

DUNES CITY, OREGON
MINUTES OF THE DUNES CITY COUNCIL
REGULAR MEETING
JUNE 11, 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 11th day of June, 1981.

ROLL CALL

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

Absent: E. Passenger (excused)

There were eight citizens present.

II. APPROVAL OF MINUTES OF MAY 14, 1981 and MINUTES OF SITE
REVIEWS OF APRIL 11, 1981

D. Mealy moved that the Minutes of May 14th be approved with any corrections. Mr. Fillman seconded and the motion carried.

E. Fillman moved that the Site Review minutes of April 11, 1981 for consideration of the Minor Partition for Steven Vaughn, be approved. D. Mealy seconded and the motion carried.

E. Fillman moved that the Site Review minutes of April 11, 1981 for consideration of a Minor Partition for Gerald Lewis, be approved. D. Mealy seconded and the motion carried.

III. BILLS AGAINST THE CITY

The Bills Against the City totaled \$2,712.08. This included a total of \$615.76 paid and not reviewed by Council.

D. Mealy asked about the bill to the Sheriffs Department. Betty Stocking stated that this bill was from last year. The City received two identical bills last summer and only one was paid because it was thought that they were duplicate bills. It was just recently rebilled by the Sheriffs Department.

D. Mealy moved that the Bills Against the City be paid. R. Schmale seconded and the motion carried.

IV. RECEIPTS OF SESSION - \$4,038.73

V. CORRESPONDENCE

B. Stocking read a letter from OCMZA regarding a meeting that is to be held on June 12, 1981 at the Florence City Hall.

B. Stocking announced to the Council that Mrs. Howard Campbell passed away and there is a card for everyone to sign to send to Mr. Howard Campbell , Dunes City's engineer.

ACTION

J. Gwilliam moved that the City donate \$25 to the Western Lane Foundation in memorium to Mrs. Campbell and have the donation ear marked for the Siuslaw Parks and Recreation.

E. Fillman seconded and the motion carried.

B. Stocking announced that the yard work outside the building was done by Mr. & Mrs. Fillman.

Mayor Petersdorf stated that a letter of appreciation would be sent to the Fillmans.

VI. REPORTS

LCOG - J. Gwilliam stated to Council , if they are ever in need of maps or statistics, etc., LCOG has all of these. They are here to help us.

R. Gerber stated that Martha Jakob agreement with Dunes City is now being recorded and that tomorrow that case will be dismissed.

Mr. Gerber went on to say that at the last meeting , Mr. John Carlson stated that there was some property on the West Side of Hwy 101 over by Martha Jakob that had been zoned Tourist Commercial in the last few years. This was questioned and researched. It is true. The property was zoned in 1978 & 79. The thing that Dunes City is to be concerned with is whether they were notified of this zoning by the County.

This was discussed by the Council. Also Dunes City's options for action were discussed. Mr. Gerber stated that the City would have to move on this before the next Council meeting if they wish to do so.

The Sand Quarry that is on the West side of Hwy 101 and South of Martha Jakob was also discussed.

The Mayor stated that the City would have to go through all of the records and come up with any notices that were sent to the City on the zoning of the property on the West side of Hwy 101 and prepare for any action.

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Mayor Petersdorf brought to the Council's attention that the legislature is considering funding of the Boundary Commission again. He suggested that the City send another letter to Senator Isham and Representative Rijken opposing the funding of the Boundary Commission. This was agreed by Council.

E. Fillman stated that he has never gotten an estimate on the value of the Community Center. It was guessed at being about \$65-\$70,000.

The Council discussed the fire insurance and coverage on the building.

VII. PUBLIC HEARING - None

VIII. OLD BUSINESS

EPW2 Report on Road Access

Mr. Wilkes was present to give his report to the Council. He stated that he has worked out something with the property owners along Ray Bentley road. However, the property owners along N. Pioneer all objected to selling any of their property due to the fact that this would make their lots too small.

Mr. J. Sommer, Clear Lake Road, Florence, Oregon (located in Dunes City) was present to testify. He is a property owner along N. Pioneer. He asked Council why there had to be a 60' street dedicated. He felt what is now there was fine.

Mrs. Joanne Kycek, Territorial Rd., Veneta, Oregon was present to testify. She also owns a piece of property along N. Pioneer road. She strongly objected to giving up any of her property and she felt it was very wrong of the City to agree to taking the property from them.

J. Gwilliam directed a question to Mr. Wilkes asking if it would be possible for a one way street to be put in, thus eliminating the 60' easement.

This was discussed between Mr. Wilkes and the Council. It was felt that a one way street could be put in starting at EPW2 property line. Those property owners in that subdivision would have to enter only there and exit on the other road. This could be enforced by putting in a mechanical device to keep the cars from going back out.

Mr. Wilkes had also presented to the Council a letter stating that they had had the property resurveyed and it was found that there is 82 acres instead of the previously thought 77 acres. They would like to have the PUD amended to add an additional three building sites. This is still in conformance with the Dunes City Comp Plan.

Council decided that this would have to go before the Planning Commission in the form of a Public Hearing.

ACTION

E. Fillman moved that the proposal for a road access agreement to reduce the width of the street, N. Pioneer, to a one way starting at the EPW2's property line and adding a mechanical device to keep the traffic going the right way, be sent to the Planning Commission, in the form of a Public Hearing. The road proposal to go in front of the Road Committee also.

J. Baumeister seconded and the motion carried.

Council suggested that the Road Committee and the Planning Commission possibly have their meetings coincide for Mr. Wilkes and other property owners convenience.

ACTION

Jim Baumeister moved that the proposal for additional building sites in the EPW2 PUD, is new information and it should go before the Planning Commission for action. J. Gwilliam seconded and the motion carried.

Mayor Petersdorf stated that the Chairman of the Planning Commission, T. Hunt, would be contacted to set up a date for a special Planning Commission meeting to consider the two proposals. This way Council could act on it at their July meeting.

CLARK ABATEMENT

B. Stocking stated that the property owners have still not been found. There has been letters sent to the Lane County Vital Statistics, but no word yet. There was nothing found from the Pittsburg California assessor.

This was discussed by Council. Mr. Gerber stated that the City should look into the possibility of having the Rural Fire Department burn it down for practice.

- IX. Mr. Harry McLain, Green Gate Rd., Florence, Oregon and Mr. Jack Garrison, Huckleberry Lane, Florence, were present to bring to the Council's attention a nuisance. There is some land clearing being done over by Huckleberry Lane and the dirt and brush are being pushed down over an embankment towards Woahink Lake. This particular cove is where several people, including themselves, get their drinking water. They stated that if there is a heavy rain, like we have had recently, all of that dirt will wash into that cove and contaminate their drinking water.

This was discussed thoroughly by the Council and other citizens present. The property was thought to belong to Western Homes and Land Company, owners, Don Lemke and Todd Briggs, property 19-12-14-1 Tax Lot # 1700.

Mr. Gerber stated that he would draft a stop work order to be

hand delivered to the workmen tomorrow morning.

Mayor Petersdorf appointed Councilmen J. Gwilliam to deliver the letter and to look over the situation and report to the City on his findings.

CITY RECORDERS SALARY

Mayor Petersdorf directed to the Council a proposal to increase the City Recorders salary from \$400 per month to \$450. Also in October to raise the salary another \$50 making a total of \$500 per month.

ACTION

Mr. Fillman moved that the Mayor's proposal for the City Recorder's salary increase be approved. J. Gwilliam seconded and the motion carried.

HOME OCCUPATION VIOLATION

J. Baumeister stated that in the Planning Commission minutes there was something brought up about a home occupation violation on Peninsula Road.

Mayor Petersdorf stated that he looked into this and the party was told that they were in violation and that they should contact the City for information on other options. They have not done so. Also there has been some more complaints from neighbors concerning excess traffic.

Council discussed this and directed the City Recorder to send a letter to Mrs. Kenneth Hensen, Peninsula Rd., Florence, Oregon ordering her to stop her business or the City will abate the nuisance.

ROADS

J. Baumeister also brought up the fact that Woodland Lane is torn up in two places from residents cutting the black top to put in water lines.

The Council stated that Mr. Gerber was to draft an ordinance concerning road repair. Mr. Gerber stated that he had not done this but would have it by next Council meeting for sure.

COMP PLAN REVIEW

J. Gwilliam moved that the City Council reconvene the Public Participation Committee to review the Comp Plan to increase Dunes City's sphere of influence and to extend the City boundaries.

This was discussed and Mayor Petersdorf stated that the City can not extend their boundaries because they do not provide services

such as water systems and sewer systems.

The motion died for lack of a second.

JAMES CHOATE

Mr. Choates violation of his Temporary Permit was discussed. Mr. Choate has not complied with what he told Council in April. He has not removed the mobile home from the property on Berry Lane.

ACTION J. Gwilliam moved that the Temporary Permit for James Choate be revoked and that a letter be sent to Mr. Choate informing him of this and that his mobile home is to be removed before the next Council meeting or the City will abate the nuisance. Mr. Fillman seconded and the motion carried.

OFFICE REMODEL

Mr. Fillman presented to the Council the office staffs proposal for the office remodeling. This included moving the hot water heater to the mens room from the closet in the office. With this proposal was the request for another desk for the City Secretary.

ACTION J. Gwilliam moved that the proposal for the office remodeling be approved and that a new desk be purchased for not more than \$200. Mr. Schmale seconded and that motion carried.

The Mayor asked to have the final say on the desk.

YARD WORK

Mr. Fillman requested Council to reimburse him in the amount of \$10 for his expenses in doing the yard work.

ACTION J. Baumeister moved that Ed Fillman be reimbursed by the City in the amount of \$10 for his expenses and materials in doing the yard work around the building. J. Gwilliam seconded and the motion carried.

The record shows that E. Fillman abstained.

ZONING MAPS

B. Stocking stated to Council that in the back of the room are some zoning maps sent to the City by LCOG. They are to be looked at by each Councilperson to decide if they are correct.

X. ADJOURNMENT - 10:53

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Robert H. Hill

MAYOR

James Furkham

James E. Baumgartner

Robert Fillman

Debra K. Stinger

SECRETARY

Robert H. Hill

Darren S. Meach

BILLS MAY 15-JUNE 11,1981

AMERICAN BUSINESS MACHINES	95.69
(copies and service)	
FRANK'S OFFICE EQUIPMENT	
(service agreement I.B.M.)	84.50
(clean & service Smith Corona)	54.75
ACCOUNTING-JOE ENGLISH	410.00
BUILDING INSPECTOR-MORTIER	752.07
FLORENCE WELDING,service heater	25.00
LANE COUNTY POLICE PROTECTION	272.50
(service ending 6/6/80)	
P.N.B. TEL CO	24.17
P.U.D. (street lights)	270.90
(building)	17.90
SIUSLAW NEWS -publishing	30.34
READ INSURANCE	
(renew official Bond-Stocking)	50.00
TRAVEL -Stocking	8.50
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	2,096.32

BILLS PAID, NOT REVIEWED BY COUNCIL

BERNIE LA FORGE-Plumbing inspection	581.25
TRAVEL-april &may, Stocking	32.30
Stinger	2.21
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	615.76

TOTAL 2,712.08

RECEIPTS MAY 15-JUNE 11,1981

BUILDING PERMITS	1,233.35
COPIES	3.20
FEES	100.00
LIEN SEARCH	30.00
STATE OF OREGON CIGARETTE TX	282.22
HIGHWAY DIV.	1,306.08
LIQUOR CONTROL	812.98
P.U.D. FRANCHISE	270.90
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	4,038.73

REGULAR MEETING

OF

DUNES CITY COUNCIL

retyped due to original to light to copy

JULY 9, 1981

7:30 P.M.

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF MAY MEETING
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
- VII. REPORTS
 - A. planning commission E. P.W
- VIII. PUBLIC HEARINGS
 - A. Paul and Edith Ceske minor partition-Larry Fay
 - B. Lawrence Cooley, RE: nuisance abatement
- IX. OLD BUSINESS
 - A. Proposed road ordinance- Attorney Gerber
 - B. Occupancy permit-attorney gerber
 - C. Sand pit
 - D. Highway 101 zoning
- X. NEW BUSINESS
- XI. ADJOURNMENT

Oregon

Dunes City, Oregon
Minutes of the Dunes City Council
Regular Meeting
July 9, 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 9th day of July, 1981.

PRESENT: MAYOR PETERSDORF, D. MEALY, E. FILLMAN, J. Gwilliam
J. BAUMEISTER, R. SCHMALE, ATTORNEY GERBER, CITY
RECORDER B. STOCKING, SECRETARY D. STINGER

ABSENT: E. PASSENGER (excused)

There were 35 citizens present.

II. APPROVAL OF MINUTES OF JUNE 11, 1981

J. Gwilliam moved that the Minutes of June 11, 1981 be approved with any corrections. E. FILLMAN seconded and the motion carried.

III. BILLS AGAINST THE CITY

D. MEALY moved that the Bills against the City, totaling, \$3,452.66, be paid. J. BAUMEISTER seconded and the motion carried.

IV. RECEIPTS OF SESSION - \$2,760.05

V. CITIZENS INPUT ON UNSCHEDULED ITEMS - NONE

VI. CORRESPONDENCE AND ANNOUNCEMENTS

B. STOCKING stated that the City had received two letters in regard to the donation sent from the City to the Western Lane Foundation in memory of Jane Campbell. One letter was from the Western Lane Foundation and the second letter was from the Siuslaw Parks and Recreation District, since the money was earmarked to go to them.

VII. REPORTS

PLANNING COMMISSION - T. HUNT gave the report to the Council concerning the Special Meeting of the Planning Commission held on July 8, 1981, to consider two requests of the EPW-2 Project. One request was for the access road agreement between EPW-2 and property owners along North Pioneer. T. HUNT read the Findings of Fact and Conclusions of Law found by the Planning Commission along with the recommendation of the Planning Commission.

RECOMMENDATION:

The Planning Commission recommended to the City Council that North Pioneer Road be maintained as a 33' right of way up to the EPW-2 property, as a two way road for property owners along North Pioneer and for one way access to EPW-2 property owners. Tredels are to be installed at the EPW-2 property line to prevent egress from the property.

The second request was to add five building lots to the original PUD. This would involve an amendment of the original PUD. The Planning Commission moved to table this request until a survey was received and the City had all the correspondence between other governmental agencies and EPW-2.

The Council considered the recommendation of the Planning Commission for the roads. The Council was not sure if the road, North Pioneer was private or public or City owned.

ACTION

D. MEALY moved that the recommendation of the Planning Commission be tabled until the City finds out who owns the street, North Pioneer, and until the City receives the \$250 PUD fee from the EPW-2 project. J. BAUMEISTER seconded and the motion carried.

MR. WILKES, EUGENE, OREGON was present and stated that he had not received a statement for the \$250, from the City. He also talked of the 7' of roadway deeded to the County.

MR. GERBER stated that the City would have to go through a title company to find out about the road and the 7' of roadway. This would be at the City's expense unless otherwise stated.

MR. WILKES stated that he would get the report for the City.

VIII. PUBLIC HEARING

PAUL & EDITH GESKE - MINOR PARTITION
7804 28th Ave. E., Tacoma, Washington
Property located at 19-12-23-30 Tax Lot # 300, in Dunes City.

The Public Hearing for Geske's was opened at 8:00 P.M.

T. HUNT gave the Planning Commission's recommendation along with the Findings of Fact and Conclusions of Law.

RECOMMENDATION

The Planning Commission recommended to the City Council, approval of the Minor Partition for Mr. & Mrs. Paul Geske, with no conditions.

The Council had a short discussion on possible future subdivision on the 18 acre parcel.

MR. ROBERT COLLINS, 83605 MANZANITA DR., FLORENCE, OREGON was present and testified on the terrain of the property in question and gave the Council some information on possible subdivision.

MR. & MRS. ARTHUR SOLTOW, 5292 BERRY LANE, FLORENCE, OREGON were present and stated that they are adjacent property owners within 300' and received no notice of the Partition. B. STOCKING stated that a letter of the hearing was sent but was returned to the City for incorrect address.

MR. LARRY FAY, REALTY WORLD, FLORENCE, OREGON was present to represent the Geske's.

The Public Hearing was closed at 8:10 P.M.

ACTION E. FILLMAN moved that the City Council accept the Findings of Fact and Conclusions of Law found by the Planning Commission and grant the Minor Partition to Mr. & Mrs. Paul Geske, 7804 28th Ave. E., Tacoma, Washington, property located at 19-12-23-30 TL # 300, Florence, Oregon.

J. BAUMEISTER seconded and the motion carried.

PUBLIC HEARING

DON LEMKE - NUISANCE ABATEMENT
Property located at 19-12-14-1 Tax Lot # 1700.

The Public Hearing for Don Lemke was opened at 8:10 P.M.

MR. GERBER gave an explanation of the Nuisance Abatement. He explained it was brought to the Council's attention at the June 11, 1981 Council meeting, by citizens complaints.

J. GWILLIAM declared a conflict of interest because during excavation, Mr. Lemke damaged his water lines to his home. He felt that he could not act objectively in a decision, so he stepped down.

TESTIMONY FOR THE CITY

MR. GERBER asked HARRY MCLAIN, Green Gate Rd., Florence, Oregon (located in Dunes City) to answer some questions for the City.

H. MCLAIN gave a description of what he has witnessed from his property which is directly across the cove from the property in question. He also testified that the slope of the property is approximately 50% to 70%. He then went on to say that he first noticed the bulldozer on June 10, 1981.

Councilmembers, FILLMAN, BAUMEISTER, PETERSDORF, SCHMALE and MEALY stated that they had all observed or been on the property recently.

It was also found that there had been no plan for excavation filed with the City before the work started. According to the Dunes City Comp Plan, Map #43 and Zoning Ordinance page 9b, II, A. 1 a&b, anything with over a 16% slope must have a formal site review by the City Council and development will only be allowed after the applicant has supplied proof of safety of the proposed development. For purposes of this ordinance an engineering geologist's report or a foundation design by a licensed architect or engineer shall satisfy proof of safety of the development.

LEMKE TESTIMONY

MR. LARRY COOLEY, 630 Lincoln, Eugene, Oregon, testified as Mr. Lemke's attorney. He stated that they did not want to do the excavation, however, they were ordered to do so by a court judge. According to the deed of the property they had to create a beach. They could not get the deed to the property until this was done. It went through a court hearing and the judge decided that the beach would have to be built.

MR. DON LEMKE, 3755 Emerald, Eugene, Oregon, stated that they would like to get rid of the whole mess. They didn't want to do it in the first place. They just want to make everyone happy. He stated that they would replant or do whatever the Council wished.

Council asked Mr. Lemke and Mr. Cooley why they did not come to the City for information on the Zoning Ordinance. MR. LEMKE and MR. COOLEY stated that they had correspondence with the City and asked about the ordinances and found that nothing could be done within 50' of the lake and none of what went on violated that ordinance. They told the judge that they didn't feel the excavation would comply with Dunes City's Ordinances but he still said go ahead.

MR. GERBER stated that he had had correspondence with MR. LEMKE and MR. COOLEY about the ordinances, however, there was never any request for testimony from the City.

TESTIMONY FROM CITIZENS

The City heard testimony from the following citizens:

HARRY MCLAIN, Green Gate Rd., Florence, Oregon.....potential pollution to Woahink Lake and residents using water from the cove involved.

MR. JACK GARRISON, 5479 Huckleberry Lane, Florence, Oregon.....potential pollution to residents water system and lack of engineering know-how on the excavation.

MR. JOHN SAMPSON, View Terrace, Florence, Oregon.....what previous excavation did to the cove years ago and what could happen again.

WELLS SMITH, View Terrace, Florence, Oregon.....what previous excavation, years ago did to the cove and the hillside.

EARL CHAPMAN, 84290 Alder Dr., Florence, Oregon..... the cove is small and shallow and can't take any more erosion. It will fill up.

T. HUNT, Leavitt Loop, Florence, Oregon.....here as a member of the Planning Commission and as a citizen on Woahink Lake. The cove is shallow and if anymore sediment goes into the cove there will not be enough water in it to set a pump into for a water system. Also the Planning Commission made a site review of the property on June 22, 1981.

Letter read from: PAUL HOLBO, Green Gate Rd. Florence, Oregon.... destroying water for residents and the drastic change in the area if the beach is allowed to be put in.

Letter read from: L. H. LIND, P.O. Box 328, Florence, Oregon.... ..destruction of water supply and pollution to Woahink Lake.

Letter read from :FRED H. FELBERG, California.... replied as an absentee owner. Will go along with any legal action that might take place, to stop the spoilage along the Woahink Lake cove.

REBUTAL

MR. COOLEY stated that they didn't want to do it in the first place and just want to correct it now.

The Public Hearing was closed at 9:35 P.M.

The Council discussed several ways that the problem could be corrected.

MR. GERBER explained some of the Council's options. He also explained that there had been a lot of testimony against the excavation and feeling that the lake would be polluted from the spoilage if it should erode into Woahink Lake. MR. GERBER went on to say that the Council must decide whether they feel that the lake would indeed become polluted.

All Councilmembers agreed that the lake would become polluted.

MR. GERBER read to the Council the Findings of Fact and Conclusions of Law found.

ACTION D. MEALY moved that the Council accept th Findings of Fact read by Mr. Gerber. J. BAUMEISTER seconded and the motion carried.

ACTION E. FILLMAN moved that the City Council accept the Conclusions of Law read by Mr. Gerber. D. MEALY seconded and the motion carried.

The record shows that J. GWILLIAM was not present and did not vote,

MR. GERBER explained that now that the Council has found that a nuisance does exist, they must direct MR. LEMKE on how to resolve the problem.

This was discussed between Council and a few of the citizens that had testified.

ACTION

R. SCHMALE moved that the Council direct MR. LEMKE to remove as much of the spoil as possible and to build a dike to catch whatever else might erode into the lake. The other alternative would be to work with a three man committee appointed by the Mayor to see that the project is done to their satisfaction. The project is to be completed by September 1, 1981 and the committee is to report back to Council on the progress at the August 13, 1981 City Council meeting.

E. FILLMAN seconded and the motion carried.

The record shows that J. GWILLIAM did not vote.

MAYOR PETERSDORF appointed JACK GARRISTON, HARRY MCLAIN, and JOHN SAMPSON to the three man committee.

The Council recessed at 10:10 P.M. and reconvened at 10:20 P.M.

IX. OLD BUSINESS

ROAD ORDINANCE - MR. GERBER read to the Council a rough draft of a Road Ordinance for Dunes City. This is to protect the City from builders and developers destroying public roads when putting in water lines across the roads and not repairing them correctly or at all when the installation is completed.

ACTION

J. BAUMEISTER moved that a copy of the proposed ordinance be given to the Planning Commission and the Road Committee for further study and report back to the Council at the next Council meeting. E. FILLMAN seconded and the motion carried.

OCCUPANCY PERMIT - MR. GERBER explained that possibly an occupancy permit could be adopted so that persons building homes, would have to get this permit before they could occupy that home. This way the City could make sure that the roads were repaired before they would allow the persons to occupy the home.

ACTION

E. FILLMAN moved that this be turned over to the Planning Commission for further study and report back at the August Council meeting. J. GWILLIAM seconded and the motion carried.

SAND PIT - MR. GERBER stated that he researched this according to Council's instruction. He found that the Sand Pit is Zoned FF-20 and is owned by Whitey Lewis. This was zoned in August 1979. In an FF-20 zone, there is to be a conditional use permit for such an operation. MR. GERBER stated that he found no record of any such permit being issued.

Mr. Lewis has no vested right to continue this operation. The City can complain because it appears to be in violation.

ACTION

J. GWILLIAM moved that MR. GERBER write a letter to West Lane Planning Commission and County Commissioners protesting the Sand Pit Operation, on lot #100. This is in violation of the Dunes City Comp Plan and Dunes City orders that the County order the Sand Pit Operation closed. The City was not notified of the operation which is in violation in accordance with the letter of agreement with Lane County and Dunes City.

E. FILLMAN seconded and the motion carried.

HWY 101 ZONING - MR. GERBER stated that the three parcels along HWY 101 that were zoned Tourist Commercial [TC], were the Myrtlewood Shop, the Mobile Home Park, and the Porcelaine Shop.

The Myrtlewood Shop came before Dunes City in November 1978. The owner indicated that he need additional space to store lumber. He requested that the entire lot be zoned TC. The Planning Commission said he should get the first 400' because that is as far back as his operation went. This was approved by the City and a letter was sent to the West Lane Planning Commission. This was before the Comp Plan and our agreement with Lane County. Apparently Lane County approved the entire parcel as TC. It appears that the City did not receive notice of the hearing before the Planning Commission.

The Mobile Home Park, the Glen Thompson property. The Mobile Home Park is in Dunes City. North of that parcel lies another parcel. They wanted this zoned TC so that they could put a Mobile Home Park in there. The City was asked to comment on AGT 5 and somewhere along the line this was zoned TC and the City was never notified of the zoning. The City did have a letter of agreement with the County at that time.

The Porcelaine Shop was rezoned TC in 1979. The City was not advised of this zoning.

MR. GERBER stated that what the City can do is to go to the Myrtlewood Shop and the Porcelaine Shop and ask that they go along with the City in some Covenant, Conditions and Restrictions, [CC&R's] as Martha Jakob did. As for the Glen Thompson property, since there is nothing on it, the City can contest the zoning with LCDC.

SHIRLEY MERZ stated that Dunes City has always been on record opposing any TC Zoning South of Honeyman Park.

MR. GERBER was directed by the Council to write letters to the Myrtlewood Shop and the Porcelaine Shop asking that they go with the City on some CC&R's.

MR. GERBER was also directed to write a letter to LCDC contesting the TC zoning on the Glen Thompson property.

X. NEW BUSINESS

BOUNDARY COMMISSION - MAYOR PETERSDORF stated that the legislature voted last week to keep the Boundary Commission on an over 2/3 vote. The Council discussed this and decided the Dunes City has contested the Boundary Commission over and over and did not feel that it was needed in this area. Dunes City is the only coastal area that has to go by Boundary Commission decision.

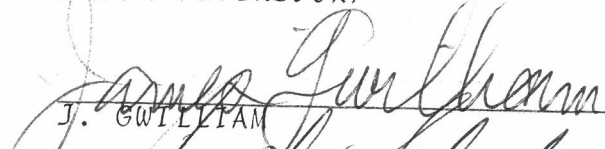
BOAT LANDING - J. BAUMEISTER brought up the fact that at the South end of Woahink, there is an old boat landing that is being used by the public. They are leaving terrible ruts and making a mess. He felt that the property owner should be notified of what was going on so that it could be posted to keep the public out. MR. WILKES stated that he thought this was on the EPW2 property and he would take care of it.

MAPS- The subject of the office tax maps and readout sheets were discussed. Council decided that the office should obtain a new set of readout sheets since so many of the addresses are incorrect and the mailings for Public Hearings are being returned. It was found that the maps could be ordered by the page. Each time one is found incorrect, a new one should be ordered.

XI. ADJOURNMENT - 11:20 P.M.


MAYOR PETERSDORF

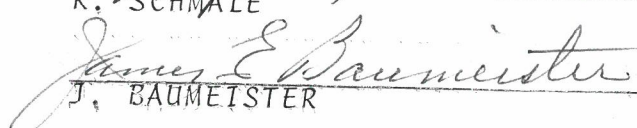

SECRETARY - DEBRA K. STINGER


J. GWILLIAM


E. FILLMAN


R. SCHMALE


D. MEALY


J. BAUMEISTER

RECEIPTS OF SESSION JUNE 12-JULY 9,1981

BLDG PERMITS	506.02
BLDG RENTAL	60.00
COPIES	2.00
LANE COUNTY ROOM TAX	198.66
LIEN SEARCH	20.00
FEES- Bucko Minor Partition	100.00
FRANCHISE SIUSLAW SANITARY SERVICE	300.00
SECURITY DEPOSIT-Jakobs	150.00
STATE OF OREGON Hwy. Div.	1,170.79
Cig. Tax	252.58
	<hr/>
	2,760.05

BILLS OF SESSION JUNE 12-JULY 9,1981

BLDG INSPECTOR E. MORTIER	74.25
DUES O.M.F.A.	10.00
L.C.O.G.	332.00
FRANK'S OFFICE EQ. Supplies	24.35
RON GERBER-CITY ATTORNEY	1,091.16
" " Jakob-Maintenance Grant fund	716.48
MIKE JOHNSON ROADS	330.00
P.N.B. TEL. CO.	28.51
P.U.D. Bldg. 17.10	288.00
Street Lights 270.90	
SIUSLAW NEWS Legal notices (budget)	251.23
SIUSLAW SANITARY SERVICE	17.55
MARTHA JAKOB-Costs	100.00
MONTGOMERY WARD-Desk	167.69
TRAVEL- B.STOCKING	11.05
	<hr/>
Bills Paid, Not reviewed	3,442.52
POSTMASTER BOX RENTAL	7.00
OFFICE SUPPLIES	3.14
	<hr/>
	10.14
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	3,452.66

DUNES CITY COUNCIL
ADDENDUM TO THE MINUTES OF JULY 9, 1981

Don Lemke Public Hearing

City's Testimony

Mr. Harry McLain, Green Gate, Florence, Oregon spoke for the City.

Gerber: Have you seen this area out there?

McLain: Yes

Gerber: Have you seen the slope being excavated?

McLain: Yes

Gerber: Does the slope appear to exceed 16%.

McLain: Yes

Gerber: What grade would you estimate that to be?

McLain: 50-70%, I'm not an engineer.

Gerber: What's being done out there?

McLain: On the 10th of June I heard the bulldozer. This did not surprise me because of all of the building going on along the lake. I left for the day and returned to be amazed that the mountain across from me had been taken off and a transverse cut that looked like a road was being made. All of the spoils from this operation had been shoved over the hill. In this country, any time you take off that thin coating of vegetation and push that sand out, you have an erosion problem. My immediate reaction was several hundred yards of loose spoil, which if we had a real tough rain, we would have had a brown cove and all of our water systems in that cove and most of them are about 18 to 24 inches above the bottom. This would have sanded in most of our systems. I contacted the Mayor who suggested that I come to the City Council meeting that happened to be meeting that evening. Mr. Garrison and I went to the meeting and asked that some sort of nuisance abatement procedures take place and the Council granted this. This next morning Mr. Garrison and I met at 7 the time the dozer started and waited for the abatement order to be served. When it was, the dozer retired.

Gerber: Are the spoils being pushed over the slope?

McLain: Yes

Gerber: Does that run down into a gully?

McLain: Yes there is a gully. This drains directly into the lake.

Gerber: How close are the spoils to the lake?

McLain: Only on one corner it looks like they are less than 50' but with rains it will be closer.

Debra K. Springer
Secretary

Samuel H. Steel
Mayor

James J. Guitham

Samuel H. Steel

Ed Fillman

AGENDA

REGULAR MEETING

DUNES CITY COUNCIL

AUGUST 13, 1981

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF JULY 9, 1981 MEETING
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
 - A. Boundary Commission
 - B. Hod Johnson
 - C. Public Hearings information
- VII. REPORTS
 - A. ATTORNEY GERBER
 - 1) Road Ordinance
 - 2) Sand Pit
 - 3) Occupancy Permit
 - 4) Lane Co. Hearing RE: adopting Coastal sub-area Plan
 - B. RAY BURNS: LANE COUNTY SANITARIAN: REQUIREMENTS
 - C. BUDGET REPORT
- VIII. EXECUTIVE SESSION: a) Litigation b) Personnel matters c) negotiations
- IX. PUBLIC HEARINGS
 - A. LEE BUCKO - MINOR PARTITION
- X. UNFINISHED BUSINESS
 - A. DON LEMKE - ABATEMENT
 - B. CLARK ABATEMENT
 - C. CHOATE ABATEMENT
 - D. EPW-2: RE: ROAD PROPOSAL : NORTH PIONEER , Private? or Public?
- XI. NEW BUSINESS
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING

AUGUST 13, 1981

MINUTES

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf at 7:34 P.M. on the 13th day of August, 1981.

ROLL CALL

Present: MAYOR PETERSDORF, E. FILLMAN, J. Gwilliam, J. BAUMEISTER, R. SCHMALE, E. PASSENGER, ATTORNEY GERBER, CITY RECORDER, B. STOCKING, SECRETARY D. STINGER

Absent: D. MEALY (arrived late at 7:37)

There were 12 citizens present.

II. APPROVAL OF MINUTES OF JULY 9, 1981

MR. GERBER stated that the minutes to July 9, 1981 meeting were incomplete. On the Lemke discussion, the testimony was not complete. He felt that the tape should be gone over so that all of the information be on the written record.

MR. FILLMAN moved that the minutes of July 9, 1981, be approved as corrected. J. BAUMEISTER seconded and the motion carried.

III. BILLS AGAINST THE CITY

Bills against the City totaled \$2,860.90. J. Gwilliam moved that the Bills be paid. E. PASSENGER seconded and the motion carried.

IV. RECEIPTS OF SESSION - \$5,211.08

V. CITIZENS INPUT ON UNSCHEDULED ITEMS

MR. SAMPSON , Road Committee Chairman, gave a report on what had gone on with the roads in the last month. He stated that \$5,540.00 had been paid to Ray Wells for black top. Also Laskey-Clifton had done some brush cutting along some of Dunes City's roads. This will come to about \$800.00. The total of all of the work should be approximately, \$6,340.00. MR. SAMPSON also brought up the fact that several driveways are being put in without culverts. Dunes City has a Culvert Ordinance #66 that requires culverts in driveways going onto City streets.

Council discussed this and suggested to the City Recorder that this Ordinance be shown to the Building Inspector, so that he may start looking for this in new driveways so that the City can enforce the Ordinance.

VI. ANNOUNCEMENTS

Boundary Commission - Intent to Levy Assessment

This was discussed by Council and Mr. Gerber. The question arose, what would happen if we did not pay the assessment to the Boundary Commission. The answer was that if something concerning Dunes City had to be considered by the Boundary Commission, the Commission would demand payment before they would hear the case.

ACTION

J. GWILLIAM moved that the fee be tabled until the budget can be looked into and the attorney can check Chapter 265.
E. FILLMAN seconded and the motion carried.

Public Hearing Information

B. STOCKING announced that the office now has a Hearings Board and Calendar giving information on all of the hearings that are coming up. They will be listed by number with the information that goes along with each hearing. If anyone is interested in any of the hearings they can check in the office.

VII. CORRESPONDENCE

Western Homes and Land Company - MR. GERBER stated that he had correspondence from Western Homes and Land Company stating that they felt that the findings a that nuisance does exist is unwarranted. He went on to say that we will have to wait and see what happens by September 1. Since there is a threat of litigation, discussion should be withheld.

Public Utility Commissioner - There has been an application before the Public Utility Commissioner for a PUC for a bus line between Florence and Eugene, from the Oregon Coastline. This was discussed by Council. It was found that only one PUC would be issued for such a run. There is also a proposal by a Mr. O'Connell for the same run. After more discussion it was found by Council that Mr. O'Connell's proposal was the most sensible one and Council decided to have a letter endorsing the O'Connell proposal sent to the hearing to be held on August 25th, 1981.

VIII. REPORTS

Road Ordinance

Attorney GERBER explained the idea of the road ordinance. The Council and Attorney GERBER went through the rough draft of

the ordinance . It was decided that the ordinance should read that within " five working days the road would have to be repaired."

MR. GERBER stated that he would have a final draft ready by the next meeting and the first reading could take place.

Sand Pit on Hwy 101

MR. GERBER stated that he received a copy of a letter from the County to Mr. & Mrs. Lewis indicating that the Sand Pit on the West Side of Hwy 101 is zoned FF 20 and that quarrying would require a Conditional Use Permit. There is no CUP and if one is applied for there will be notice of a hearing and Dunes City will be notified. As long as the quarrying does not continue there is nothing to worry about, however, we will all have to keep our eyes open and watch the property.

Occupancy Permit

MR. GERBER discussed this proposed permit with Council including the recommendation of the Planning Commission concerning this permit. MR. GERBER stated that the adopting of this permit would require that the Zoning Ordinance be amended and this would require public notice.

ACTION E. FILLMAN moved that the City Council instruct the attorney to go ahead with the occupancy permit and draft up an amendment to the Zoning Ordinance as discussed. E. PASSENGER seconded and the motion carried.

Budget Report

MAYOR PETERSDORF stated that it is getting late so he was not going to read his report, but anyone that would like to have a copy to read can get on from the recorder.

Lane County Hearing - Coastal Sub-area Plan

MR. GERBER stated that we sent comments on this. The hearing date has not yet been set, however the City should be receiving notice soon. This should all tie into the HWY 101 Zoning problem.

Hwy 101 Zoning West of HWY 101

MR. GERBER stated that we had sent letters to all three lots involved. We have received comment from all three lots.

Lane County Sanitarian - Roy Burns

The Lane County Sanitarian, Roy Burns was present to give some information to the City concerning the septic system in Dunes City.

MR. BURNS stated that Dunes City is one of three Cities in Lane County that consist of a large area run on septic systems. He gave the City a set of Oregon Administrative Rules of the DEQ for the office. He stated that he will send updated material when needed. His purpose is to get these permits properly issued. He is here to help the City with any problem or possible problem that may arise. There is a representative in Florence on Wed. & Thurs. Consider his staff at our disposal.

Resignation

DARREN MEALY read into the record his letter of resignation. He greatly regrets having to resign, but has found employment in another area effective August 25, 1981.

IX. PUBLIC HEARING

MINOR PARTITION - Lee Bucko
19-12-11
5400 Old County Rd., Florence, Oregon
P.O. Box C

The Public Hearing was opened at 9:06.

Secretary D. STINGER gave the Planning Commission report of the public hearing held in front of the Planning Commission on July 15, 1981. The Planning Commission recommended to the City Council approval of the Minor Partition for Mr. Lee Bucko with two conditions.

Mr. Bucko was present to represent himself. He stated that he has placed a restriction on the middle parcel that now has the barn on it. He stated that the restriction states that there can be no structure within 200' between the barn and the existing home. This is for privacy reasons. This means nothing West of the barn.

It was found that the easement for parcel three was not written on the plan but will be later when the final plan is drawn up.

The fact that parcel three does not have septic approval was discussed. MR. GERBER stated that it has been Dunes City's policy that they approve no partitions unless all parcels have septic approval. This is to prevent from approving any unbuildable lots.

Also Council discussed the possibilities of the easement being considered as a street and this would mean this should be a Major Partition. It was found later that this easement would not be considered a street.

The Public Hearing was closed at 9:21.

MR. GERBER stated that parcel three could be partitioned, but it would state with intent to partition until septic approval is obtained for parcel three.

ACTION

MR. FILLMAN moved that the Minor Partition for Mr. Lee Bucko, 5400 Old County Rd, Florence, Oregon 19-12-11, be granted, with adopting the Findings of Facts and Conclusions of Law found by the Planning Commission and with the following conditions:

1. An intent to partition will be granted to parcel's 2&3 when septic approval situated on parcel #3 has been granted.
2. Legal description of the easement to parcel #3 is recorded.

D. MEALY seconded and the motion carried.

X. UNFINISHED BUSINESS

Lemke Abatement

MR. HARRY MCLAIN , a member of the three man citizens committee to work with Mr. Lemke, was present and stated that they have had no contact with Mr. Lemke. They have tried to call and none of the calls were returned by Mr. Lemke.

Council discussed some of their options. MR. GERBER stated that fines and penalties are still hanging. All the Council has done is find that a nuisance does exist and has told Mr. Lemke that he must fix it.

MR. WILBUR TERNYIK, Florence, Oregon was present and stated that he was contacted by Mr. Gene Wobbe on how to clean up the mess. Mr. Ternyik stated that he was not looking for a job, he was just doing a favor for Mr. Wobbe. He presented to Council a plan, according to him, how the mess could be taken care of in the most effective way. He went on and explained this plan to the Council. He felt that this would cost approximately \$12-1500.00 and the work would take about a week to do.

Council discussed Mr. Ternyik's plan and decided that they gave Mr. Lemke until Sept. 1, 1981, to do something, so they could not hire anyone to do anything until after that date. Council decided that they would hold a special meeting of the Council on Tues. Sept. 1, 1981 at 7:00 P.M. to discuss Mr. Lemke's abatement proceedings.

Clark Abatement

The City Recorder explained that this has been going on for several months and so far no one has been able to find who owns the property. Mr. Gerber was supposed to contact the rural fire department to see about having them burn down the building

on the property and then the City would place a lien against it. MR. GERBER stated that he had forgotten to do this and that he would do it right away.

Choate

Mr. Choate's Mobile Home is still on the property on Berry Lane. A letter from Mr. Choate was given to the Council. It stated that he no longer lived in the mobile and planned to remove the mobile at his earliest convenience. MR. GERBER asked if an order was sent to Mr. Choate in June stating that his Temporary Permit was revoked. This had not been done. He stated that it should be done right away.

EPW-2 - North Pioneer

Council stated that Mr. Wilkes was to come up with some sort of report on the findings of that road. The City found that the original plot states that the road was dedicated private.

XI. NEW BUSINESS

MR. GERBER stated that he received a letter from Attorney Monte asking about a lot owned by Esther Moore, located at 19-12-14-1 Lot #105. This lot appears to have no easement and possibly landlocked. Mr. Monte wanted to know what subdivision ordinance created this subdivision.

Council discussed this and looked at the office maps and office records. This subdivision seems to have been done illegally. It also appears to be a Todd Briggs subdivision.

Also another piece of property along Huckleberry Lane was discussed. This is now being excavated and should be looked into to see if this has ever been subdivided.

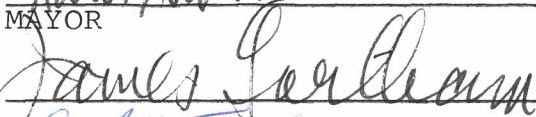
Proposed Ordinance - Gerber

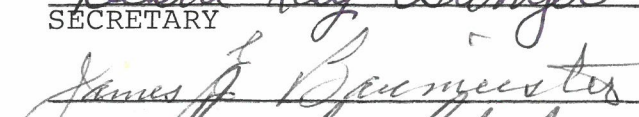
MR. GERBER gave the Council a proposed Ordinance that would amend Ordinance #69 dealing with the City's authority to deny issuing of Building Permits. This should be looked over and will go before the Planning Commission for input and discussed at the next Council meeting.


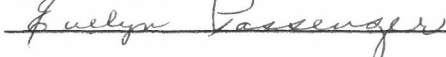
XII. ADJOURNMENT - 10:45

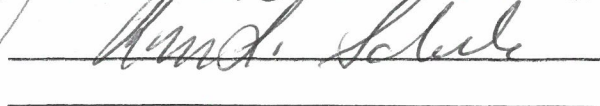

MAYOR


SECRETARY







RECEIPTS OF SESSION JULY 10-AUGUST 13, 1981

Building Permits	\$ 1,000.84
Building Rental	25.00
Copies	3.50
Fees (Smith C.U.P.)	75.00
Lane County Room Tax	173.94
Lien Search	30.00
State of Oregon	
Cigarette Tax	163.73
Highway Tax	1,121.90
Liquor Control	913.37
P.U.D.	541.80
U.S. Govt. Revenue Sharing	1,162.00
	<hr/>
	\$ 5,211.08

BILLS OF SESSION JULY 10-AUGUST 13, 1981

Officesupplies (D.Stinger)	3.37
Sargent Sowell Street signs	115.18
Lane County Survey Maps	5.80
Galeria- office	9.25
P.N.B. Tel. Co.	26.30
West Lane Plumbing-Streets	57.86
Copeland-streets	8.50
Siuslaw News Publishing	5.85
Coast to Coast-Office Eq.	23.97
Read Insurance Note: Endorsement will follow amending the fire rate for approx. \$138.00 credit.	1,411.00
J.D.Enterprises Electrical	163.65
Central Lincoln P.U.D. street lights	270.90
Bldg	21.80
Emile Mortier Bldg. Insp.	540.39
Travel-B. Stocking	18.20
Lakeshore Plumbing Moving Water Heater	100.00
	<hr/>
	\$2,782.02

Paid, Not reviewed by Council

Gov't. Surcharge, Bldg. Permits	60.88
Postage	18.00
	<hr/>
	78.88

\$2,860.90

Dunes City, Oregon
Minutes of the City Council
Special Meeting
September 1, 1981

Don Lemke - Nuisance Abatement

Public Hearing

The Special Meeting of the Dunes City Council was called to order at 7:19 on the 1st day of September, 1981, by Mayor Petersdorf.

ROLL CALL

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

Absent: J. Gwilliam, J. Baumeister, (excused)

There were 10 citizens present.

The Public Hearing was opened at 7:20 P.M.

MR. GERBER gave a brief update on the LEME NUISANCE. He stated that he had received a letter from Western Homes and Land Co., Bob Briggs, and they did not believe they should be involved in the nuisance abatement. They did not authorize MR. LEMKE to do the work. MR. LEMKE should be responsible for his own actions.

MR. BRIGGS has offered in the spirit of compromise, \$500 without admitting liability. this \$500 would be for whatever the City would apply it to.

Also in the letter from MR. BRIGGS, he argued that debris never did go within the 50' setback from the lake. MR. GERBER stated that the City never did state this as a violation. Also MR. BRIGGS brought up the fact that the wrong ordinance was referred to in the STOP WORK ORDER. MR. GERBER stated that on page two of the order, where it refers to Ordinance 51, Sect. 1, Par. 2, for the first time, is incorrect. This should read Ordinance 50, Sect. 5.2, Par II.

MR. GERBER had a letter in response to MR. BRIGGS'S letter, It had not gone out to Briggs yet, however, MR. GERBER summarized it for the Council.

It stated that in nuisance, liability is strict. The word strict isn't used in a disciplinary way. It means that you are liable regardless of whether you had any intent to do something wrong. The fact is that in a court for a nuisance, the property

owner is strictly liable for correcting them, otherwise if he wasn't, the City of the County would be in the position of not being able to abate the nuisance.

MR. GERBER went on to say that he agreed with MR. BRIGGS that they were not in violation of the 50' setback. He did not respond to the \$500 offer to the City. He stated that he would present it to the Council.

ACTION E. PASSENGER moved that the working of the order be changed to read, Ordinance 50, Sect. 5.2, Par. II. E. FILLMAN seconded and the motion carried.

MR. GERBER stated that MR. LEMKE contacted him shortly before the meeting advising that he had a proposal for the City. This is an engineers proposal on how to complete the project on the lake. MR. LEMKE requested the opportunity to present that proposal to the City Council tonight. He asked whether this was appropriate or not. MR. GERBER advised him that the City Council can consider it if it wishes or it can refuse to consider it. The primary purpose of this meeting is to consider what steps to take to abate the nuisance if it was not abated in the time frame given to the violators.

MAYOR PETERSDORF then had MR. LEMKE come forward and present his engineers study to the City and the citizens present.

MR. LEMKE stated that as he understood from his legal counsel, he needs to present to Dunes City a plan of the complete project to get their approval so that the project can be completed or so it can be stopped. He stated that he does need to formally present this to the City Council in order to end his dispute with BOB BRIGGS when they go back to court.

MR. LEMKE then gave a copy of the proposal to the Council and put another one on the wall for the citizens to see.

MAYOR PETERSDORF called a brief recess so that the plan could be studied. (7:29)
The meeting reconvened at 7:31.

MR. LEMKE then proceeded to explain the proposal. This included the cuts in the property that have already taken place and those that would have to be done to complete the agreement with BOB BRIGGS.

MR. GERBER asked MR. LEMKE if he had talked to MR. BRIGGS about this proposal. MR. LEMKE stated that MR. BRIGGS had sent him a letter discussing building a beach in this way, but no he had not spoke to MR. BRIGGS about this proposal.

MR. GERBER stated that we do not know that his proposal would be acceptable to MR. BRIGGS and somewhere down the line someone could order it done differently.

MR. LEMKE stated that what he is attempting to do is to get some sort of approval to do it or not to do it.

MR. GERBER asked MR. LEMKE if he had ever heard of Tendering an Offer of Performance. This is telling a person that you are prepared to do "this and this" and if he rejects it, you are then in the position to go to court and say that we offered the performance and he refused it. If what you did was sufficient, you are OK, if it wasn't, the court will tell you so, and will tell you to do a few things different.

MR. LEMKE stated that with BRIGGS in a court of law, they did have diagrams of how the beach was to be built.

MAYOR PETERSDORF then asked for citizens to give input and ask MR. LEMKE any questions.

MR. JACK GARRISON, Florence, Oregon asked Mr. Lemke if he wanted to do the project. MR. LEMKE stated that he perferrs not to. MR. GARRISION then asked why he was proposing this plan to the Council. MR. LEMKE stated that he was obilgated to MR. BRIGGS by contract to do this beach of 100' X 150' at this location. MR. GARRISON asked if he was trying to provide a basis for testimony for future lawsuit and MR. LEMKE said yes. MR. GARRISION asked MR. LEMKE if the only reason he were here tonight was to get something in the Council minutes to take to a court of law. MR. LEMKE said yes.

MR. MACHIDA, Florence, Oregon stated that no one here was going to stand for the Council approving anything until the problem of the erosion was solved.

MR. GARRISION stated that he felt that this was a waste of time since none of this has to do with what the Council has met tonight for.

MR. GERBER asked MR. LEMKE if he understood that he has been found to have created a nuisance in addition to whatever MR. BRIGGS responsibilities might be. The City has found you, personally responsible.

MR. GARRISION asked MR. LEMKE why he never did return any of the calls that the citizens committee made to him. MR. LEMKE stated that he talked to MR. GENE WOBBE and Mr. Wobbe said he would talk to you and so it was turned over into Mr Wobbe's hands. the next thing he knew he had gotten a letter stating that nothing had been done in the way of resolving the nuisance and there would be a special meeting on September 1. He understood that Mr. Wobbe had met with MR. TERNYIK and he felt that he had given them a job to do. MR. GARRISION asked again, if MR. LEMKE had ever made an attempt to return his calls. MR LEMKE stated he had not. MR. LEMKE stated that MR. WOBBE was to contact MR. GARRISION. MR. GARRISION stated that he did and said that he did not want anything to do with it that he was turning it over to MR. TERNYIK.

DR. SCHOCKELT, 84403 Green Gate, Florence, Oregon stated that he did not feel that any of this was pertinent. The problem is the erosion and this has to be taken care of before the catastrophe .

MR. MACHIDA stated that we don't care about any agreement that was with MR. BRIGGS. It was wrong in the first place.

MR. LEMKE stated that they never did get a complete set of Ordinances from Dunes City when they were in trial with Mr. Briggs. They asked but never did receive them.

MR. GERBER stated that MR. TERNYIK was at Council in August and stated that he was there for Mr. Wobbe. He later came to him and stated that he did not realize that he was there as an agent for MR. LEMKE had contacted MR. WOBBE and Mr. Wobbe contaced Mr. Ternyik.

MR. HARRY MCLAIN, Green Gate, Florence, Oregon stated that he is representing himself and five other residents, MR. HOLBO, MR. FELBERG, MR. BAKER, MR. DILLAND and MR. LIND. They are all in agreement with what MR. TERNYIK has proposed to do to solve the erosion. They all feel that MR. TERNYIK has a good track record and is an expert in his field.

Also everyone in the three man citizens committee is in agreement with the proposal. This is MR. MCLAIN, MR. GARRISION and MR. SAMPSON.

MR. GARRISION then asked MR. LEMKE if in fact MR. TERNYIK represents him and LEMKE said no.

PASSENGER stated the facts from the minutes of July 9, 1981 City Council meeting. This states that MR. LEMKE had until August 31, 1981 to complete some sort of project to stablize the hillside. She stated that he did not meet with the three man committee and no one has heard from him until now.

MAYOR PETERSDORF asked MR. LEMKE if he had anything further to say. He did not.

The Public Hearing was closed at 7:50.

The Council discussed the proposal that MR. LEMKE presented.

Action E. PASSENGER moved that the proposal presented by MR. LEMKE be rejected entirely. MR. FILLMAN seconded and the motion carried.

MR. GERBER then gave a brief on the City's options. they can adopt a program or do nothing about a progrm. He stated that there has been some interest shown by neighboring citizens of the offending property , in helping the City finance the erosion project. This loan would not have to be paid back to the citizens until the lien against the property was paid.

After more discussion the Council directed the three man citizens committee to contact MR. TERNYIK before the City Council meeting on September 10, 1981, and get a bid and also get some information on the financing of the project. If possible, the project should get started as soon after the Council meeting as possible. Monday September 14, 1981.

There was some discussion on the bidding of the project. The City Charter states that anything over \$2000 for Public Improvement should go out for bids. This project was estimated at approximately \$2500. MR. GERBER stated that this does not actually come under Public Improvement, however just to be safe, the committee should have MR. TERNYIK get two bids. One for the revegetation and one for the excavation work.

Also the fact that City Ordinance 50, Sect 5.2 Par II A 1-a,b states that a geologists report on the stablization of the hillside. This was discussed and found to be a factor in holding the project up and also and expense. MR. GERBER stated that the City could waive this section for this particualr situation , however, this would set a precedent for future unstances. The Council discussed this further and felt that this was actually directed at structures and foundations, however, the language was broad enough to include this situation. They did feel though that it could be waived because they all felt that MR. TERNYIK was an expert in his field and his report would be sufficient.

ACTION E. PASSENGER moved that the Council waive Ordinance 50, Sect 5.2 PAR II,A 1-a,b and not require a geologist report because the City feels they have an expert opinion in WILBUR TERNYIK. E. FILLMAN seconded and the motion carried.

MR. GERBER then brought up the issue of cost and fines. He did feel that the Council should wait until the project is finished before they discuss this.

Also a title report was done on this property and it appears the title of the land is vested in Pioneer Title Company of Lane County. Also it advised us that they hold the title as a "trustee" in favor of Mr. & Mrs. Merle Hanson.

MR. GERBER stated that these two parties should be notified of the abatement.

ACTION MR. FILLMAN moved that the City Recorder send letters to Pioneer Title and Mr. & Mrs. Hanson notifying them of the abatment and that it will be on the agenda of the September 10 meeting of the City Council. R. SCHMALE seconded and the motion carried.

MR. GERBER stated that the Ordinance states that up to \$500 a day for each day of violation can be inflicted on the violator. This is for each ordinance that is violated. In this case there were two , so this would mean up to \$1000 per day could be placed on the violator.

The Council discussed the fact of waiting until the October meeting to discuss fines. This way they can wait until the work is done.

ACTION E. PASSENGER moved that the issue of fines be tabled until the October City Council meeting. R. SCHMALE seconded and the motion carried.

The record shows that J. GWILLIAM did not vote on any of the Lemke issue because of a conflict since his water system was damaged by the excavation done by Lemke.

OTHER BUSINESS

The Council had a short discussion on the Clark Abatment. MR. GERBER stated that he had contacted the Rural Fire Department and they would burn down the house and it would take about 1-2 months. Also they had found that electricity was still hooked to the house and the shed behind. The City Recorder was directed to call the PUD and find out who is paying the bills for this.

MAYOR PETERSDORF directed Council to come to the September 10 meeting with some recommendations for the Planning Commission position and the City Council position. Also the secretary has submitted a letter of resignation that will take effect Oct. 1, 1981. Anyone with a recommendation for that position, bring this also.

The fact that some members of the Council would be gone for hunting season at the regular October meeting was discussed. The Council changed the October meeting to Tues. Oct 13. This is the regular night for the Coast Guard Auxillary. They will have to be contacted.

ADJOURNED - 8:30

Robert A. Hillman
MAYOR

Debra Stinger
SECRETARY

Robert A. Hillman

Robert A. Hillman

Evelyn M. Passenger

AGENDA

REGULAR MEETING

DUNES CITY COUNCIL

SEPTEMBER 10, 1981

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF AUGUST 13, 1981
APPROVAL OF ADDENDUM TO MINUTES OF JULY 9, 1981
APPROVAL OF MINUTES OF SPECIAL MEETING SEPT. 1, 1981
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. PUBLIC HEARINGS
 - A. Bruce Smith- Conditional Use Permit
 - B. EPW-2- Amendment to PUD
 - C. Lemke
- VII. CITIZENS INPUT ON UNSCHEDULED ITEMS
- VIII. REPORTS
 - A. Roads
- IX. EXECUTIVE SESSION a) Litigation b) Personnel matters c) negotiations
- X. UNFINISHED BUSINESS
 - A. Gerber- Proposed Ordinance Amending #69
 - B. Gerber- Resolution est. fees fro Occupancy Permit
 - C. Gerber- Ordinance amending #50.
 - D. Gerber- Clark Abatment
- XI. NEW BUSINESS
 - A. Community Center Rental - Ed Fillman
 - B. City Council vacancy , Planning Commission vacancy
 - C. City Secretary Resignation
 - D. Peterson Complaint: Passenger
 - E. Senate Bill 898: Cable TV Systems
 - F. PUD Street Lighting
- XII. ADJOURNMENT

Dunes City, Oregon

Minutes of the City Council

Regular Meeting

September 10, 1981

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf on the 10th day of September, 1981 at 7:30 P.M.

ROLL CALL

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

Absent: J. Gwilliam (arrived at 7:58)

II. APPROVAL OF MINUTES

E. FILLMAN moved that the minutes of August 13th be approved with corrections. R. SCHMALE seconded and the motion carried.

E. FILLMAN moved that the addendum to the minutes of July 9th be approved. R. SCHMALE seconded and the motion carried.

E. FILLMAN moved that the minutes of the Special Meeting of September 1, 1981 be approved with corrections. R. SCHMALE seconded and the motion carried.

III. BILLS AGAINST THE CITY

The Bills against the City totaled \$7,005.42.

Mr. Chickering was present as a representative of the Road Committee. He contested the bill for Ray Wells. He stated that on the bill for \$330.00, he had been quoted only \$250.00. He did not feel that the City should pay this bill until it is discussed further with Ray Wells. Also he was contesting the bill from Laskey-Clifton. He stated that the first day that they were in Dunes City cutting brush, their machine was not working properly. The hours listed on the bill are correct but the work done is not.

Also the Council questioned why this amount for road work was not put out for bids. It was found that the regular road chairman was out of town and the appointed chairman did not fully understand this provision from our City Charter. Also Mr. Chickering stated that the committee had intended for each job to be done separately and paid for separately.

The Mayor stated that Ira Mann is back now and should be contacted about these bills. He should get together with Laskey-Clifton and Ray Wells and discuss the invoices.

ACTION E. PASSENGER moved that the bills totaling \$645.42, excluding the bills for Ray Wells and Laskey-Clifton, be paid. E. FILLMAN seconded and the motion carried.

IV. RECEIPTS OF SESSION - \$3,908.30

V. CORRESPONDENCE

Mayor Petersdorf asked the secretary to read letters concerning the request for a left turn refuge at the intersection of Pacific and Hwy 101.

The first letter read was from Dunes City to Mr. Alfred Shirley Jr., Hwy Engineer for the State of Oregon. Since there had been additional funds available for Hwy work, Dunes City requested consideration for the left turn refuge at the intersection of Hwy 101 and Pacific Ave.

The second letter read was a response from Mr. Shirley stating that it is possible that the project can be done. It would have to be engineered and this would have to be done at a later time.

The third letter read was from Senator Dell Isham is response to the copy of the letter to Mr. Shirley that he received. He felt that this project should be done and he wants to be kept informed on the progress of it.

Mr. Chickering asked the Council if they had heard anything on the \$25,000 road grant that was applied for in July. the City has heard that it is being considered and that is all.

Some of the Council members stated that they had heard nothing of this grant being applied for and a short discussion on the grant was held.

VI. PUBLIC HEARING

Bruce Smith, 4711 Pacific Ave., Westlake, Oregon
19-12-34-2-1 Tax Lot #102

The Public Hearing for Smith was opened at 7:58.

The Planning Commission Chairman gave his report from the Hearing held by the Planning Commission on August 19, 1981.

The Planning Commissions recommendation to City Council was to approve the request for a Conditional Use Permit to Mr. & Mrs. Bruce Smith to finish their accessory building for Mrs. Smith's parents to live in with two conditions.

1. The accessory Building is never to be rented.
2. The kitchen facilities should be removed when the parents leave or a new permit applied for.

Mrs. Smith was present to represent herself, however, had no more comments to add.

J. BAUMEISTER questioned the location of the septic tank. According to the plot plan, it seems to be in the driveway. Mr. Hunt stated that this is allowable.

The Public Hearing was closed at 8:01.

E. PASSENGER stated that there had been some complaints from adjacent property owners that the letters they received informing them of the Conditional Use Permit request by the Smith's, did not state what the permit was for. This should be on the letters that are sent out.

ACTION

J. GWILLIAM moved that the City Council accept the Findings of Fact and Conclusions of Law found by the Planning Commission and approve the Conditional Use Permit request to Mr. & Mrs. Bruce Smith to finish their accessory building for Mrs. Smith's parents, at 4711 Pacific Ave., Westlake, Oregon, with the following conditions:

1. The accessory building is never to be rented.
2. The kitchen facilities are to be removed when the parents leave or a new permit applied for.

E. FILLMAN seconded, and the motion carried.

MAYOR PETERSDORF asked Attorney Gerber if the allowing of this permit was OK.

Gerber stated that he did not feel this would actually come under a Conditional Use or even a Variance. This was discussed further and it was decided that it would be allowed according to the Zoning Ordinance under allowing a duplex by conditional use.

The motion carried.

PUBLIC HEARING

EPW 2 - Amendment to the PUD

The Public Hearing was opened at 8:10 P.M.

The City Council looked at the past plot plans for the EPW2

project and the most recent plot plans for the project. This included the additional five building lots being requested.

MR. HUNT gave the recommendation of the Planning Commission. the Planning Commission recommended approval of the five additional building lots changing the PUD from 77 building sites to 82 building sites.

Mr. Wilkes was present to represent EPW2.

There was a discussion on the validity of the surveyors report that was submitted to the City. Some members of the Council did not feel that it was a good representation of the property. The idea of having an aerial photo of the property done was discussed.

Mr. Wilkes stated that if what was submitted was not satisfactory, they would provide whatever would be.

The subject of the project's water supply was discussed. The water permit submitted to the City allowed 37,500 gallons per day to be taken from the lake. this works out to be a little over 400 gallons per day for each home, which is not enough.

MAYOR PETERSDORF stated that the project has to work things out with the Boundary Commission. The Boundary Commission had already stated that if the water system fails, Dunes City will have to take it over and Dunes City does not want to get into the water business.

Mr. Wilkes stated that their Homeowners Association will take the place of Dunes City.

The Council decided that all of this will have to be worked out before final approval of the PUD can be given, but the Council can consider the request for five additional building sites tonight.

Public Hearing closed at 8:50.

ACTION R. SCHMALE moved that the City Council limit EPW2 to onedwelling per acre on 82 acres, with the condition that the City get a second opinion on the survey , from a qualified surveyor. J. GWILLIAM seconded and the motion carried.

PUBLIC HEARING

LEMKE - Abatement of a Nuisance 19-12-14-1 Tax Lot #1700

The Public Hearing was opened at 8:29.

The three man committee appointed by the Mayor, gave their report on the finding of bids to fix the hillside that was excavated by Don Lemke.

MR. JACK GARRISION, Florence, Oregon gave the report to the Council. He had two separte bids. One from J & V Construction for the excavating of the clean up project, for \$775.00.

The second bid was from Wave Beach Grass Nursery, for the revegetation and stabilizing of the hillside, for \$1.750.00.

MR. GARRISION stated that the bid from Wave Beach Grass stated that the site modification would be completed by September 19, 1981.

The application, as quoted by J & V Construction, of ryegrass straw mat with light sand over cover to flat road surfaces and sloping banks to be completed by September 25.

European beachgrass plantings will be done in season and completed by December 1 along with this the salal and huckleberry plantings will be done, weather permitting.

Planting of 2-0 Shorepine will be completed when commercial planting stock is available and should be completed by January 1, 1982.

There was also a question raised on whether the bidders would be covered by the City's liability insurance policy.

MR. GERBER stated that he had checked with the insurance company and they stated that this sort of thing has a risk of lawsuit and they don't like policyholders to get into these sort of things. MR. GERBER stated that he felt that if the City were really in the wrong on going ahead and doing this clean up work, the insurance company would have gotten back to us and said, "don't do it." GERBER stated that the City has the right to go on the property and fix the nuisance under the nuisance ordinance. The Council discussed and decided that the bidders, Wave Beach Grass and J & V Construction, should work as City Employees while doing the work so as to be sure they would be covered under the City's umbrella liability policy, Errors and Omissions.

GERBER stated that the work could commence on Tuesday, September 15, 1981, the contracts can be signed Monday night, Sept. 14, 1981.

ACTION PASSENGER moved that the City Council accept the proposals from Wave Beach Grass and J&V Construction for the work to be done on the Don Lemke and Western Homes and Land Company property located at 19-12-14-1 Lot #1700, in Dunes City and that the bidders work as City Employees while doing the work rather than indepenant contractors.

E. FILLMAN seconded and the motion carried.

MR. GARRISION stated that there were citizens that are willing to loan the City the money to finance the project. He stated that possibly five citizens at \$500 each. This is a rough figure.

ACTION J. BAUMEISTER moved that the City accept the proposal from the citizens to finance the project and should settlement of the lien result an obligation which bears interest, that interest would be passed on to those citizens.

The motion was seconded and carried.

VII. CITIZENS INPUT ON UNSCHEDULED ITEMS

MR. CHICKERING gave a presentation to the Council on a project to clean up the maps in the office. He stated that he had designed a map holder awhile back but after getting bids for it to be made, lowest one being \$140, he was told there was no money in the budget for this. He submitted to Council another plan, that would be buying some cardboard map holders, for about \$55 each. He also stated that he would volunteer his time to catalog and straighten the maps. They are now in a real mess.

The Council discussed this and it was found that there would be money for this map holder in the Community Building Improvements. The Council decided that the wooden map holder would be the best to have.

CTION E. PASSENGER moved that the City Council approve the request for a wooden map holder to be constructed and accept Mr. Chickering's offer to catalog and organize the City maps. SCHMALE seconded and the motion carried.

VIII. REPORTS

Roads- Mr. Chickering was the only Road Committee member present. He stated that when the committee applied for the grant they did a survey on all of the work on roads that needed to be done in Dunes City. He stated that as of now, approximately 20% of the work has been done.

The Council had a short discussion on the road committee funds and who has the power to decide how those funds are spent.

GERBER REPORT

MR. GERBER stated that he was contacted by Gary Darnell-LCOG, stating that it is time to do some updating on our Comp Plan. He requested to be on next months agenda to give Council a briefing on what has to be done.

MAYOR PETERSDORF stated that possibly the City would reactivate the Citizens Involvement Committee.

IX. UNFINISHED BUSINESS

Amendment to Ordinance #69- GERBER gave a brief on what the Ordinance was intended for. He also commented on the Planning

Commissions memo on their feeling of the proposed ordinance. They were not in agreement with the ordinance.

This ordinance would deal with granting the City the power to refuse to partition certain land owners, refuse building permits to certain contractors and developers and issue stop work orders to certain contractors and developers who have acted in the past in violation of municipal ordinances and refused to rectify that situation.

The problem some members had with the proposed ordinance was the fact that future owners of a subdivision would not be responsible for previous acts and that they should not have to keep paying that dues for that act.

After some discussion, it was said this ordinance is striving for Compliance of these subdivisions. A new owner would have to bring the property up to compliance with municipal ordinances before building permits would be issued , ect.

Another point of the ordinance is that the proposed ordinance states that a hearing would be held only in front of the Planning Commission and not in front of the Council too. The Council has to decide if they would want a hearing in front of them too.

After more discussion and some more discussion from the Planning Commission Chairman, T. Hunt, the Council decided to take this back to the Planning Commission for more input and possible rewording.

ACTION J. GWILLIAM moved that the proposed ordinance to amend #69 be referred back to the Planning Commission for input and report back to the City Council at the October meeting. E. PASSENGER seconded and the motion carried.

Resolution for Fees- GERBER stated that this is premature since the Amendment allowing these permits has not been accepted by the Council yet.

Ordinance Amending #50 -

GWILLIAM moved that the City have the first reading of the amendment to Ordinance #50 by short title. FILLMAN seconded and the motion carried.

MR. GERBER gave the first reading of the amendment to Ordinance #50 by short title. Reading: AN ORDINANCE AMENDING NUMBER 50, PARAGRAPH E, TO SECTION SIX OF THE ZONING ORDINANCE ON PAGE 12. This is establishing an occupancy permit.

This Ordinance is to be Ordinance #70.

ACTION E. PASSENGER moved that the City Council accept the first reading of Ordinance #70, by short title. FILLMAN seconded.

ROLL CALL

Ayes: FILLMAN, SCHMALE, PASSENGER, BAUMEISTER, GWILLIAM

The record shows the vote to be unanimous.

Clark Abatement - MR. GERBER stated that he has contacted the Rural Fire Department and they have said that they would burn down the building on the property. Although they had found that there were still live electrical wires going to the house. B. STOCKING stated that she had contacted the PUD and they said they would have to have a meter number to identify the persons paying the bill. This has not been done yet. FILLMAN stated that he would do that tomorrow. Also MR. GERBER stated that Mr. Mortier, the Dunes City Building Inspector, has shown some concern with the City burning down this building.

X. NEW BUSINESS

Community Center Complaints- E. FILLMAN reported that he had several complaints concerning a party that was held in the Community Center on August 15, 1981. It was a loud and annoying party for several of the neighbors.

This was discussed at length by the Council. It was found that the application for the rental of the building does not clearly state what the City's policies are and the rentee's responsibility. Also E. PASSENGER stated that she should be notified of when the building is being rented so she can check on disturbances.

MAYOR PETERSDORF appointed a committee to work on revising the building rental application. These members were, E. PASSENGER, B. STOCKING, E. FILLMAN and D. STINGER.

Vacancies- MAYOR PETERSDORF stated that there were three vacancies Planning Commission, City Council and soon to be Assistant City Recorder. The City has one application for City Council and this was from Mr. Jack Freeland, who was in the audience. the Mayor stated that he would appoint a committee to work on the applications and screen them carefully and come up with recommendations before the next Council meeting.

Committee- R. SCHMALE, J. BAUMEISTER, E. FILLMAN

Also put the ad for Council and Planning Commission and one for the Assistant City Recorder, for one more week.

Senate Bill 898- GERBER discussed this with the Council. This Bill would allow Cable TV systems to do whatever they wanted to do and to show whatever they wanted to show.

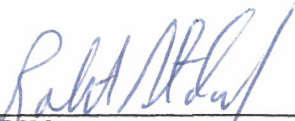
Council discussed this at length and asked GERBER if he would write a letter contesting this Bill 898. He agreed.

PUD Street Lighting- This was discussed. The PUD is increasing the percent of the franchise we have with them and concerning the street lighting, the amount of the franchise would be \$403.20 per month and their bill to us for street lighting would also be \$403.20 per month so it will still balance as it did before.

Building Inspector Contract- This was reviewed by Council. Mr. Mortier submitted a new contract to the Council for consideration. What he has changed is that he now is qualified to do Plumbing inspections. Bernie LaForge will now be an employee for Mr. Mortier and will be available to do inspections when Mr. Mortier is not available. The Council had a question on the wording of the contract and asked the City Recorder to contact and ask him about it.

Also MAYOR PETERSDORF stated that he would contact Mr. LaForge to be sure that he is in agreement with this contract.

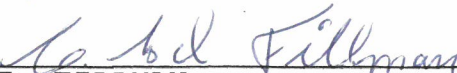
XI. ADJOURNMENT - 10:55



MAYOR




SECRETARY

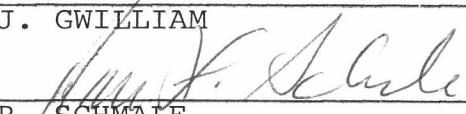


E. FILLMAN

J. GWILLIAM



E. PASSENGER



R. SCHMALE

J. BAUMEISTER