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DUNES CITY, OREGON

MINUTES OF THE DUNES CITY COUNCIL

REGULAR MEETING

JANUARY 8, 1981

I. CALL TO ORDER AND ROLL CALL

At the regular meeting of the Dunes City Council held on the 8th day of January, 1981, Mayor Merz called the meeting to order at 7:32 P.M.

ROLL CALL

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

There were 14 citizens present.

Mayor Merz stated that it was requested that the Council move to the agenda item of the approval of the minutes of December 11, 1980 so that they could be approved by this Council.

XI. APPROVAL OF MINUTES OF DECEMBER 11, 1980

Mr. Petersdorf made the motion that the minutes be approved with any corrections. Mr. Tout seconded and the motion carried.

Mayor Merz then presented a Certificate of Appreciation to former Planning Commission member and newly elected Council Member, Evelyn Passenger. Mrs. Passenger has served on the Planning Commission for four years and her performance was outstanding.

Mayor Merz then presented to Mr. Phil Tout a plaque from the City in appreciation for his service to the Dunes City Council. Mayor Merz stated that Mr. Tout was appointed to the Council to fill a position left vacant by someone that was leaving the City. She went on to say that he has been the most faithful and dedicated person to fill a vacancy by appointment that the City has ever had. She stated that Mr. Tout served for the last three years to complete the term he was appointed to.

Mayor Merz stated that she had a couple of announcements that she would like to bring up before the Council goes on

with the agenda.

She stated that some of the people of Dunes City may remember a man by the name of Jim Bottoms that lived in this community. She recently ran into him and he wanted to tell everyone in Dunes City, "Happy New Year" and that he still reads about us in the paper. He is living in Corvallis and he is the Media Coordinator for Oregon State University "C" grant program.

Mayor Merz then presented to Mr. Petersdorf a short, humorous speech and a token of her appreciation.

## II. SWEARING IN OF COUNCIL MEMBERS

City Recorder, Betty Stocking gave the Oath to the newly elected Council Members. They were Darren Mealy, Evelyn Passenger and C. Ed Fillman.

### SWEARING IN OF THE MAYOR

Mayor Merz then gave the Oath of the Office of Mayor to newly elected Bob Petersdorf. Then the meeting was turned over to the new Council and the New Mayor.

Mayor Petersdorf presented to Mayor Merz a token of his appreciation for a job well done for the past two years while holding the office of Dunes City Mayor.

## III. ELECTION OF COUNCIL PRESIDENT

Mr. Gwilliam made the motion that Mr. Ed Fillman be nominated for the position of Council President and that the nominations be closed and cast a full ballot for President of Council. Mr. Mealy seconded.

AYES: Gwilliam. Mealy  
NOES: Passenger

C. Ed. Fillman was announced by Mayor Petersdorf to be the new Council President.

## IV. MAYOR APPOINTMENTS

Mayor Petersdorf announced his appointments for Council. He stated that the LCOG representative will be Jim Gwilliam and he himself will be the alternate. The Road Commissioner will be Darren Mealy. The Police Commissioner will be Evelyn Passenger. The Water Commissioner will be Jim Gwilliam and the Community Building Supervisor will be Ed Fillman.

### PLANNING COMMISSION VACANCY

Mayor Petersdorf announced that the Planning Commission



has recommended to the City Council that Mr. Robert Camera be appointed to fill the vacancy on the Planning Commission.

Mrs. Passenger stated that she had prior knowlege of the recommendation because she was on the Planning Commission when the recommendation was made.

Mr. Fillman made the motion to accept the recommendation of the Planning Commission to have Mr. Robert Camera appointed to fill the vacancy on the Planning Commission. Mr. Mealy seconded. The motion carried.

Mayor Petersdorf also stated that the other applicant for the position that was considered by the Planning Commission was Viki Stewart.

Mrs. Passenger stated that when the vacancy was advertised, it was stated to be a one year term. It is in fact a three year term.

#### V. ANNOUNCEMENTS

- A. As of the 1st of January , 1981, there will be two major changes in the City Charter. The first is that the Mayor will vote only when a tie occurs.

The second change is that when someone is appointed to fill a position, they will have to be re-elected bi-ennially.

- B. There will be an Ethics Workshop held on January 17, 1981 in Eugene. It will run from 9:30 A.M. to 4:00 P.M. Registration will be held from 9:30 to 10:00 A.M.
- C. LCOG will be holding a "Getting Acquainted" open house on January 15, 1981 at 7:30 P.M. in Eugene.
- D. There will be a Public Hearing by the County Commissioners held on January 14, 1981 at Harris Hall in Eugene, Re: Property Transfer Taxes.

#### VI. CITIZENS INPUT ON UNSCHEDULED ITEMS

Mayor Petersdorf congratulated Dr. Tom Hunt on being elected as Planning Commission Chairman for another year.

Mr. Wilbur Ternyik, Florence, Oregon presented to the Dunes City Council a resolution adopted by the Port of Siuslaw, Establishing A Procedure For The Handling Of Complaints Against Elected and Appointed Officials. He strongly suggested that the Dunes City Council read this resolution and consider adopting such a resolution for their protection. As the law stands now, if there is a complaint against an official, the

legal fees would come from that persons pocket. The City could not provide legal protection for that person.

VII. REPORTS

Mr. Tout gave a Road Report for Dunes City. He stated that Ira Mann has been having alot of brushing done along the sides of the roads. He has almost completed the entire City. He has had the help of some of the Community Service Recruits sent to the City by Jadge Baumeister. These are individuals that are working out fines. Mr. Tout stated that Mr. Mann would like to get a shredder to do the clean up work along the roads.

VIII. PUBLIC HEARINGS

Ordinance #7 - PUD Franchise Rate

Mayor Petersdorf opened the Public Hearing at 8:00 P.M. He stated that the proposed ordinance would be raising the PUD Franchise Rate with Dunes City from 2% to 3½%.

Mr. Gerber stated that he has read the Proposed Ordinance and it seems to do everything that they say it will do. It is in order.

It was found that some members of the Council did not receive copies of the proposed ordinance to read and study so a final vote could not be held.

Mr. Gerber made the first reading, short reading. There was some discussion on deleting the phrase " and declaring an Emergency" from the short reading of the proposed ordinance.

Mr. Gwilliam made the motion to delete the phrase " and declaring an Emergency" from the proposed ordinance. Mr. Fillman seconded and the motion carried.

Mr. Fillman made the motion to accept the first short reading of the proposed ordinance, which will be numbered Dunes City Ordinance # 68, to amend Dunes City Ordinance #7. Mrs. Passenger seconded and the motion carried.

The Public Hearing closed at 8:07 P.M.

Mr. Gerber requested that the City Recorder send a letter to the PUD stating to them that the first reading was accepted with the deleting of the phrase," and declaring an Emergency" and stating that some Councilmembers did not have the ordinance to study so the final reading will be done and voted on at the February 12, 1981 Dunes City Council meeting.

X. BILLS AGAINST THE CITY

The Bills Against the City totaled \$3,025.93

Mr. Gwilliam made the motion to pay the bills. Mr. Fillman seconded.

Mrs. Passenger asked if there were any reasons that the Bills could not be read aloud to the public during the meeting.

This was discussed and Mayor Petersdorf stated that at the next meeting the Bills would be read aloud.

The motion carried to pay the bills.

XI. RECEIPTS OF SESSION - \$4,787.76

XII. CORRESPONDENCE

City Recorder Betty Stocking brought to the Councils attention that there was correspondence from the Oregon Liquor Control that Woahink Lodge was being purchased by Mr. Richard Stanfill. He also owns the Myrtlewood Shop out on Hwy 101.

There was some discussion on whether this would need any Council action and Mayor Petersdorf stated that there would be a need for action on this later. The Public would have to be notified.

XIII. OLD BUSINESS

EROSION VIOLATION - DR. MASON  
5196 Russel Drive, Florence, Oregon (located in Dunes City)  
SW 1/4 Sec. 23 T 195 R12WWM

Before the Council went on to discuss the matter of Dr. Mason's erosion violation, Councilmember Evelyn Passenger stated that she had prior notice of the problem, because she was still on the Planning Commission when the matter was first brought to the City's attention.

City Attorney Gerber stated that he had a conflict with the matter and that he had brought in another attorney to advise the City. Mr. Duane McCabe from Reedsport was present to advise the City.

Mr. Wilbur Ternyik of Florence, Oregon was present as an erosion expert to testify as to what was the proposed plan by Dr. Mason, as Mr. Ternyik was hired by the Doctor to solve the erosion problem on his property at 5196 Russel Drive, Florence, Oregon.

Mr. Ternyik described the effect of the erosion to the property and to the lake. Then he explained that an overflow pipe could be put in to catch the rain water that is now running

down from the property to the lake. Then all that would be going into the lake would be pure rain water. Then he stated that they could place hay on the property and secure it with sand to keep the excavated area from washing away any further.

The question of whether Dr. Mason was in violation of his variance was next brought up. It seemed to some of the Council Members that the 30' of natural vegetation had been removed. This is in violation of condition #4 on the Doctor's variance. The Council asked Mr. Ternyik what had been proposed to be done about this area. Mr. Ternyik stated that he was not asked to do anything about this area. The matter was not even discussed. Mr. Ternyik did go on to say that he felt it could be replanted with no problem.

Attorney McCabe stated to the Council , that they must first decided on the erosion matter. They must decide if there is a nuisance present. Then they could go on to a variance violation.

Through more discussion by the Council it was decided that there is in fact a nuisance present on that property and that the City office has already notified Dr. Mason of this, twice, and it seems that he is in the process of having something done about it. Also it was said that Dr. Mason would be applying for his Building Permit on the following Monday, with the City. After more discussion the Council found that alot of the problems of the erosion would be solved if the building did start right away.

Mrs. Merz stated that she had discussed the solution given by Mr. Ternyik, with the Building Inspector, Mr. Mort r, and he will accept this solution.

ACTION

Mr. Fillman made the motion that the City Council finds that there is a nuisance present on Dr. Mason's property located at 5196 Russell Drive, Florence, Oregon, (located in Dunes City) and that the City give him until the 15th of January 1981 to show that he is attempting to solve the problem. If by then nothing has been done, or is in the process of being done, the City will have the work done, at the owners expense by placing a lien on the property.

Mrs. Passenger seconded and the motion carried.

The matter of the variance being in violation was again taken up by the Council.

Mrs. Passenger asked the Council how many had been to the area to see what had actually taken place. It was found that no one besides herself had been on the property recently. She felt that her telling then what it looked like was not good enough and she felt that a site review should be held. She

stressed how important reviewing the area before a meeting was to the issue.

The Council discussed the matter at great length, Some felt that they were not the experts and could not decide how the problem should be solved. If Dr. Mason was going to go ahead and build right away, he should have the chance to finish his excavating and push th dirt back up against the foundation and possibly the natural vegetation would not appear as distrubed as it appears now.

Mrs. Passenger made the motion that if Dr. Mason does not obtain a Building Permit from Dunes City within the next two weeks that his variance be revoked.

Mr. McCabe stated that this can not be done with out a hearing.

There was some more discussion and the motion was reworted.

ACTION

Mrs. Passenger made the motion that a registered letter be sent to Dr. Mason per the revocation of a Variance from the Dunes City Zoning Ordinance, and that a Public Hearing would be set up for the next City Council meeting held on February 12, 1981 and is them to show probable cause why he is in violation of condition #4 of his Variance.

Mr. Fillman seconded.

There was some more discussion on whether this is just going to irritate Dr. Mason since he has already been notified of a violation and is working on solving the erosion problem.

Mayor Petersdorf stated that this motion gives the Doctor 31 days to do something about the problem.

The motion carried.

XIV. NEW BUSINESS

Mayor Petersdorf brought up the fact that the Planning Commïssion had recommended to the City Council that the Commission members and the Council members have cards of recognition to carry so that they could protect themselves and property owners when doing site reviews.

The City Secretary stated that such a card had been found in the office and they have been typed up and all that they need is to be signed by the Mayor.

Mr. Gwilliam brought up Little Woahink and asked if Building Permits were being issued on that Subdivision yet. This was answered with a no. The water problem still hasn't been solved and they are still in violation of their conditions.

Also the fact that there is considerable erosion going on up on that property also was discussed.

Mr. Gwilliam stated that he would like to direct the City Attorney to look into this matter further.

(City Attorney Gerber was again seated to advise the City)

Mr. Gerber then brought up some more Old Business, He gave a statement on the Martha Jakob matter. He stated that LUBA had reversed the County's decision on her property, which upheld Dunes City's position on the matter.

EPW2

Mr. Gerber , Mr. Gwilliam and Mr. Petersdorf did a site review of the property. They stated that there is erosion going on. They did not see many Four Wheeler tracks on the property as had been stated by Mr. Elliot.

The Council discussed this and it was decided that the City Recorder draft a letter to EPW2 similar to the one that was drafted to Dr. Mason. This is concerning the East Slope of the Planned Unit Development. Also to inform them that they would be an agenda item on the February City Council meeting.

#### Council Vacancies

The applications received for the Council Vacancies were, James Baumeister, Nancy Johnson, and Roger Schmale.

Mayor Petersdorf stated that they did check with Betty Renolds of the Ethics Commission and that relatives can serve on the same Council but in the situation that there would be a financial gain, a conflict would have to be declared. Then he stated that Nancy Johnson was his sister and that Darren Mealy was her son-in-law.

The Council first voted to fill the vacancy of Don Brown. Dr. Tom Hunt and Mr. Phil Tout collected and tallied the ballots.

There was four votes for James Baumeister. City Recorder, Betty Stocking swore in Baumeister

Those voting were, Mr. Fillman, Mr. Gwilliam, Mrs. Passenger, and Mr. Mealy.

Next the Council voted on the position left vacant by Mr. Petersdorf when he was elected Mayor.

There were 4 votes for Roger Schmale and there was 1 vote for Nancy Johnson.

The City Recorder swore in Roger Schmale .

Mayor Petersdorf then went ahead with the rest of his appointments. He appointed Roger Schmale to represent the Rural Fire Department and James Baumeister to the Citizens Involvement Committee.

Then Mayor Petersdorf expressed to Nancy Johnson that there are many areas in the City that she could get involved in. The City needs people to be willing to be involved.

The meeting adjourned at 9:27 P.M.

*Robert H. H. H.*

MAYOR

*Debra K. Stinger*

SECRETARY

*James J. Gullman*

*Ron A. Schulz*

*Robert F. Fittman*

*Darren S. Mealy*

*James E. Baumeister*

*Lucy M. Cassinger*



DUNES CITY, OREGON  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING

FEBRUARY 12, 1981

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf at 7:30 P.M. on the 12th day of February, 1981.

ROLL CALL

Present: Mayor Petersdorf, Mr. Fillman, Mrs. Passenger,  
Mr. Mealy, Mr. Schmale, Mr. Baumeister, City Recorder  
B. Stocking, Secretary D. Stinger.

Absent: Mr. Gwilliam (excused to be late)

The record shows that Attorney Gerber is late to the meeting.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Mayor Petersdorf stated that in the minutes of January 8, 1981, when it speaks about the plaque that was given to Mayor Merz, it states that it was from Mr. Petersdorf. This should state that the plaque is from the citizens of Dunes City.

Mr. Mealy stated that on page 6, the last paragraph the minutes state that no one had been on the Mason property. He stated at that meeting that he had been on that property.

The council did mention that there were quite a few spelling and typing errors in the minutes this time.

Mr. Fillman made the motion to approve the minutes as corrected. Mr. Mealy seconded and the motion carried.

(Mr. Gerber came in at 7:33 P.M.)

III. APPROVAL OF BILLS AGAINST THE CITY - \$4,289.63

Mayor Petersdorf stated that if there are any questions on the Bills, they are to be directed to the Mayor or the City Recorder.

Mrs. Passenger made the motion to pay the Bills Against the City. Mr. Fillman seconded and the motion carried.

IV. RECEIPTS IN SESSION - \$7,140.70



V. REPORTS

Mayor Petersdorf directed Mrs. Passenger to contact Betty Stocking to discuss the fact that the City has gotten some money for Police Protection and the Forest Service has expressed some interest in doing the Police Protection.

A. Adopt the Audit Resolution

Mayor Petersdorf stated that in the audit Ed Fillman's name was misspelled again. The Mayor also directed a question to the City Attorney, asking if Debbie Stinger should be listed on the administration list. Mr. Gerber stated that he didn't think this was necessary.

Betty Stocking stated that on page 3 of the audit, the building is valued at \$35,000 and on her copy of the audit, there is a note that states that the building is appraised at \$90,000. This note is from the Ex-Mayor Merz. Mr. Gerber stated that the only thing that the audit deals with is the amount that the building is insured for. Possibly the City should look into this and see if the building should be insured for more than \$35,000.

Mayor Petersdorf stated that the audit seems to be fairly accurate. The only thing that our attorney mentioned is that on the Planning and Assisting Grant, we spent more than we should have. Mr. Gerber stated that if the Council will recall that last year the City adopted their Comp Plan. With this there was a little cost over-run and the City had to take some money from other funds.

Mrs. Passenger made the motion that the Dunes City Council adopt the audit recorded from June 30, 1980. Mr. Fillman seconded with the spelling correction, and the motion carried.

Mr. Gerber stated that his office would type up a resolution for the Council to sign.

B. CITIZENS INPUT FOR UNSCHEDULED ITEMS

Mr. Fillman brought up the fact that according to the Rules of Robert, only the Mayor can call for the question. There was a short discussion on this and then Mayor Petersdorf stated that from now on he would call for the question.

VII. ANNOUNCEMENTS

The City Recorder read a letter from the Federal Emergency Management Agency regarding the Flood Insurance problem. It states that the Federal Insurance Administration previously issued a Flood Hazard Boundary Map for Dunes City. This map shows the

areas in the community subject to flooding. The letter stated that the agency didn't feel that Dunes City would need the Flood Maps because there are so few areas that are likely to flood and the areas that are likely to flood would most likely , not be developed.

The Council had a short discussion on what should be done since the agency doesn't think we need Flood Hazard Insurance rates . It is in our Comp Plan that we will provide this service to the citizens. With this study, if there are any that wish to purchase flood insurance, the rates are a lot lower. The Council discussed whether the Comp Plan should be revised to delete the Flood Insurance clause. It was decided that this would be tabled until all of the maps from the agency were in and could be studied further.

The City Recorder then read a note from former Mayor Shirley Merz thanking the citizens for the plaque that was presented to her at the last meeting.

- VI. SPECIAL COMMITTEE REPORTS - None
- VII. ANNOUNCEMENTS - None
- VIII. PUBLIC HEARINGS

Jay Chappelle - Major Partition  
200 Noraml, Ashland, Oregon  
Property located at 83605 Clear Lake Road, Florence, Oregon  
19-12-23-4 TL # 400

Chairman Tom Hunt of the Planning Commission read the recommendation to the City Council from the Planning Commission. A Public Hearing was held by the Planning Commission on January 21, 1981 for the Major Partition for Mr. Jay Chappelle. There was a question on the address that was given for the Chappelle property. It is listed as 83682 Kiechle Arm Rd. and the Commission felt that the address should be changed to a Clear Lake Road address because the access road now comes off of Clear Lake Road.

The Commission recommended approval of the Major Partition with 2 conditions. The first being that Mr. Chappelle dedicate a 50' easement on the roadway in case of future subdivision. The second that at the time Mr. Chappelle was to appear before the Council that he have a map signed by a surveyor. This he does have here tonight.

The City Recorder stated that Mr. & Mrs. Toffell were in the office this week and they stated that they still have no objection to the Chappelle Major Partition. They had written a letter earlier stating that they had no objection.

Mrs. Passenger stated that she had prior knowledge of the issue because when it first came before the Planning Commission, she was still on the Planning Commission.

The council then heard from Mr. Jay Chappelle, 200 Normal, Ashland, Oregon. He presented to the Council the plot plan from the surveyor. They studied this plan and discussed the details of the plan.

(Mr. Gwillam came in at 8:00 P.M.)

Mr. Gerber stated that there is no reason that Mr. Chappelle should dedicate Harmony Land on lot # 700 as a Public Way. This was discussed and decided that the roadway would only have to be dedicated as a private way.

Mr. Dale Saari, ERA, Real Estate, Florence, Oregon asked the Council, as a representative that is handling the sale of the property, if with the 50' roadway easement that is to be dedicated, would this prevent the four acre parcel from being subdivided later. Mr. Gerber stated that the 50' easement is not included in the acreage for a parcel, so this would probably make possibly only three home sites instead of four.

The issue of whether the road would have to be paved if this parcel were subdivided later came up. Mr. Hunt stated that in the Comp Plan one of the goals for a subdivision is that the roads would have to be paved.

The Public Hearing was closed at 8:15 P.M.

ACTION The Council had further discussion on the issue and then Mrs. Passenger made the motion that the Dunes City Council approve the application from Mr. Jay Chappelle for a Major Partition of his land, 19-12-23-4-TL# 400, adopting the Findings of Fact and Conclusions of Law found by the Planning Commission with the two conditions that the Planning Commission recommended, with the additional condition that the private easement will be dedicated and utilized to serve all 3 parcels for access and utilities.

Mr. Fillman seconded and the motion carried.

#### PUBLIC HEARING

#### PUD Second Reading

Mr. Fillman made the motion that the reading of the PUD Proposal be by short title only. Mr. Mealy seconded and the motion carried.

ACTION Mr. Gerber read the short title of the PUD Proposed Ordinance. Mr. Gwillam made the motion that the City Council accept the second reading of the proposed ordinance. Mr. Fillman seconded. The City Recorder made a roll call on the vote.

AYES: FILLMAN, BAUMEISTER, GWILLIAM, MEALY, PASSENGER, SCHMALE

The roll call was unanimous.

IX. UNFINISHED BUSINESS

A. PORT OF SIUSLAH RESOLUTION 1-7-81:PROCEDURE FOR HANDLING COMPLAINTS

The Council had some discussion on this issue. They decided in what cases that the insurance would decline coverage of a City Official. The Insurance covers negligent acts. There are two cases when the insurance would deny coverage. One, if the act was intentional and, two, if the act was done outside your City scope as an official.

Mayor Petersdorf stated that the Planning Commission came up with an example of a possible resolution. He stated that he liked what the Planning Commission had submitted except that he would like to have the dollar amount taken out. It stated that the City Council go through the process of Findings of Fact and Conclusions of Law to see if they would defend the official and they would pay up to \$2000 per person per case.

There was some more discussion on whether the City Council would have to try the case before finding out whether they would defend the official. It was discussed and found that the City would have to go through some sort of process to find out what was done and how and why it was.

The Council directed Mr. Gerber to come up with some sort of resolution to be voted on at a later meeting.

B. WENDELL WOOD - TEMPORARY PERMIT VIOLATION

At the January 21, 1981 meeting of the Planning Commission there was some discussion on a possible violation of a Temporary Permit by Mr. Wendell Wood. His property is located at 83340 Spruce Lane, Florence, Oregon (located in Dunes City). The Planning Commission directed a letter to the Mayor to look into the violation. It was found that Mr. Wood's permit to have a travel trailer on his property while he was building his home, expired 12-31-80. Also there was probable cause to believe that others have been living in the trailer, other than Mr. Wood and his family. The Commission had probable cause to believe that the trailer was being rented.

The Mayor reported to the Council that he did look into the violation. He went to the property several times and found no one at home. He and the City Recorder sent a letter to Mr. Wood at his Myrtle Creek address. The City Recorder then read to the Council Mr. Wood's reply dated, February 10, 1981. He stated that he would like to have his permit extended until June 1981. At that time he would remove the travel trailer entirely.

The Council discussed the matter extensively and found that Mr. Wood was definitely in violation of his original permit. However, they found that he could not have his permit extended for the reason that there is now no permit. The original permit had expired 12-31-80.

ACTION Mr. Gwilliam made the motion for the City Recorder to issue a show cause order to Mr. Wendel Wood, P.O. Box 246, Myrtle Creek, Oregon, why his permit should be renewed and to set a hearing for the next City Council meeting, March 12, 1981. Mrs. Passenger seconded.

The Council had some discussion on the motion and Mr. Gwilliam amended his motion to state for Mr. Wood to appear and show cause why the City should not abate his travel trailer as a nuisance, and to remind him of the stipulations of the granting of his original permit and to clarify his letter dated 2-10-81 as to the time he intends to have his home finished.

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

C. PLANNING COMMISSION VACANCY

At the regular meeting of the Planning Commission 1-21-81, the Planning Commission recommended to the City Council Viki Stewart to fill the vacancy left by Gladys Miller who recently resigned. At that meeting Mrs. Nancy Johnson was present but had to leave early because of an emergency and she intended to have her application submitted. The Planning Commission had no knowledge that Mrs. Johnson wanted to have her application considered.

There was some discussion on whether the vacancy should have been published before a decision was made. It was found that it did not have to be and that the Planning Commission decided that since they had just advertised in December, that there was no need to advertise again so soon. Viki Stewart had answered that ad in December and her application was still valid, so this is why she was recommended.

Mrs. Passenger made the motion that the City Council accept the recommendation of the Planning Commission and accept Viki Stewart's application to fill the vacancy on the Planning Commission.

The motion died for lack of a second.

Mr. Mealy made the motion that the issue be sent back to the Planning Commission for reevaluation and for the vacancy to be published.

Mrs. Passenger seconded and the motion carried.

AYES: GWILLIAM, MEALY, PASSENGER, BAUMEISTER, SCHMALE  
NOES: FILLMAN

D. DR. MASON - EROSION PROBLEM

The Council had a short discussion on the Dr. Mason property and the efforts to control the erosion that has been taking

place on that property.

Mrs. Passenger stated that the erosion into the lake is being controlled with the hay that was layed down and the grass that has started to grow on the bank. Her concern was with the excavated area above the other area. There is still large ruts in the ground and erosion will continue when the rains begin again.

ACTION Mrs. Passenger made the motion that the City Recorder send a letter to Dr. Mason asking that the erosion control be completed to the satisfaction of the City Council on the areas that have been excavated, the upper portion, where the erosion exists.

Mr. Gwilliam seconded and the motion carried.

X. NEW BUSINESS

A. PRINTED LUBA OPINIONS

Attorney Gerber presented to the City Council a proposal to purchase the printed LUBA opinions. These opinions come out every month and then a hard bound volume comes out each quarter. He felt that they are very helpful in Land Use Decisions. He stated that the monthly copies would come to the City after he received the quarterly copies. This way the City will have a library of them and he will also. What he proposed was that the City add in half of the price to his retainer and he would pay the other half.

ACTION Mr. Fillman made the motion to adopt the letter from Attorney Gerber which proposed that the City pay half the cost to purchase the LUBA opinions as they are published. Mrs. Passenger seconded and the motion carried.

B. A POSSIBLE HOME OCCUPATION VIOLATION

Mayor Petersdorf stated that at the regular meeting of the Planning Commission there was a motion made that the Mayor look into a possible home occupation violation in the Hill Top area. There was reason to believe that there was a person doing a lot of car painting on an enclosed carport. Several cars had gone in and had been painted and then left and never seen again. Mayor Petersdorf stated that he went to the home. The man that lived there said that he does paint just for a hobby. All of the cars that had been painted have been owned by him. Mayor Petersdorf stated that there didn't seem to be a lot of paint laying around. He said that the yard was kind of a mess, but since his visit it had been cleaned up.

Mrs. Nancy Johnson, 5275 Hill Top Drive, Florence, Oregon, stated that she did not believe that this was done for just a hobby. She also stated that she lives a few blocks away and at times she can smell the paint fumes.



Mrs. Passenger stated that she could have a possible conflict of interest because her husband is in the Auto Painting business.

Mr. Gerber stated that he knew this individual, he was an officer on the Florence Police Department. He stated that he would speak with him and tell him of the concerns of the City with what is going on at his residence. Also he would let him know that with paint there is a fire danger.

Mrs. Passenger made the motion that this issue be tabled until the March 12, 1981 City Council meeting, so that Mr. Gerber would have a chance to talk to this individual. Mr. Baumeister seconded and the motion carried.

C. FIRE INSURANCE

Mr. Gerber suggested that the Council review the Fire Insurance on the Community Center, Possibly it is underinsured. Mayor Petersdorf directed Mr. Fillman to meet with Betty Stocking and Bob Read to review the coverage on the building.

D. GOVERNORS SURVEY ON CORRECTIONAL FACILITIES

Betty Stocking stated that she had a copy of the Governor of Oregon's survey on Correctional Facilities. She said that she will provide the Council with copies.

XII. OTHER BUSINESS

A. REALTOR SIGNS

Mr. Gwilliam directed to the Council that there appears to be a lot of Realtor signs with directional arrows showing up along Dunes City's roadways. It is most Realtors policy that only one sign will be put up on the property being sold.

The Council discussed this and found that this is in violation of the Dunes City Ordinance, page 18, Sect. F, c. Mr. Gwilliam asked that a letter be directed from the City to all of the area Realtors stating that they are in violation of the Dunes City Zoning Ordinance if more than one sign appears anywhere other than on the property being sold or rented.

B. BUILDING VIOLATION - OWENS

Mr. Gwilliam stated that he had reason to believe that on the Owens property located at Canary Road and Clear Lake Road, that someone was living in the remains of the old bus that is parked there. Also it appears that Mr. Owens had put up a metal building without a Building Permit. Mr. Gwilliam asked that the Building Inspector, Mr. Mortier be directed to look into it. Also possibly the Health Department should be contacted about the others living in the bus.

(Attorney Gerber asked to be excused from the meeting at 8:55. The Council excused him.)

C. CUSTODIAN EDDIE RICHARDSON

Betty Stocking stated that Eddie Richardson would be replacing Jennie Carlson as the Custodian. Eddie is Jennie 's brother. He has been helping her for awhile and filling in for her. Mrs. Stocking stated that she felt that Eddie is doing a good job.

D. APPOINTMENT TO WESTERN LANE FOUNDATION

Mayor Petersdorf stated that he has appointed Jack Garrison to represent Dunes City in the Western Lane Foundation. He stated that Mr. Garrison has done a good job in the past and felt that he would continue to do a good job.

ACTION

Mrs. Passenger made the motion to accept the Mayor's appointment of Jack Garrison to the Western Lane Foundation, to represent Dunes City . Mr. Baumeister seconded and the motion carried.

E. IVAN WELTY - DONATION


Mrs. Passenger informed the Council that Mr. Ivan Welty, a past Fire Chief of the Siuslaw Rural Fire Department, had recently passed away. The funeral would be held on Saturday February 14, 1981. She suggested that the City send flowers or a donation to the Western Lane Foundation.

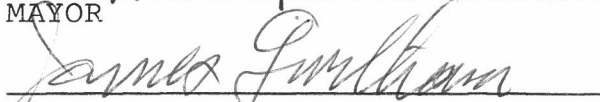
Mrs. Passenger made the motion that the City donate \$25.00 to the Western Lane Foundation in memory of Ivan Welty. Mr. Baumeister seconded and the motion carried.

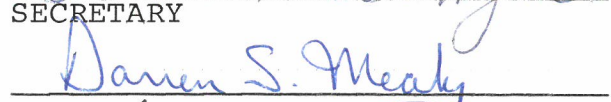
XIII. ADJOURNMENT

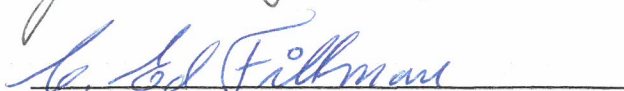
Mr. Fillman made the motion that the meeting be adjourned. Mr. Mealy seconded and the motion carried. The meeting was adjourned at 9:45 P.M.

  
MAYOR

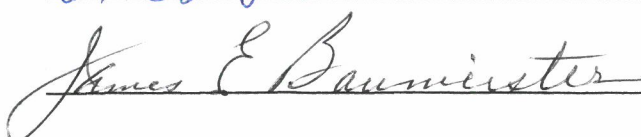
  
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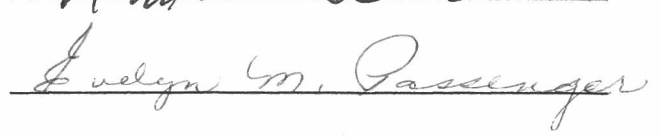














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AGENDA

REGULAR MEETING OF THE CITY COUNCIL

DUNES CITY, OREGON

MARCH 12, 1981

7:30 P.M.

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF FEBRUARY 12, 1981
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
  - A. EXTENTION ROLLING INFORMATION CENTER TO COME TO DUNES CITY
  - B. BUILDING SIGN UPDATING
  - C. OREGON COAST AD
- VII. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES
  - A. ROAD COMMITTEE
  - B. COMMUNITY BUILDING
    - 1. Ed Fillman re Fire Insurance
- VIII. REPORTS OF SPECIAL COMMITTEES
- IX. PUBLIC HEARINGS
  - A. JOHN KOLOEN - TEMPORARY PERMIT
  - B. WENDELL WOOD - SHOW CAUSE
- X. UNFINISHED BUSINESS
  - A. POSSIBLE HOME OCCUPATION VIOLATION  
Report from Attorney Gerber
  - B. BUILDING PERMIT VIOLATION - OWENS  
Report from Building Inspector:Emile Mortier
  - C. PROCEDURE FOR HANDLING COMPLAINTS - ATTORNEY GERBER
  - D. REVIEW CAYTON CONDITIONAL USE PERMIT
  - E. SANITARY SERVICE

F. EPW-2 :REQUEST FOR EXTENTION OF PRELIMINARY  
APPROVAL OF PUD

XI. NEW BUSINESS

- A. BUILDING USE FOR CLASSES (see attached minutes)
- B. HOUSE OF REPRESENTATIVE BILL 2534 -PER GERBER'S REQUEST
- C. WESTERN LANE PLANNING COMMISSION - PER GERBER'S REQUEST
- D. UNITED METHODIST CHURCH REQUEST TO MEET ON FRIDAY'S  
IN COMMUNITY BUILDING

XII. ADJOURNMENT

orig.

DUNES CITY, OREGON  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
MARCH 12, 1981

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf at 7:30 P.M. on the 12th day of March 1981.

ROLL CALL

Present: Mayor Petersdorf, E. Fillman, J. Gwilliam, J. Baumeister, D. Mealy, R. Schmale, E. Passenger, Attorney Gerber, City Recorder B. Stocking, Secretary D. Stinger

There were seven citizens present.

II. APPROVAL OF MINUTES OF FEBRUARY 12, 1981

Mrs. Passenger stated that on page 4 of the minutes it reads in the action taken on Chappelle, that the 3 parcels to be divided. This should read that both parcels to be divided.

Mrs. Passenger made a motion to approve the minutes of February 12, 1981 as corrected. Mr. Schmale seconded and the motion carried.

III. BILLS AGAINST THE CITY

The Bills against the City totaled \$752.85. Mrs. Stocking read the Bills aloud to the Council because the Council did not receive copies since the copy machine is out of order.

Mr. Fillman made the motion to pay the Bills. Mr. Baumeister seconded and the motion carried.

V. CITIZENS INPUT ON UNSCHEDULED ITEMS

Mr. Mike Johnson, P.O. Box 1160, Florence, Oregon came in front of the Council to discuss what has been going on with the garbage dumping fees through the County. He stated that he has been attending the hearings in Eugene on the dump fees. He has been fighting the Lane County fee for the reason that it is much higher than most Counties. The County is proposing another tax levy to the citizens and Mr. Johnson felt that the citizens should think it out very carefully before voting on it.

He gave the Council some figures on the garbage rates that Dunes City citizens are now paying and what they would pay in the future if a tax levy were passed. He stated that a one can a week customer is paying 30¢ a can dump fee now. This adds up to about \$15.60 per year to operate Solid Waste Management in Lane County. One of the things that was discussed was a 14¢ per \$1000 of assessed value along with a users fee. He stated that he did not have that users fee figure but he did have other figures to go along with it. However, the 14¢ alone on a home valued at \$75,000 would amount to \$10.50 per year plus the undetermined user fee. On the other hand if the County were to go to a straight tax levy with no user fee at all, they are proposing 55¢ per \$1000 of assessed value. That same homeowner with a \$75,000 home would be paying \$41.25 a year. That is \$25.65 more than he is paying now.

Mr. Johnson went on to say that the user fee that people are now paying is the cheaper way to go. Along with being the cheaper way he felt that people are more aware of their garbage and are being more conservative. They are recycling more and just more conscious. If the figures are on a tax levy, all the person looks at is the bottom line and says, "I have to pay my taxes anyway." With the users fee you feel that \$5.00 at the dump or that 30¢ a week per can. This keeps you aware. He stated that he wanted to keep the citizens informed with what is going on.

Next he went on to talk of the hearing that was held on 3-11-81 with the County Commissioners concerning the Western Lane County Planning Commission. He said that there were 109 people present besides the Planning Commission and that they were all there in unison. This hearing concerned the issue with the West Lane Planning Commission. The Commissioners are proposing that the Commission be done away with and that appeals be heard in front of a Hearings Officer. This area fought hard to get the West Lane Planning Commission so that this area could have more say in what goes on. Commissioner Rutherford is fighting for the area and has stated that we need a great number of bodies to come to these hearings to show our support to aid him in convincing the other commissioners that the West Lane Planning Commission should be salvaged.

#### VI. CORRESPONDENCE

- A. Oregon State Rolling Information Center - This is a mobile center presented by Oregon State University. They will come to our area if we request that they do and they provide the residents with information on gardening, farms, homes and forestry. All we have to do is provide a place for them to present this. It could be done in our parking lot. We have to send in the card and they will state what date they will come to the area and we can let the community know so that they can take advantage of this opportunity.
- B. Sign Updating - Debbie Stinger's husband, Calvin Stinger, redid

the sign outside of the building. He refinished it and put the new City Recorder's name on the sign and also put Mayor Merz on the sign as a past Mayor.

- C. Oregon Coast Ad - Siuslaw News is putting out a publication called "On the Oregon Coast". They have asked Dunes City if they would like to place an ad in the publication so that we could provide tourists with information on what we have to offer in our community in the way of recreation and sport. The cost would be about \$75.00.

The Council discussed this to great length. Some felt that a brochure at the tourist information center would be much more effective.

ACTION Mr. Gwilliam made the motion that Dunes City place an ad in the publication Siuslaw News is putting out called "On the Oregon Coast", at a price not to exceed \$75.00. Mr. Fillman seconded.

AYES: GWILLIAM, FILLMAN, SCHMALE  
NOES: BAUMEISTER, PASSENGER, MEALY

MAYOR'S VOTE : No (because of a tie)

The motion was defeated.

Mayor Petersdorf decided that possibly a brochure should be considered and investigated. He appointed a committee to work on the brochure.

Roger Schmale, Evelyn Passenger, James Baumeister

## VII. REPORTS

- A. Roads - Ira Mann gave a short report on the road work that had been done in the last month. This consisted of a little bit of repair and general maintenance.

Attorney Gerber directed a question to Mr. Mann asking him if there was anyone else that could be contacted to oversee the Community Service Workers. Judge Baumeister has contacted him at several occasions but Mr. Mann was not available. Mr. Mann stated that possibly some of the others that are on the road committee could be contacted. He said that he can work with these people on a day to day basis, but occasionally the Judge puts them on for ten straight days and he can't possibly be available for this length of time.

The Council discussed some of the areas that have been worked on by the Community Service Workers and some of the potential areas to be worked on.

- B. Community Center Fire Insurance Coverage - Mr. Fillman gave a

report on the Fire Insurance Coverage on the building. He had met with Bob Read, of Read's Insurance. The building now has \$38,000 coverage and Mr. Read proposed that it should be raised to \$50,000.

The Council discussed this and decided that they did not feel that \$50,000 would cover the cost of replacing the building. It was decided that the City would ask Mr. Bob Collins to give an appraisal of the building and then the City would have to take a complete inventory of the contents and then go from there.

- C. Jakobs Appeal - Mr. Gerber gave an update on what was going on with this. He has not heard of the decision from the last hearing. He will ~~inform~~ the City of the decision as soon as he hears.
- D. LCOG - Mr. Gwilliam stated that on Friday and Saturday LCOG is holding some planning sessions to find out what will happen now that they will not be getting some of the bonds that they were getting. It will find out how LCOG will function. Some topics of interest to be discussed were requested and Mr. Gwilliam stated that he talked this over with Mayor Petersdorf and he would report back to the Council at the next meeting.

#### IX. PUBLIC HEARINGS

John Koloen - Temporary Permit  
05304 Berry Lane, Florence, Oregon (located in Dunes City)  
19-12-23-3- TL # 322

The Public Hearing was opened at 8:20 P.M.

Mr. Koloen wishes to place at 32' travel trailer on his property located at 05304 Berry Lane, Florence, Oregon, Map 19-12-23-3 TL#322, while he builds his home. There was no one present from the Planning Commission to give a report of the hearing that was held before them on February 18, 1981, so the Secretary to the Planning Commission read the recommendation along with the Findings of Fact and Conclusions of Law.

The recommendation to the City Council was that the Planning Commission recommended that the Temporary Permit for Mr. Koloen be granted with the following conditions:

1. The Temporary Permit be issued for 18 months starting at the date a Building Permit is issued.
2. The buildings foundation shall be poured within 6 months after the Building Permit is issued.
3. Temporary Permit shall expire 24 months from the date of City Council approval.
4. The travel trailer is to be used as a temporary residence by Mr. & Mrs. Koloen only, while building their home.

There was no one present to testify against the permit and Mr. Koloen,

who was present, stated that he nothing more to add to the Planning Commission report.

Mayor Petersdorf closed the Public Hearing at 8:27 P.M.

Mrs. Passenger directed a question to Mr. Koloen asking if he felt that he had proper financing for his building. He stated that he didn't feel that this question was relevent. Mrs. Passenger went on to explain that the City has had problems with people applying and receiving such permits and then they find that the financing is not available and cannot build the home as scheduled but go ahead and live in the trailer on the property.

Mr. Gerber stated that the question was relevent and Mr. Koloen could answer if he wished to do so.

Mr. Koloen stated that he has applied for and does qualify for the GI Loan. He is working on the paper work now. He has submitted his building plans to the building inspector and they have been returned to the office. He is waiting on the Council's decision to do any further work on his financing.

Mr. Gerber suggested an additional condition to be added to the recommendation and this would be that when the home is finished and ready for occupancy, that the travel trailer be unhooked from the utilities.

ACTION Mr. Gwilliam made the motion that the City Council adopte the Recommendation of the Planning Commission , and the Findings of Fact and Conclusions of Law and the conditions set by the Planning Commission, to grant the Temporary Permit to Mr. John Koloen, 88557 2nd Ave., Florence, Oregon, property located at 05304 Berry Lane, Florence, Oregon (located in Dunes City) to have a travel trailer on his property while he is building his home, with one added condition:

5. When the home is finished and ready for occupancy, the trailer shall be unhooked from the utilities and cease as a residence.

Mrs. Passenger seconded the motion and the motion carried unanimously.

Mrs. Passenger suggested to the Council that in the future on Temporary Permits, that the City should make sure that a Building Permit has been applied for before granting such a permit. This way if a Building Permit is issued and not used within a certain time, it becomes void.

#### PUBLIC HEARING

Wendel Wood - Show Cause - Temporary Permit

Mayor Petersdorf stated that the Council has in their packets a letter from Mr. Wood stating that the travel trailer had been sold and that the



new owner would have it removed within 30 days. This letter was dated 2-24-81.

ACTION Mr. Fillman made the motion to have the City Recorder send a letter to Mr. Wendel Wood stating that by his failure to appear at the hearing he has conceded the nuisance. The City will proceed with abating the nuisance and appraise the property, if the travel trailer is not removed by 3-24-81, which is 30 days from the date of the letter sent to the City from Mr. Wood.

Mr. Mealy seconded and the motion carried.

X. UNFINISHED BUSINESS

- A. Possible Home Occupation Violation - Report from Gerber - Mr. Gerber stated that he talked to Mr. Hamilton on Hill Top Drive about the car painting that he has been doing at this home. He stated that he is not doing this painting for money, that he is doing it for himself and has done it for a few friends. Mr. Gerber stated that he spoke to Mr. Hamilton about the potential fire danger in what he is doing without proper ventilation.

Mr. Roy Cayton, 83414 Spruce Lane, Florence, Oregon stated that he spoke to Mr. Hamilton and that he had said that none of the nearby neighbors had complained, but that the persons that had complained lived over a block away. Mr. Cayton stated that he felt that if the immediate neighbors had no objections and were not offended, he could hardly see how neighbors a block away could be that offended.

Mr. Gerber stated that the area has been cleaned up and a lot of the paint had been removed. He felt that the man had been duly warned and would probably cease the operation for awhile.

- B. Building Permit Violation - Owens - Report From Mr. Mortier - Mr. Mortier had submitted a letter to the Council on his findings after visiting the Owens residence on Canary Road. He stated that he had found no violation and that there was a lot of trash around but that there was no garbage or filth. He suggested if there was a complaint about the residence, that the City should follow through with abating a nuisance, first getting a nuisance complaint from the neighbors.

The Council had some discussion on the issue and decided that they had no business stepping in unless someone were to bring in a written complaint about the property.

The Council moved on to item D on the agenda.

- D. Review Cayton Conditional Use Permit - Mr. Cayton has a Conditional Use Permit to have a Home Occupation of a small welding shop at his home, located at 83414 Spruce Lane, Florence, Oregon



(located in Dunes City). On the conditions set to the permit is that it should be reviewed in one year. 3-13-81. The Council discussed the permit and some of the concerns with the welding going on. The biggest concern was that the TV Cable antenna is in direct line with Mr. Cayton's house and the welding could possibly interfere with the TV reception. Mr. Fillman stated that he talked with Mr. Lockhart, the Cable TV's engineer and Mr. Lockhart stated that in the last year there had been no complaints about the welding interfering with the reception.

Mr. Roy P. Cayton, 83414 Spruce Lane, Florence, Oregon was present to testify. He stated that he has hardly done any welding in the last year because he is now employed full time and only has after work and weekends to weld. He said that Mr. Lockhart had gotten one complaint about reception in the area, but that it turned out to be something else. Mr. Cayton asked if possibly the hours that the City set on his welding time, could be changed or extended. He is to end at 6 P.M. and this hardly gives him time since he gets home from work at 5 P.M.

The Council discussed this and decided that if this were to be done, the immediate neighbors would have to be notified and given time to object if they wanted to do so. Mr. Cayton suggested that the permit be left as it is, for now.

ACTION Mr. Baumeister made the motion that Mr. Roy P. Cayton, 83414 Spruce Lane, Florence, Oregon, Conditional Use Permit to have a small welding shop at his home, was reviewed and shall continue as granted on 3-13-80. Mrs. Passenger seconded and the motion carried unanimously.

E. Sanitary Service - Mayor Petersdorf stated that the City Recorder was confused as to what the Council wanted to do about the garbage pick-up. In the minutes of the November 1980 Council meeting there was a motion that the garbage would be picked up per call from the City Recorder. Mrs. Stocking stated that this was not enough. The garbage is getting scattered around by dogs and there has been several functions that have taken place at the center that involved food and this attracts the dogs. She felt that the garbage needs to be picked up once a week. The cost is a little over \$5 per month.

ACTION Mrs. Passenger made the motion that the City have the garbage picked up on a weekly basis. Mr. Schmale seconded and the motion carried.

F. EPW-2 Extension of Preliminary Approval of PUD - Mr. W. L. Wilkes 445 Palimino Drive, Eugene, Oregon was present to represent . EPW2. He stated that they have run into problems with finding financing for their project. They are determined to continue with the project and are asking that the Council give them some time to do so. They were given a year on their preliminary approval and this year is up 3-13-80. The economy is now so that there is

no money to be loaned out. If it is there it is hard to find, but they are still looking.

Mrs. Passenger stated that she has prior knowledge of the issue because she was previously on the Planning Commission when it was brought before them. She felt that she should state this since she is new to the Council.

Mr. Gerber stated that the Boundary Commission has laid some conditions on the PUD and this includes the condition that if their water or sewer system fails, Dunes City will guarantee maintaining the problem. Of course we all know that this is strongly objected to by the citizens of Dunes City. The project has been allotted 550 gallons per day per household of water by the Water Commission. This is adequate to run a household but not to also irrigate and run the fire hydrants that are required in a Planned Unit Development. The project still has some problems to work out.

Mr. Wilkes stated that all of these problems are being worked out, however, their main problem is the financing, but they are not quitting.

The Council discussed this with Mr. Wilkes further and it was found that the progress reports were not sent to the City every 30 days as was asked for in the preliminary approval. Mr. Wilkes stated that their progress stopped so this is why the reports stopped. The Council went on to say that the point is that the City is well informed of where the project is and where it may be going.

Mrs. Passenger stated that there had been some question on some stabilization in the area of that project. Mayor Petersdorf stated that Mr. Wilbur Ternyik had been up there and has stated that this is not a moving sand dune and that it will not be a moving dune for at least another 15 years.

ACTION Mr. Fillman made a motion that the City Council extend the preliminary approval of the South Shore of Woahink or EPW2 for a period of one year. Mr. Gwilliam seconded and the motion carried.

Mr. Wilkes requested that all things pertaining to the project sent from the City, be sent to him, since Mr. Elliott is now ill.

#### XI. NEW BUSINESS

- A. Building Use For Classes D. Methodist Church Request to Meet on Fridays  
The Council discussed these two subjects together. The City Recorder had a question on what was to be charged by the City for use of the building. There had been a motion made in May 1980, by Mr. Tout stating that for non-profit organizations, that are residents of Dunes City would pay a \$10 use fee plus a \$25 cleaning deposit refundable if the building was left clean and in good shape. For all other uses it would be \$25 use fee and a \$25 cleaning deposit, refundable.

Mrs. Stocking brought up an example of a request for building use that was confusing her. There was a resident that wanted to bring in an artist from Portland. The cost would be \$75 per student. The workshop would be for three days, 8 hours a day. This person felt that is the fee was to be \$25 per day, it would be out of the question.

The Council discussed this and felt that this artists was definately making a profit. Mrs. Stocking stated that she felt that part of the City's revenue sharing was to be used in recreation and education. She felt that this art class would be considered educational and also recreation and that a lower fee, if no fee should be constituted. The Council argued this stating that if an artist were to come and give a class and do it as a community service, this would then constitute a lower fee or no fee, but not when the artist is making a substantial profit. Mrs. Stocking also stated that there is an exercise class at the center twice a week for 45 minutes. They are paying nothing. The Council stated that if there is no money involved that this would be considered recreational for the Dunes City residents.

The Council then moved on to the Methodist Church request to use the building on Fridays. Mr. Amos Hoerger was present to represent the Church. He stated that they are now meeting in homes and that they would like to meet in a public place to draw more people. He went on to say that they have a pastor from Cottage Grove coming over on Fridays for awhile and this is why they meet on Fridays. It will be for an hour from 7:00 P.M.

ACTION Mr. Gwilliam made the motion that the United Methodist Church be granted permission to meet at the Community Center on Friday nights, if scheduling permits, and that the fees as stated be adhered to and that the issue be reviewed in 90 days to see where the church stands.

Mr. Fillman seconded and the motion carried.

The Council then moved to item C of Unfinished Business.

X. UNFINISHED BUSINESS

C. Handling Complaints - Attorney Gerber

Mr. Gerber presented to the Council a resolution for handling complaints against City Officials and employees. This was discussed thoroughly and the resolution 3-12-81 was voted on.

Mrs. Passenger made the motion that the City Council accept the resolution 3-12-81 omitting number 3 of the resolution and striking from number 4, "or if the individual elects to obtain private counsel in spite of the insurance company coverage.

Mr. Schmale seconded.

AYES: Gwilliam, Fillman, Baumeister, Mealy, Schmale, Passenger  
The motion carried unanimously.

XI. NEW BUSINESS

- A. Subdivision Ordinance - Attorney Gerber presented to the Council a rough draft of an Ordinance concerning Subdivisions in Dunes City. He felt that the Council should study this and consider it. In the past Dunes City has been faced with non-conforming and this has been a problem. Dunes City should have some say whether Building Permits will be issued on the properties in that subdivision or not.

This item was tabled until a later meeting so that the Council could have a chance to study the proposed ordinance.

- B. BILL 2534 - Attorney Gerber's request - Mr. Gerber stated that there is a Bill before the Oregon House's now concerning Building Permits to be issued to all properties. He felt that it was a poorly thought out Bill. He was very much against it and felt that in this area it would be a mess to issue Building Permits to all properties regardless of the conditions involved. He suggested if the City opposed the Bill, as he did, that it would be good if they were to direct letters to Representative Max Rijken and Senator Dell Isham, opposing the Bill.

ACTION Mr. Fillman made the motion to have the City Recorder direct two letters, one to State Representative Max Rijken and State Senator Dell Isham outlining the statement made in Mr. Gerber's letter. Mr. Gwilliam seconded and the motion carried.

- C. Western Lane Planning Commission - Per Gerber's Request - Mr. Gerber stated that this was partially discussed earlier by Mr. Johnson. The County Commissioners are working on doing away with the Western Lane Planning Commission and the land use decision making in Western Lane County. Also this would do away with appeals to the County Commissioners. They are proposing that the appeals would be heard by a hearings officer which would be appointed by the County Commissioners.

The Council discussed this to some length and talked about the idea that the hearings officers should be from this area.

ACTION Mr. Gwilliam made the motion that the City Council direct Mr. Gerber to direct a letter to the County Commissioners reflecting the discussion that just took place this evening and the City's stand in this position. Also that the Western Lane Planning Commission remain as it is, a representing body of this area, and the Hearings Officer, be from this area.

Mrs. Passenger seconded and the motion carried.

It was suggested that a copy of this letter also go to the West Lane Planning Commission.

- D. Mrs. Passenger brought up the fact that in the Planning Commission minutes it stated that the Planning Commission had a discussion on Mr. Choates Temporary Permit and the fact that there has been no building done on that property. She felt that this should have been on the agenda to discuss. She asked if Mr. Choate had applied for a Building Permit yet.

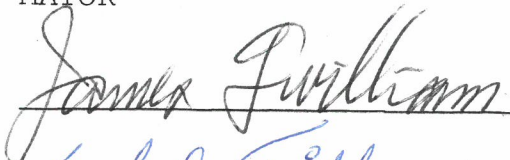
Mayor Petersdorf stated that this could be discussed at a later meeting when all of the information could be collected. Mr. Hunt did not request it to be put on the agenda for tonight.

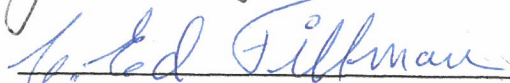
- E. Mr. Baumeister brought up the fact that in the Council's packets there was a letter stating that Dr. Mason had sold his property to his brother. His question was if all of the permits had to be redone and put in his brother's name. Attorney Gerber stated that the City is dealing with the property, not the person.
- F. Mayor Petersdorf stated that he had heard from Coast Real Estate and they had received our letter concerning the realtor signs and they were confused to which signs we were referring to, but after it was cleared up they stated that they would remove the violating signs.

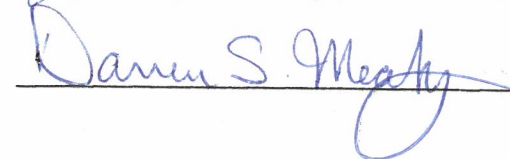
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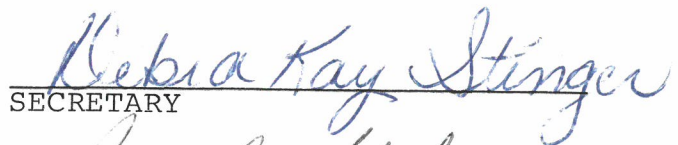
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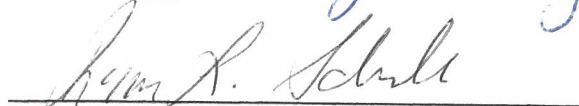
  
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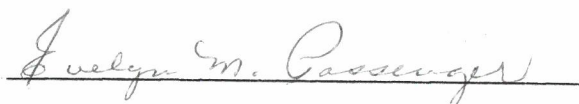






  
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DUNES CITY, OREGON  
MINUTES OF THE CITY COUNCIL

REGULAR MEETING

APRIL 9, 1981

I. ROLL CALL AND CALL TO ORDER

The regular meeting of the Dunes City Council was called to order at 7:30 P.M. by Mayor Petersdorf, on the 9th day of April, 1981.

ROLL CALL

Present: Mayor Petersdorf, E. Fillman, J. Gwilliam, R. Schmale, D. Mealy, E. Passenger, Attorney Gerber, City Recorder B. Stocking, Secretary D. Stinger .

Absent: J. Baumeister

II. APPROVAL OF MINUTES OF MARCH 12, 1981

Mr. Mealy stated that on the minutes page 8, paragraph 4, it stated that EPW2 was to give the Council a report of their progress every 30 days. This should read every 60 days.

Mr. Gwilliam made the motion that the Minutes of March 12, 1981 be approved as corrected. Mr. Fillman seconded and the motion carried.

III. BILLS AGAINST THE CITY

The Bills Against the City totaled \$3,339.10 and Bills paid and not reviewed by Council totaled, \$183.50. Mr. Mealy made the motion that the Bills be paid. Mr. Schmale seconded and the motion carried.

IV. RECEIPTS OF SESSION - \$4,811.13

Mayor Petersdorf stated that the agenda would be changed around a little bit. In the audience we have Martha Jakobs' attorney and Mrs. Jakobs. Her attorney requested to be put earlier on the agenda because he has to drive back to Eugene tonight.

Mr. Al Johnson, 915 Oak, Eugene, Oregon was representing Martha Jakobs. He stated that he was there to try to bring everyone to some sort of a decision to bring this all to an end. The Court of Appeals this week reversed the order of the Land Use Board of Appeals which reported to reverse Lane Counties decision, rezoning Mrs. Jakobs property. When it did that it recognized the clear statutory statement that the Land Use Board of Appeals did not have the power to order and went and did. Mr. Gerber and

the LCDC both recognized that and conceded it immediately after it happened. Mr. Gerber later changed his mind and tried to make the best case he could for the City. He felt that we are all aware that the Land Use Board of Appeals, itself knew perfectly well when they made that decision that it was not allowed by statute. He stated that he did get a call from the Board of Appeals and they stated that this was bad policy and that they would make a test case out of this one.

He went on to state that with the State Court of Appeals, Dunes City and Mrs. Jakobs are small "potatoes". They have not shown a lot of interest in this all along. He then went on to explain what went on at the LCDC trials. He also stated that there had been a great impact on Mrs. Jakobs health. The Court of Appeals took this into consideration and managed to get a decision out in about 6 months which is quick for the Court of Appeals. Even though it agreed that the Land Use Board of Appeals had errored and it agreed that Dunes City had not designated the proper order when it filed it's appeal, it thought that LUBA should have another chance, so it sent it back to LUBA, so we can do this whole thing all over again. What's going to happen next? One, is that we can go back to LCDC after the mandate of the Court comes down. That would be at the end of this month or it would be at the end of May. Mr. Johnson went on to say that he believes that at that time LCDC would probably adopt the proposed opinion that he has submitted. But, assuming that it does, what will happen then? Perhaps Dunes City will decide to appeal it. Perhaps 1000 Friends of Oregon will decide to appeal it. Perhaps not, but he stated that he had the feeling that this is what is likely to happen. Let's assume that we do not win, then what happens? The decision will be based upon the technical validity of the findings. We'll go back to Lane County and we may have another hearing and we may not, but we will get a new set of findings and clean up the findings that were adopted in the first place. He went on to explain the whole procedure that they could go through. Mr. Johnson then stated that he felt that this could have no end. The human element has to be taken account for. He concluded that he felt it is time for both sides to stop spending the money and come to some sort of compromise. He stated that he would like for the whole event to be dropped by Dunes City right now.

Mr. Gwilliam asked what Mr. Johnson felt would happen if it were dropped right now. Mr. Johnson stated that if it were dropped right now the parties would simply stipulate to a dismissal and the zoning that Lane County now has in effect would stand. Mrs. Jakobs would have her Tourist Commercial Zone.

Mayor Petersdorf asked if this were dropped and Mrs. Jakob had her Tourist Commercial zoning, would all of the other property owners on that side of the Highway have the same opportunity to have this zoning. Mr. Johnson stated that they would have to apply to the County and they would have to meet various goals and there would be no precedent. He felt that there would be adequate protection through the local plan and existing zoning and through the acknowledgement process. Basically it would be as if this case had never been brought.

Mr. Gerber then gave the Council a brief update of what has been going on with the Martha Jakobs case and how Dunes City became involved in the first place.

The Council discussed Dunes City's position in this and what has gone on in the past and what could go on in the future.

ACTION Mr. Gwilliam made the motion that the Council authorize Mr. Gerber to enter in and negotiate on the basis of previous Council recommendation and have a negotiation completed and back before the Council in 6 days at which time the Council will discuss it at a special meeting.

Mrs. Passenger seconded and the motion carried.

V. CITIZENS INPUT - None

VI. ANNOUNCEMENTS AND CORRESPONDENCE

A. Mrs. Stocking stated that the Flood Insurance maps are now available to the Council.

B. Mrs. Stocking stated to the Council that upon their request at the last Council meeting, two letters were directed to Mr. Max Rijken and Senator Dell Isham, expressing Dunes City's views on House Bill 2534.

VII. REPORTS

A. ROADS- Darren Mealy read the minutes of the Road Committee into the record. In these minutes, the Road Committee stated that a raise for the Road Chairman, Ira Mann was voted on and approved to become effective 4-1-81. This was to raise his salary to \$75 per month and his mileage to 40¢ per mile.

The Council discussed this to some length. It was found that this kind of decision could not be made by a committee, that it had to have Council approval. The matter of mileage was brought up and it was found that last fall the Council approved mileage reimbursement to Mr. Mann up to \$50 per month along with his \$50 per month salary. It was found that no where near this amount has been turned in for reimbursement. Also the fact that a raise can not be given without budget consideration, was discussed.

ACTION Mrs. Passenger made the motion that the Road Committee's recommendation be tabled until the next City Council meeting and to have the City Recorder send a letter to Mr. Mann asking that he be at the next meeting so that the matter could be discussed further. Mr. Gwilliam seconded and the motion carried.

B. POLICE COMMISSIONER PROGRESS REPORT - E. Passenger gave a report on the progress so far. She stated that last week they did have a meeting. She met with Don Jordan and Rick Cox of the NRA on March 30.



At that time the Lieutenant from the Sheriff's Department was supposed to be with them but he did not show up. She stated that they did have a problem finding the funds available for Police Protection. She said that they were told that they had \$4000 but they did not know where it was. She said that she also had ex-mayor Shirley Merz come over to help. They did finally find that they did have revenue sharing funds. After study they came to the conclusion that they have approximately \$4400 for Police Protection. She stated that they did find that this years budget was already over \$600 which was from last years budget. She recommended that the City Council have a work session so that they can decide exactly how much money we have for these different projects.

Mrs. Passenger went on to say that she found that last year the City paid \$11.70 per hour for police protection. The NRA is paying \$16.80 per hour this year to have their parks patrolled. If the City had \$4400 to spend that would give us approximately 262 hours and if we are talking about the months of June, July, and August, which is 13 weeks, that would give the City approximately 20 hours per week. This would be about 3 hours per day. Possibly the patrol of Dunes City could be in conjunction with the NRA's patrol.

Mr. Gwilliam stated that he was at a meeting today and according to what he heard, the County proposal for the Sheriff's Department budget, it would cut them to a two man office here. If this happens, it doesn't seem like they would have the man hours to even talk to us. They are even concerned with the NRA contract.

Mayor Petersdorf stated that a workshop would be held and the minutes of the budget meetings would be reviewed because he recalls there was a motion made to budget so much for Police Protection.

- C. Darren Mealy stated that he attended a meeting today of the Action Committee. This was between the area realtors and builders. It concerned Western Lane County and it's economy. It's purpose is to make West Lane County more attractive to industry. On April 23 there will be another meeting and Dunes City needs a representative to attend this meeting for input. They would like to recruit light industry to Dunes City. The Council discussed this and Darren Mealy was asked to be that representative. He accepted.

Mr. Gwilliam stated that LCOG has made this it's top priority for this year. To boost the economy in this area, possibly with light industry.

- D. Planning Commission Vacancy- Mr. Mealy made the motion that the City Council accept the recommendation of the Planning Commission to have Viki Stewart fill the vacancy on the Planning Commission. Mr. Fillman seconded and the motion carried.

Mrs. Passenger stated that this term will go through 1982.

VIII. SPECIAL COMMITTEES

- A. City Brochures- Roger Schmale reported that he did an informal survey of about 5 of the area business people asking them if they would be interested in contributing to having a brochure of the are printed up. There was interest but of course it depended on the cost of the effort.

Viki Stewart, from the audience, stated that last year the Florence Chamber of Commerce had 10,000 printed at a cost of a little over \$900. She also stated that these went very quickly and they had to have another 10,000 printed. However, the secondbunch was at a lower cost.

The Council discussed this and decided that the committee would have to look further into the cost of the printing of the brochure.

IX. PUBLIC HEARINGS

Gerald Lewis - Minor Partition  
84173 Clear Lake Road, Florence, Oregon (located in Dunes City)  
Property located at 19-12-14-1- #4100

The Public Hearing for Gerald Lewis was opened at 8:40 P.M.

Mayor Petersdorf had the Secretary to the Planning Commission read the recommendation and the Findings of Fact and Conclusions of Law, into the record.

The Planning Commission's recommendation was to grant the Minor Partition with one condition. That the approval of the Minor Partition be contingent upon the approval of a second drainfield on parcel one, by the Lane County Sanitarian.

Attorney Gerber stated that with the two drainfields on one parcel, there should be a condition that an easement would have to be drawn up for parcel two to use the drainfield on parcel one.

Mr. Gerald Lewis was present to testify. He stated that he felt that he had followed the proper channels and was hoping for the Council's approval.

Mrs. Passenger stated that in the Dunes City Zoning Ordinance, page 9b, II A 1-a,b and also according to the map #43 of the Comp Plan, this property has more than a 12% slope to the lake. With property containing more than a 12% slope, it is required by the Zoning Ordinance that a formal site review be held by the City before a decision is made.

This was discussed by the Council to some length. Also the Council studied the maps that had been submitted. Mayor Petersdorf set up a site review of the property for Saturday, April 11, 1981 at 1:00 P.M. All Council members that are able to come should meet at the City Hall on Saturday.

The Public Hearing for Gerald Lewis was closed at 8:56 P.M.

ACTION Mrs. Passenger made the motion that the Minor Partition for Gerald Lewis be tabled until the site review by the Council to be held on Saturday April 11, 1981 at 1:00 P.M. Mr. Mealy seconded and the motion carried.

#### PUBLIC HEARING

Steven Vaughn - Minor Partition  
Woahink Development - c/o Johan Melhum, Siuslaw Valley Bank, Florence  
Property located at 19-12-23-3- TL # 3

The Public Hearing for Steven Vaughn was opened at 9:05 P.M.

The Secretary to the Planning Commission read the recommendation into the record. The Planning Commission recommended the approval of the Minor Land Parition for Steven Vaughn with no conditions.

Mr. Robert Manseth, HWY 101 N., Florence, Oregon was present representing Mr. Vaughn. He had nothing to add to the Planning Commission's report.

Mayor Petersdorf asked if there were any further testimony either for or against the partition. There was none.

Mr. Gerber stated that it has been policy that before approving a partition that the City have varification of septic approval on the parcels. He felt that this should be a condition on this partition also.

Mrs. Passenger stated that according to the Map #43 of the Comp Plan this property appears to be greater than a 12% slope to the lake.

This was discussed by the Council and it was decided that a site review would have to be held on this property also. It was set up for Saturday April 11, 1981 at 2:00 P.M.

ACTION Mrs. Passenger made the motion that the matter of Mr. Vaughn's Minor Partition be tabled until the site review on April 11, 1981 at 2:00 P.M. Mr. Mealy seconded and the motion carried.

AYES: Fillman, Schmale, Mealy, Passenger  
NOES: Gwilliam

X. UNFINISHED BUSINESS

- A. Wendell Wood Violation - Mayor Petersdorf stated that the travel trailer on theis property has been unhooked from the untillities and has been removed from the premises.
- B. James Choate Violation - Mr. James Choate, Berry Lane, Florence Oregon (located in Dunes City) has a Temporary Permit to have a Mobile Home on his property on Berry Lane, while he is building his home. The Planning Commission found that there has been no building taken place on the property since the permit was issued in August of 1980. They found he was in violation.

Mr. James Choate was present and testified to the Council that he has not built his home yet because of the high interest rates. He has been advised by his banker to wait. However, he has decided to go ahead and sell the Mobile Home and have it removed. He hoped to have this done within a month.

ACTION Mr. Gwilliam made the motion that the issue of Mr. Choate's Temporary Permit be tabled for 60 days and then reviewed by the Council. Mrs. Passenger seconded and the motion carried.

XI. NEW BUSINESS

- A. Pat Smith Lien Search Complaint - Mayor Petersdorf stated that he had talked to Mrs. Smith on two occasions. Her complaint was that Dunes City takes money for lien searches and in fact we have no liens and she felt that we were taking money that we did not deserve. The second time that he talked to her he explained that Dunes City in the last year has made it so they can hold liens on property and in fact are now going through the proceedings of a couple of possible liens. He stated that she said she did not understand this before and she would retract her complaint.
- B. Request for Street Light - Ellefson - Mayor Petersdorf stated that in April 1980 a request for a street light by Mr. Ellefson was turned down by the Council. He himself had investigated the area. Mr. Ellefson does live on a dead end street and it is dark and he does get a lot of vandalism and burglaries. In Mayor Patersdorf's observation he found that Mr. Ellefson made no effort on his part to prevent the crimes. He left no lights on in or around the home and the garage door had been left open.

Mrs. Stocking stated that Dunes City has no more street light allocations left from the PUD for this year.

TON Mrs. Passenger made the motion that the City Recorder write a letter to Mr. Ellefson stating the Dunes City has no more street light allocations left for this year and that the lights are used mainly for dark dangerous intersection and are recommended by the Road Committee. Possibly he could put up his own security light. Mr. Mealy seconded and the motion carried.

C. Abatement - Marion and Bessie Clark  
19-12-34-21-#1400 Pacific Ave. Dunes City

The Dunes City Building Inspector, Emil Mortier has stated that this property is a nuisance to the City and should be torn down.

Mrs. Stocking stated that the nuisance abatement had been sent out registered lettered and has not been returned yet or the receipt has not been returned to the City as of yet.

Mr. Fillman stated that he had heard, that the person that owns this property is in a nursing home and that it has been taken over by the State.

This matter was discussed thoroughly. Mr. Gwilliam stated a conflict of interest because he has a possible sale for this property as a realtor. Mrs. Stocking stated that there is a possible controversy over the lot number. She stated that the Building Inspector has said that this is the correct lot number however, according to the tax list, it is owned by the County.

Mr. Gwilliam stated that if the City did not mind a little private enterprise getting involved, he would research it further and find out exactly who owns it.

ACTION

Mrs. Passenger made the **motion** that if it is found that the property is privately owned, the City Recorder will write a letter stating to the Clarks that at the May meeting the City Council will make arrangements to have the house torn down and place a lien against the property. Mr. Fillman seconded and the motion carried.

Mr. Gwilliam abstained from the vote.

Mr. Gerber stated that Mr. Gwilliam will look into this further and try to run down the owners. If in fact the property is owned by the State or County, Mr. Gerber stated that he will contact the necessary officials to see if Dunes City can get permission to destroy the building.

D. Abatement - Christensen  
84318 Alder, Florence, Oregon (located in Dunes City)  
19-12-1-41- #2800

This property was also inspected by the Dunes City Building Inspector and found to be a nuisance. The City abated it as a nuisance.

Mrs. Stocking stated that Mrs. Merz was in and stated that she had a phone call from the owners of the property. They are related to her in some way. They have said that they will fix up the building and try to correct what is wrong with it. They would like 30 days



to do this. They are now in the Carribean.

ACTION Mrs. Passenger made the motion to give Goodman and Christensen a 30 day extension on their nuisance. Mr. Mealy seconded and the motion carried.

- D. Ordinance- Non Comforming Subdivisions - Mr. Gwilliam stated that the City has not denied or accepted Mr. Gerber's proposed Ordinance on Subdivisions, giving the City the authority to deny building permits to lots in non conforming subdivisions.

ACTION Mr. Gwilliam made the motion that the first reading of the proposed Ordinance be held, by short title. Mr. Mealy seconded. The motion carried.

Mr. Gerber read the Ordinance by short title.

THIS IS AN ORDINANCE AUTHORIZING THE CITY TO DENY BUILDING PERMITS TO UNSOLD LOTS IN A SUBDIVISION WHICH IS NOT IN COMPLIANCE WITH MUNICIPAL ORDINANCES AND CONDITIONS ATTACHED TO THE ORDINANCE CREATING THE SUBDIVISION.

Mr. Fillman made the motion that the first reading of Ordinance #69, short title, be accepted. Mr. Gwilliam seconded and the motion carried.

Mrs. Passenger made the motion to have the second reading of proposed Ordinance #69 read by short title. Mr. Gwilliam seconded and the motion carried.

Mr. Gerber gave the second reading of Ordinance #69, by short title.

Mr. Gwilliam made the motion that the second reading of Ordinance #69 by short title be accepted. Mr. Schmale seconded and the motion carried.

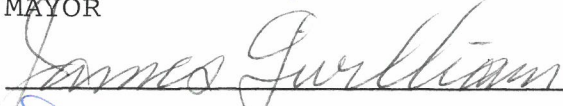
Mrs. Passenger made the motion that the Dunes City Council adopt Ordinance #69. Mr. Schmale seconded .

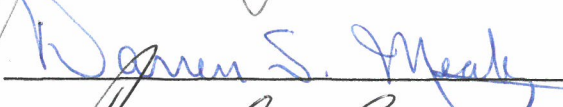
AYES: GWILLIAM, PASSENGER, SCHMALE, FILLMAN, MEALY  
The motion carried unanimously.

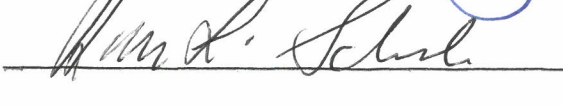
XIII. ADJOURNMENT - 9:55 P.M.

  
MAYOR

  
SECRETARY

  
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DUNES CITY COUNCIL  
SITE REVIEW  
APRIL 11, 1981  
1:00 P.M.

On the 11 th day of April, 1981, the Dunes City Council held a Site Review and Public Hearing for the Minor Land Partition for Gerald W. Lewis of 84173 Clear Lake Road, Dunes City, Oregon. Legal 19-12-14-1 TL # 4100 & 6800.

PRESENT: MAYOR PETERSDORF, E. FILLMAN, D. MEALY,  
E. PASSENGER

Mr. Gerald Lewis , Mr. Gene Wobbe and Mr. Wally Johnson were also present.

Evelyn Passenger made the motion to accept the Findings of Fact and Conclusions of Law as presented by the Planning Commission with the following conditions:

1. The approval of the Minor Land Partition be contingent on the approval of second drainfield to be on parcel 1 to serve parcel 2 by the Lane County Sanitarian with an easement for parcel 2. The easement to be drawn up by Dunes City Attorney Gerber.
2. The lot lines as per the map presented by Mr. Wobbe of Plants Associates Engineers and dated March 1981.
3. Access to parcel 2 is from road now in existence and is to be part of parcel 2.

This motion was seconded by Mr. Fillman and carried unanimously.

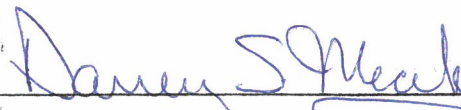
Meeting adjourned.

Evelyn Passenger  
Acting Recording Secretary

EPds

  
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MAYOR

  
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E. FILLMAN

  
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EVELYN PASSENGER



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DUNES CITY COUNCIL

SPECIAL MEETING

APRIL 22, 1981

I. CALL TO ORDER AND ROLL CALL

The special meeting of the Dunes City Council was called to order by Mayor Petersdorf at 7:05 P.M. on the 22nd day of April, 1981.

Present: Mayor Petersdorf, D. Mealy, R. Schmale,  
E. Passenger, E. Fillman

Absent: J. Baumeister, J. Gwilliam, Attorney Gerber

Mr. Gerber came in at 7:07 and Mr. Gwilliam came in at 7:15.

II. ROAD CHAIRMAN RESIGNATION

Mayor Petersdorf stated the Mr. Ira Mann has submitted his resignation from the Road Committee as Chairman. Mr. Mann was present at the meeting. He stated that he would have to pull back that resignation for awhile. The Road Committee had a meeting last night and could not come up with anyone that would like to hold the position. However, Mr. Vake Sampson, 83542 Manzanita Drive, Florence, Oregon (located in Dunes City), has said that he would hold the position for three months and he is competent to hold the job. Probably August 1, 1981, Ira stated that he would come back to the position.

Mayor Petersdorf stated that he was pleased with this decision and then asked Mr. Mann if this was alright with the Road Committee and Mr. Mann stated that it was on their approval.

The council had no objection to this decision. There was on question as to whether Mr. Sampson would get the same rate of pay that Mr. Mann was getting. Mayor Petersdorf stated that the pay rate would be the same.

The Council then discussed with Mr. Sampson the fact that at the last months City Council meeting there was a letter from the Road Committee stating that they approved a raise for the Road Chairman in his salary from \$50 per month to \$75 per month and from 17¢ per mile to 40¢ per mile mileage reimbursement. The Council stated that they discussed this at the last meeting and since Mr. Mann was not present to explain the reasons, the matter was not resolved. The Council approved a mileage reimbursement last fall for Mr. Mann for up to \$50 per month. Hardly any of this has been touched. Also the fact that the salary for the Road Chairman has been budgeted for 1980-81 and this can not be changed until the new budget is made up, which will be started on in the next

few weeks. Mr. Gerber stated that there can be a change made in a City Budget by taking from another fund and putting into the salary fund, as long as it comes from road funds. However, this requires, by State Legislature, a Supplemental Budget. This requires some extra work. Also you can not alter the amounts more than 15%.

The Council had quite a discussion with Mr. Mann and Mr. Sampson on the authority of the Road Committee. The Road Committee feels that they have the authority to approve funds for the road work as long as the money is there. They hold the "purse" strings.

Mayor Petersdorf stated that they could say what is to be done with the money as far as where it goes in road maintenance but not with the salary of the Chairman. He is a City Employee and this comes from the City.

Debbie Stinger read the motion that was made in October 1980 by Mr. Brown of the City Council concerning Mr. Mann's request for reimbursement of mileage. Mr. Brown made the motion that the City give Mr. Mann the 17¢ per mile mileage reimbursement that he requested. Mr. Tout seconded. Then the Council had more discussion on the fact that they should not leave it an open book for how many miles could be turned in per week. Mr. Brown amended his motion to state that there be a limit of 50 miles per week put on the request and at the end of the quarter, there be a review by the Council to see if this is adequate for the amount of driving Mr. Mann does.

ACTION Mr. Fillman made the motion that the City give Mr. Mann an extra \$50 per month to cover his mileage and maintenance until the next budget. Mrs. Passenger seconded.

The Council clarified the fact that Mr. Mann would now be getting his regular \$50 per month salary plus the \$50 extra per month to cover his mileage and maintenance of his truck. This was agreeable by Mr. Mann.

The motion carried.

### III. MARTHA JAKOB LAND USE DECISION

Mr. John Carlson, P.O. Box 126 Westlake, Oregon was present to represent Mrs. Jakob on her proposal to the City. Mr. Carlson presented to the City a map showing the proposal of the building sites for Mrs. Jakob's property, in the event that there is no appeal against her Tourist Commercial Zoning by the County.

Mayor Petersdorf, Mr. Mealy, Mr. Schmale, and Mrs. Passenger stated that they all had pre-hearing contact with Mr. Carlson. They had been out and reviewed the property with Mr. Carlson.

Mayor Petersdorf stated that at the last meeting of the City Council

on April 9, 1981, the City Council recommended that Mr. Gerber and Mr. Johnson, Mrs. Jakob's attorney, get together and come up with some sort of plan of action between the two parties. Mr. Gerber stated that he heard nothing from Mrs. Jakob's attorney until today he called and stated that Mr. Carlson and Mrs. Jakobs would be here tonight to present a proposal.

Mr. Carlson asked the Council to consider this proposal tonight without any references to what has taken place in the past. He stated that there had been some misconception about the size of the property that had been zoned by Lane County to Tourist Commercial. There is a 13 acre parcel of land that extends out into the sand dunes. Only five acres of this was zoned by the County. He then showed the Council the boundaries of the property in reference to Hwy 101. He then went on to say that most of the citizens of Dunes City, at the time of the Comp Plan was being worked on, did not like the idea of there being more commercial establishments along Hwy 101. The Comp Plan was written in such a way that there wouldn't be. He then stated that we all knew that sooner or later it would happen. As far as having a Tourist Commercial establishment along Hwy 101, this is the best proposal. The reason being that there is a 30' deep 300' long strip of property in front of Mrs. Jakobs property that is owned by the Hwy Department. This can never be touched. It can not be developed. This is all vegetated and stabilized.

What Mrs. Jakob would like to put up on her property is a gift shop, a Tea Room and possibly later some overnight lodging. This would be done in a Chalet type style. There are Lane County codes on the height of the buildings. Codes 10.335 and 10.166. This restricts it to 35' high. The County will be in control of the parking and the landscaping according to the plan that is presented to them at the time. There will be a site review by the County.

Dunes City allows buildings to cover up to 50% of the property in their Commercial zoning. Mrs. Jakobs buildings will only cover 5% of her property. He also stated that the building would be approximately 11,000 square feet. He went on to explain to the Council where the building would be. There were two different possible locations and this would have to be decided on by the architect.

Mr. Gerber stated that the problem that Dunes City is having with this is, what would happen to it in the future. Mrs. Jakob is not forever and we are not forever but the zoning is forever. The possibilities of a "hamburger" place stuck up there in the future is scary. The County may not always have the personnel to keep tabs on what goes on over here in West Lane County. Especially with the proposed budget cuts by Lane County. What Dunes City wants is some way to assure that nothing else but what Mrs. Jakobs proposes or something like that, ever comes about on that property. Dunes City is not objecting to what Mrs. Jakobs wants to put on that property. Possibly Dunes City could have some Covenants, Conditions, and Restrictions on the property.

The Council and Mr. Carlson had a lot of discussion on what looks

good and what does not look so good. Such as the Earth Tones colors that Dunes City proposed on Mrs. Jakob's sign. Mr. Carlson stated that everyone has a different idea on what is earth tone and what is not. What one person likes another does not. Also the Council and Mr. Carlson discussed the overnight lodging that Mrs. Jakob hopes to have on day. How many rooms does Mrs. Jakob propose to have. Mr. Carlson and Mrs. Jakob stated that possibly 12. The Council was concerned with the fact that if the building was a two story building, possibly it would be too visible from the lake. Mr. Carlson stated that with all of the vegetation around the area, it could hardly be visible at all except possibly right in front of the driveway.

Mr. Carlson also stated that Dunes City does not like any trees to be removed from property. He stated that this property is covered with trees and there would be no way of building without removing some trees. However, there is so many that this would hardly be noticed. There had been some brush removed on the South hillside to put in Mrs. Jakob's sign. This brush would have to be trimmed from time to time so that the sign would not be covered. Other than that, there will be very little vegetation removed.

Mayor Petersdorf asked if there were anyone else in the audience that would like to speak for Mrs. Jakob. There were none. There was no one present to speak against her either.

Mr. Gerber discussed with Mr. Carlson the possibility of there ever being an electrical sign placed on the property. Mr. Carlson stated that he thought that the Hwy Department had already told them what they could and could not have. He felt that what they now have is all that they can have. Mr. Gerber stated that he thought that if it is on your own property you could do just about anything you wanted. This was discussed more and was decided that if overnight lodging did come about, that some kind of sign would have to be lighted up so it could be seen at night. The fact that the sign that is there now and flood lights added would be acceptable by both parties.

The Council also brought up the fact that the sign that Mrs. Jakob was granted to have on the East side of Hwy 101, by Dunes City, is not in compliance with what was granted. Mr. Carlson stated that this sign is the one that Mrs. Jakob had on "wheels" and she put it out temporarily. She did not want to spend money for a new sign if her Tourist Commercial Zone did not stand. They have until June to comply, according to the variance, and Mr. Carlson stated that it would be done by June.

Mayor Petersdorf closed the Public Hearing at 8:30 P.M.

The CC&R's that Mr. Gerber and the Council came up with were roughly:

1. There will be no clear cutting of brush on the South and East

2. There will be no electrified or turning signs on the property. Uluminated or Flood lights would be acceptable. The signs are not to be of "Garish" colors.
3. The new construction is not to be any higher than the roof of the existing residence's roof.
4. The setbacks for the property are to be 50' from the Highway Department property line on the East side and 30' from the North adjoining property. With the exception of the "bubble" window, sidewalks, etc., shall go no farther than 40' from the property line on the East side.
5. The building should not be done in "Garish" colors.

Mayor Petersdorf stated that Mr. Gerber would get with Mrs. Jakob's attorney and also he would have these CC&R's drafted for the Council. The proposed plan will go before the Planning Commission for a recommendation. They will have to study what the Council has come up with and possibly more or agree on what has been done and recommend it to the City Council for approval.

Mr. Gerber will get with Mr. Hunt and have a special meeting of the Planning Commission set up so that this could be decided on by the Council at their May 14, 1981 meeting.

#### POLICE PROTECTION CONTRACT WITH LANE COUNTY SHERIFFS

Mrs. Passenger reported on the findings that she had from her meeting with Lt. McManis and Srgt. Ware. She stated that at the last Council meeting she had quoted that the police protection rate was \$11.80 per houes. It is now at \$22.94 per hour. At this rate Dunes City could contract for 8 hours per week for a total of 23 weeks from May 3 to October 1. The cost would be \$4,220.96.

The Sheriff's Department stated that they could write the contract from May 3 to June 30 to comply with our budget and then write on from July 1 to Oct. 1. However, they did state that if Lane County goes through with their proposed budget cuts, this would bring this area from 5 officers to 2 officers and in this event, they would not even be able to consider our contract. With the contract that they proposed they would enforce all of Dunes City Ordinances and serve papers and handle all complaints accept they would have no animal control. They would talk to persons that have a dog that is being a nuisance, such as turning over garbage cans on a regular bases, but nothing like a barking dog at night.

Mr. Gwilliam stated that Dunes City went on record last night at a meeting opposing the budget cut for this area to cut back the officers.



Mrs. Passenger stated that actually Dunes City would possibly be getting more protection hours than proposed because the County would be doing it in conjunction with the NRA. They would be doing the NRA patrol which includes part of our area also.

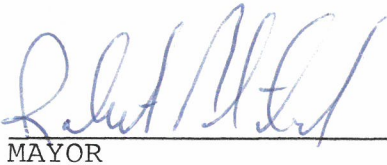
Mr. Gwilliam stated that the citizens of Dunes City pay Lane County taxes and a large part of this goes to the Sheriffs Department. Why don't we now get County police protection. Mrs. Passenger stated that they do not have a regular patrol through Dunes City but they will come to Dunes City if they are called.

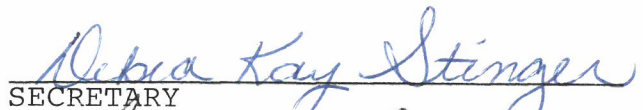
Mrs. Passenger then stated that the Sheriffs Department had said that they would have a new contract to the City by last Monday and it still is not here.

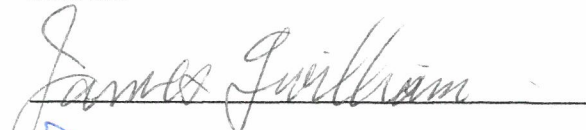
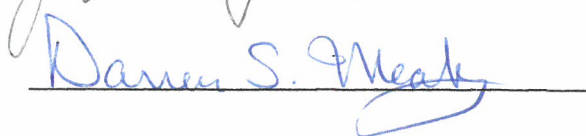
The hours of the patrol were then discussed by the Council. It was felt that the hours we got before were not prime patrol hours.


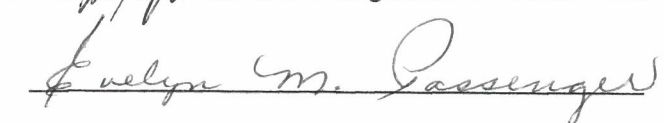
Mayor Petersdorf stated that by the next Council meeting the Sheriffs contract should be here and the contract can be voted on.

ADJOURNMENT - 9:25 P.M.

  
MAYOR

  
SECRETARY



009.

DUNES CITY COUNCIL

REGULAR MEETING

MAY 14, 1981

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf at 8:00 P.M. on the 14th day of May 1981.

Present: Mayor Petersdorf, J. Gwilliam, J. Baumeister  
E. Passenger, R. Schmale, D. Mealy, Attorney  
Gerber, City Recorder B. Stocking

Absent: E. Fillman, Secretary D. Stinger  
(excused)

Citizens present: 25

II. APPROVAL OF MINUTES OF APRIL 9, 1981 and Special Meeting,  
April 16, 1981

J. Gwilliam moved to approve the minutes of the regular Council meeting of April 9, 1981 and the Special meeting of April 16, 1981. R. Schmale seconded and the motion carried.

E. Passenger stated that the Council should also have before them, the minutes of the Site Reviews that were held on April 11, 1981. It was found that the Council did not have these minutes available to consider at this meeting.

III. BILLS AGAINST THE CITY

The Bills Against the City totaled, \$1,374.62.  
E. Passenger had a question on the Mike Johnson bill.  
It was explained to be road work done in the City.

IV. RECEIPTS OF SESSION - \$6,018.21

E. Passenger moved that the Bills Against the City be paid.  
R. Schmale seconded and the motion carried.

D. Mealy declared a conflict because he works at Food Town and one of the bills concerned Food Town.

The record shows that D. Mealy abstained.

V. CITIZENS INPUT ON UNSCHEDULED ITEMS

Mr. Carroll Lockhart, Florence, Oregon was present to represent the Dunes City Cable T.V. He stated that they have a

satellite on order that will bring to Dunes City the same system that Florence now has. This will be Showtime and the weather station. The base rate to connect will be \$15.00 and the monthly rate of \$9.95.

VI. ANNOUNCEMENTS

The City received a thank you note from the Western Lane Foundation for the donation that the City gave in Ivan Welty's name.

Mr. Gerber stated that he had some correspondence from the Federal Government. They want to conduct a poll on the Veterans Home Loan Program. He suggested that the Council take this up later on in the meeting.

VII. REPORTS

A. E. Passenger reported that Bob McManus and Sgt. Ware of the Lane County Sheriffs Department were present to speak to the Council on the Sheriffs contract with Dunes City.

Both gentlemen stated that they have a limited service to Dunes City. They are facing budget cuts from Lane County that will possibly cut back their forces in this area from five men to two men. This would not be enough to patrol Dunes City along with their other areas.

The Council had a discussion with the gentlemen concerning traffic work and criminal work.

Mr. McManus and Sgt. Ware stated that they would stay in contact with Mrs. Passenger on what is happening with the Sheriffs Department.

B. Roads - Ira Mann was present to give the road report. He stated that most all of the road work in the City is up to date. He suggested that an ordinance be drafted to require people to repair roads when they have put in a water line.

Mr. Gerber stated that this would require a simple ordinance such as 1) Cutting Roads - Nuisance or 2) Not Repairing Roads - Nuisance. He stated that he would research this for next month's Council meeting.

C. LCOG- J. Gwilliam reported on House Bill 3178: regarding mandated 911 Service

The Council discussed House Bill 3178. The House Bill would impose a 2% tax on amount paid for telephone exchange services. Provides that tax begins on January 1, 1982 and ends before January 1, 1992.

E. Passenger and J. Baumeister brought up the idea that a City having the 911 number should not be subject to this expense.

It was suggested that the Mayor draft a letter expressing Dunes City's concern with the House Bill 3178. This letter to be sent to Rep. Rjken and Senator Isham.

#### VIII. PUBLIC HEARINGS

##### EPW-2 PROJECT - Request for new Preliminary Approval on Planned Unit Development

Attorney Gerber gave a brief review of the EPW2 Preliminary Approval of the Planned Unit Development.

The Planning Commission, at their regular meeting on April 15, 1981, made the recommendation to the City Council that they re-grant the preliminary approval for the EPW2 project on the same terms, conditions, and circumstance as those granted in March 1980 including the Pertinent Section, Findings of Fact, Conclusions of Law and Conditions. The Planning Commission also recommended to the City Council that the previous conditions be closely monitored.

In another recommendation the Planning Commission recommended to the City Council that EPW2 pay \$150 for the re-granting of their PUD. This would be waiving \$100 of the existing fee of \$250 for a PUD in Dunes City.

The Public Hearing was opened by Mayor Petersdorf.

The following citizens brought up the following concerns:

John Carlson, Westlake, Oregon, Has the land been reforested.

Mr. Harry McLain, Green Gate Rd. Florence, Oregon, (located in Dunes City), objected to multiple dwelling development.

Mrs. Helen Connors, Clear Lake Rd., Florence, Oregon (located in Dunes City) Possibility of connecting to EPW2 water system.

Mr. R. Glen Smith, Clear Lake Road, Florence, Oregon (located in Dunes City) Commented that erosion is minimal.

J. Sommer, N. Pioneer Rd. Florence, Oregon (located in Dunes City) Concerning the EPW2's access road easement.

The Public Hearing was closed.

Mr. Gerber observed that if EPW2 has a problem with getting

road access easement, the City would need time for condemnation.

The City Council recognizes the fact that the preliminary question is financing and that hearing can be time consuming.

E. Passenger moved that the City Council accept the recommendation of the Planning Commission to approve the request for a Planned Unit Development, with two additional conditions:

1. EPW2 is to report back next month to the Council on negotiations with adjacent property owners for access on N. Pioneer and Ray Bentley roads.
2. The fee schedule is continue as it exists at \$250.00.

The motion was seconded.

AYES: GWILLIAM, PASSENGER, BAUMEISTER, SCHMALE  
NAYES: MEALY

Mayor Petersdorf stated that he would keep in touch with Mr. Wilkes regarding the development of EPW2.

#### PUBLIC HEARING

Ken Main, P.O. Box 624, Winchester Bay, Oregon  
Temporary Permit - located at 5560 Woahink Drive, Florence, Oregon  
(located in Dunes City)  
19-12-14-1 TL #4500

Mr. Don Brown, Clear Lake Road, Florence, Oregon (located in Dunes City), gave a short review explaining the request.

Mr. Hunt gave the recommendation of the Planning Commission and Findings of Fact and Conclusions of Law and conditions.

Mr. Brown commented on condition #5. This was in regard that the travel trailer could not be occupied until the electricity water and sewer were in. He explained that the Main's well is not in yet. However, their neighbors have offered the the use of their water.

E. Passenger moved that the City Council accepted the recommendation of the Planning Commission, adopting the Planning Commissions Conclusion of Law and Findings of Fact, to approve the request of Mr. Ken Main for a Temporary Permit to have a travel trailer on his property while he builds his home, with the additional three conditions:

1. The Main's will apply for a Building Permit within 6 months.
2. The well would be in within 90 days.
3. The City Council review the permit in one year.

Mr. Gwilliam seconded and the motion carried.

PUBLIC HEARING

Martha Jakob - AGREEMENT WITH DUNES CITY  
19-12-22-3 TL # 500

Mayor Petersdorf opened the Public Hearing for Martha Jakob to consider the agreement between Dunes City and Martha Jakob.

Mr. Hunt gave the Findings of Fact and Conclusions of Law along with the recommendation of the Planning Commission to approve the settlement agreement between Martha Jakob and the City of Dunes City in regard to Map # 19-12-22-3 TL # 500 providing all of the Covenants, Conditions and Restrictions mutually agreed upon.

John Carlson, Westlake, Oregon, presented to the City a statement regarding property which he claims to have been zoned commercial in the last several years.

Mr. Carlson also reviewed the Jakob case and explained the agreement which Mrs. Jakob has signed. This agreement is being presented to the City for acceptance.

The question of the agreement was discussed at length.

The Public Hearing was closed.

J. Gwilliam moved that the City Council approve the settlement agreement between Mrs. Jakob and the City of Dunes City, adopting the Findings of Fact and Conclusions of Law, found by the Planning Commission, deleting on page 2 item 4 the words, "or on the Declarant's property east of Hwy 101", and including the map showing the property and adding the following conditions:

1. That no more than three signs be erected on lot #500 which can be visible from Woahink Lake.

Mr. Schmale seconded and the motion carried unanimously.

IX. OLD BUSINESS

J. Gwilliam requested the City Recorder to write a letter concerning the Clark abatement, to Lane Vital Statistics.

X. NEW BUSINESS

Renewal of Liquor Licenses

Darling Resort, The Landing, Westlake Market, Westlake Tavern.

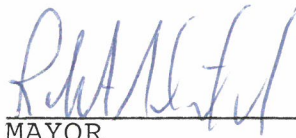
E. Passenger moved that the City Council renew the liquor license application for the above business.

Mr. Mealy seconded and the motion carried.

Mr. Gerber presented to the City Council two surveys concerning  
1. Correctional Institutions 2. Vetrans Loan Program.

Those present were polled and the results tabulated by Mr.  
Gerber.

XI. ADJOURNMENT - 11:45 P.M.

  
MAYOR

  
SECRETARY

E. PASSENGER

  
J. GWILLIAM

  
R. SCHMALE

  
D. MEALY

  
J. BAUMEISTER