr. Toffel stated that he would come down to talk about it. He came down about a month later and discussed it and decided that he would not like to have the basin on his property. He felt that Mr. Witt hadn't been a good neighbor and at the time he told Mr. Buckley that it would be OK to put the system over on his property, but he thought that it was just temporary while the road was being built.

Mr. Thompson then spoke to the Council, his feeling whether the condition that was set on Mr. Witt's variance/major partition, was a proper condition or not. Mr. Witt has no control over other land owners and when a condition is set on a ruling, it is usually something that the applicant can control.

He went on to say that Mr. Witt owned the land and the access was taken away so he bought land to get out of the land lock. He built a road which was to be a driveway. The road is in and is legal to this point. Mr. Witt did ask for a Major Partition of his land and this is when the driveway became an access road to those partitions. This is when the Council decided that the road would have to be up to code and that road is only 30' wide at one point instead of the required 50'. This is what the City is to be concerned about. Mr. Thompson said that he felt that the City is putting itself on the line trying to settle a water rights dispute between neighbors. Mr. Thompson also made a few comments on his opinion on whether Mr. Reavis actually had water rights in the first place. He also made the comment that Mr. Witt had a year to fulfill the condition set so he is not in violation yet. Even if the variance and the major partition is not granted, Mr. Witt still has a legal driveway on his property.

Mr. Thompson stated that Mr. Witt is willing to post a bond for \$500 for the City to hold. This will be for Mr. Reavis to do the work needed on the water system so that it can be restored on Mr. Witt's property, back the way it originally was. Then if the water is as good as it was before, fine, if not, then Mr. Witt has met his condition and the matter should be settled by Mr. Reavis and Mr. Camera. They have stated that the system worked fine before. Let them put it back the way it was before. Also they would give Mr. Reavis and Mr. Camera a license to go on the property to do the work.

Mr. Gerber stated that Mr. Petersdorf had been at the site and he said that there were mud deposits further up stream. This could be where some of the muddiness is coming from and not entirely from the Witt road. Also with heavy rains there is probably some contamination from the ditches that run into the stream.

Mr. Gerald Reavis, 83620 Kiechle Arm, Florence, Oregon spoke on the solution that was suggested. He stated that the problem is already created and anyone could do the work. He said that this has been going on since August 1979 and he has never said that he

wanted good pure water. He said he wanted it as good as before. He stated that his contract states that he has rights to have the water system on Witt's property. He felt that a long time ago Mr. Witt could have tried to make things right. He could have gone on his land and dug a hole and tried to replace the system like it was before. Mr. Reavis said Mr. Witt can do anything he wants on his own property. Why can't he do the work. Why should he go to the trouble himself. He has done nothing in this direction for this last year.

Mr. John Toffel, 5821 Valley Crt., Klamath Falls, Oregon took the floor and then went to the chalk board and revised the picture that had been drawn. He then stated that he really would not like to have the system on his property. He said that he is afraid to even be involved after all that has taken place in the past year. He felt that in some way he could be held responsible at some time for the system. He stated that this whole mess has been such a frightening thing, he is considering selling his place. In all of his life he has never had any problems with his neighbors. Also after the Council asked Mr. Toffel about the water quality at his house he stated that they have no problem with mud.

The Public Hearing closed at 10:20.

The Council had some discussion on whether the City should be in the water dispute at all. It was found that the City can not issue a variance on the road when that road is injurious to other property owners. This is where the City gets in on the water dispute. This is why they have been trying to settle the dispute.

After some discussion the Council came to some decisions. All Mr. Reavis wants is to have the system put back the way it was. He has no legal right to have the catch basin on Mr. Toffel's property where it is now. Mr. Reavis has not asked for good clear water, he just asks that his water be restored to the quality that it was and the quantity that he was getting previously.

Mr. Gerber stated that Show Cause still has to be clarified by the Council.

Mr. Petersdorf stated that Mr. Witt could have done something in the way of resolving the water dispute. Mr. Tout stated that he felt that Mr. Witt did make some effort however the evidence doesn't carry the burden of approval for an easement to get the water for Mr. Reavis, the same as before.

Mr. Gerber stated that the water system has to be put onto Mr. Witt's property, so the water system is not in trespass and Mr. Witt would have to give Mr. Reavis and Mr. Camera a Maintenance Easement.

Mr. Tout made the motion that the Variance/Major Partition for Robert Witt, 83630 Kiechle Arm, Florence, Oregon be granted by the Dunes City Council with the following conditions:

1. That the catch basin be moved and located on other property with the easement.
2. That the system be hooked up to Mr. Reavis's and Mr. Camera's plumbing.
3. That a Maintenance Easement be granted to Mr. Reavis and Camera.
4. That the system provides sufficient water to the two households at the time installed and afterwards, barring acts of God.
5. Mr. Witt has 30 days to complete the work on the system.
6. Within 7 days of this meeting, Mr. Witt meets with 3 members of the City Council and show them where he intends to get the water and show them how much water is there.
7. The system must be similar to the old system.
8. 7 days after the system is built, Mr. Witt is to meet with those 3 Council members to observe the system and see that it is working properly.

Mr. Fillman seconded the motion and the motion carried. The record shows that Mayor Merz did not vote.

Mayor Merz appointed Mr. Brown, Mr. Fillman and Mr. Tout to the committee.

Mr. Gerber stated that the orders for the Variance/Major Partition would be ready in his office tomorrow after 4 P.M.

V. APPROVAL OF MINUTES OF AUGUST 14, 1980

Mr. Petersdorf made the motion to approve the minutes and Mr. Fillman seconded. The motion carried.

VI. BILLS AGAINST THE CITY

The Bills for July and August totaled \$1611.59

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

VII. RECEIPTS OF SESSION - \$3,281.47

VIII. CORRESPONDENCE

Census 1980 gave their final count for Dunes City as 1132 with 556 housing units.

The City sent a letter to EPW2 asking for their selection as their new project engineer. So far there has been no answer. They will

be on October's agenda.

IX. OLD BUSINESS

Mr. Campbell sent a letter to Don Frisby concerning Little Woahink Roads on the East side. The letter was concerning bringing the roads up to code.

X. NEW BUSINESS

The Council discussed the October meeting and how it interferes with hunting season. Mr. Brown made the motion to move the October meeting to October 16 from October 9. Mr. Fillman seconded and the motion carried.

Gwen Slocum presented to the Council her resignation effective as of 9-12-80. She will be moving from the area.

Mr. Gwilliam made the motion to accept Mrs. Slocum's resignation. Mr. Petersdorf seconded and the motion carried.

At 11:15 the Council went into executive session to discuss possible litigation.

The meeting reconvened at 11:40.

Mr. Gerber stated that he would reply to the letter sent to the City from Mrs. Jakob.

XI. ADJOURNMENT - 11:41


MAYOR

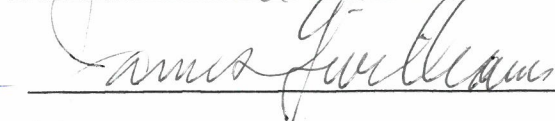

SECRETARY











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At 7:30 p.m. of the regularly scheduled meeting of Dunes City Council for September 11, 1980, City Attorney, Ron Gerber requested an Executive Session to discuss litigation with regard to the Renold Passien application for a Conditional Use Permit for a Mobile Home in an RR-1 Zone.

Present for the Executive Session were:
Councilpersons; Petersdorf, Gwilliam, Brown, Tout
Fillman, Slocum, Merz, Attorney Gerber and
Steve Adams of The Siuslaw News.

The Executive Session was adjourned at 7:45 p.m.

Philly Merz

At 11:30 p.m. of the regularly scheduled meeting of Dunes City Council for September 11, 1980, City Attorney, Ron Gerber requested an Executive Session to discuss the threat of litigation received from Ms. Jakob in a letter to City Council dated 9-3-80.

Present for the Executive Session were: Councilpersons; Petersdorf, Gwilliam, Brown, Tout, Fillman, Slocum, Merz and Attorney Gerber, and Steve Adams of The Siuslaw News.

The meeting was adjourned at 11:45 p.m.

Shirley Merz