

DUNES CITY, OREGON

DUNES CITY COUNCIL

REGULAR MEETING

OCTOBER 13, 1981

AGENDA

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF SEPTEMBER 10, 1981
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF SESSION
- V. CITIZENS INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
 - A. League of Oregon Cities - Membership
- VII. REPORTS
- VIII. EXECUTIVE SESSION: a) Litigation b) Personnel matters c) negotiations
- IX. PUBLIC HEARINGS
 - A. LEMKE - Costs and Fines
 - B. EPW-2 - Condition #2- Second survey
- X. UNFINISHED BUSINESS
 - A. VACANCIES: City Council, Assistant City Recorder, Planning Commission
 - B. ROAD ORDINANCE
 - C. ORDINANCE AMENDING #50-Second Reading
 - D. BUILDING RENTAL APPLICATION
 - E. CLARK HOUSE
- XI. NEW BUSINESS
 - A. PETERSON COMPLAINT
 - B. UPDATE OF COMP PLAN - GARY DARNELL
- XII. ADJOURNMENT

DUNES CITY, OREGON

MINUTES OF THE CITY COUNCIL

REGULAR MEETING

OCTOBER 13, 1981

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf at 7:45 P.M. on the 13th day of October, 1981.

ROLL CALL

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

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

II. APPROVAL OF MINUTES OF SEPTEMBER 10, 1981

E. FILLMAN moved that the minutes of September 10, 1981 be approved with corrections. E. PASSENGER seconded and the motion carried.

III. BILLS AGAINST THE CITY

The Bills totaled \$9,585.63. E. PASSENGER moved that the Bills Against the City be paid. E. FILLMAN seconded and the motion carried.

Mayor Petersdorf explained that on the Ray Wells bill, there was a credit given for the work done on Woodland Lane and Kendall Lane.

IV. RECEIPTS OF SESSION - \$7,066.31

Mayor Petersdorf stated that the agenda would be moved a little so that Mr. Gary Darnell from LCDC could speak since he traveled a long way to be here.

COMP PLAN UPDATE

Mr. Gary Darnell of LCDC spoke to the City Council on Updating the Comp Plan. He stated that the Comp Plan does not have to be updated but every five years, however, Dunes City's Comp Plan calls for a review every two years. He stated that he did not see but a few items that need to be updated. His suggestion to the Council was to reestablish the Citizens Involvement Committee. This committee can then consider such things as population change, expanding the growth boundary, and water supply.

Mr. Darnell stated that he or one of his staff could be present at some of the meetings of the CCI. There should be a schedule of meetings set up so that citizens can give recommendations and at least one public hearing will have to be held. Also any changes that are to be made will have to be done by Ordinance. As Mr. Darnell closed, he stated that the City's Maintenance Grant should take care of any costs involved.

V. CITIZENS INPUT ON UNSCHEDULED ITEMS

Kay Tindle, 5625 Alder Court, Florence, Oregon spoke to the Council concerning a Bus Shelter on the Clear Lake Road and Erhart Road bus stop. She stated that there are about 15 children that catch the bus there and there is no shelter for them to wait in. She stated that she spoke to the County and they said that there is a 60' right of way for Clear Lake Road. We would have 30' from the center line to place the shelter on the shoulder. She also spoke to Roger Jensen at the Siuslaw School District and he said that years ago Dunes City finance some bus shelters. According to Mrs. Tindle, Calvin Stinger, also a resident of the neighborhood, went up and measured another bus shelter on Clear Lake Road and estimated the materials needed and figured approximately \$150 to build the shelter and the labor would be provided by the residents of the neighborhood.

This was discussed by the Council and Mayor Petersdorf stated that he spoke to Bob Read who was Mayor at the time the other shelters were built. Mr. Read stated that the other shelters were financed from Road Maintenance money. Mr. Ira Mann, from the Road Committee stated that he felt that there was enough money available to finance this project.

ACTION E. PASSENGER moved that \$150.00 be taken from the Road Maintenance Money to finance the building of the Bus Shelter located at Clear Lake Road and Erhart Road. E. FILLMAN seconded and the motion carried.

VI. CORRESPONDENCE

B. STOCKING stated that the City received a billing from the League of Oregon Cities for a yearly membership of \$272.50. Last year the Council voted to withdraw it's membership from the league.

Council discussed this along with Mr. Gerber. It was found that the League of Oregon Cities does do a lot for small cities. Things such as lobbying in the State Legislature and giving courses for new city officials.

ACTION E. PASSENGER moved that Dunes City's membership in the League of Oregon Cities be reestabilshed and the the yearly bill in the amount of \$272.50 be paid. E. FILLMAN seconded and the motion carried.

VII. REPORTS

Roads- Ira Mann from the Road Committee was present and stated that

the figures for the Road Work that was done by Ray Wells were very responsible. He went on to say that this is the time of the year that the City streets need to be graded. He is having a hard time finding a small grader to do the work. Mike Johnson has sold his small grader. E. Passenger suggested that Mr. Mann try Lloyd Hockema. He is a small contractor who has recently moved to Florence from the Newport area. Passenger stated that she felt sure that he had a small grader.

Mayor Petersdorf next moved on to the vacancies on the Council, Planning Commission and Secretary. He stated that Debbie Stinger has submitted a withdrawal of her resignation stating that she will stay on until the first of the year and try out the new office schedule.

ACTION E. PASSENGER moved that the City Council accept the withdrawal of Debbie Stinger's resignation from City Secretary. E. FILLMAN seconded and the motion carried.

E. Fillman then gave a report from the committee that was to consider applications for City Council and Planning Commission. The committee consisted of E. Fillman, J. Baumeister and R. Schmale. The Committee had two applications. One from Jack Freeland and one from Judith Smith. J. Baumeister had spoke to Judy Smith and she said that she would apply for Planning Commission rather than Council as her application stated. The Committee's recommendation was , Jack Freeland for City Council and Judy Smith for Planning Commission.

ACTION E. PASSENGER moved that the recommendation from the subcommittee to appoint Jack Freeland to the vacancy on the City Council created by the resignation of Darren Mealy, accepted. R. SCHMALE seconded and the motion carried.

ACTION E. PASSENGER moved that the recommendation of the subcommittee to appoint Judy Smith to the vacancy on the Planning Commission created by the resignation of Karri Mealy, be accepted. R. SCHMALE seconded and the motion carried.

B. STOCKING gave Mr. Jack Freeland his Oath of Office. Mr. Freeland took his seat with the City Council.

VIII. PUBLIC HEARING

Lemke - Costs and Fines

Mr. Gerber gave a detailed briefing on the Lemke abatement. This was in consideration with the new Councilmember, Jack Freeland.

The situation concerning costs and fines was discussed at length by the Council and Attorney Gerber.

Attorney Gerber stated that the Council must first pass a resolution to accept the loans from the five citizens that have said they would loan the money to Dunes City to pay for the

stabilization of the hillside. Along with this is a promissary note to be given to each of those citizens when the \$505.00 is paid to the City.

There was no testimony either for or against Mr. Lemke.

The Public Hearing was closed at 8:45.

ACTION E. FILLMAN moved that Resolution 10-13-81, drafted by Mr. Gerber, to approved the borrowing of money from the citizens, by Dunes City, be approved, Schmale seconded and the motion carried.

E. FILLMAN moved that the promissary note drafted by Mr. Gerber be approved. PASSENGER seconded and the motion carried.

COSTS AND FINES

The Council discussed if and when the fines should be assessed. Also they discussed who the fines should be assessed too. There were four parties involved in the land. First there is Mr. Lemke, then Western Homes and Land Co. and also it was found through a title search that Mr. Merle Hanson of Yachats has an interest and Pioneer Title of Lane County holds the title as trustee for Mr. Hanson. Mr. Gerber explained that the City can assess fines on all, some or none of these parties. They must decide who was directly involved and whether the nuisance was deliberately created or due to ignorance of the ordinance.

ACTION E. FILLMAN moved that if fines are assessed that they begin July 9, 1981 and run until the City took over on September 14, 1981. Schmale seconded.

Ayes: Schmale, Fillman, Freeland
Nayes: Passenger

Mr. Gerber stated that there has to be a majority vote on this issue. Passenger withdrew her Naye vote and voted Aye. The motion carried.

FINES

The Council discussed again, who should be fined for creating the nuisance.

R. SCHMALE declared a conflict of interest since his wife works for Pioneer Title. He stated that he did not feel this would affect his judgement in a decision.

ACTION E. PASSENGER moved that fines be assessed and only to Mr. Lemke. FILLMAN seconded and the motion carried.

Next Council discussed the amount of the fine. Mr. Gerber stated that the nuisance ordinance were violated this would be up to \$1000 per day could be assessed.

ACTION E. FILLMAN moved that \$2500 per violation be assessed to Don Lemke. J. FREELAND seconded and the motion carried.

COSTS

Gerber stated that an accurate list of costs needs to be complied. This would be legal expenses, administrative expenses involving the Lemke abatement. He stated that his legal expenses totaled \$1,025.00 to date. B. Stocking stated that the office would need more time to come up with an accurate list of expenses.

ACTION E. FILLMAN moved to defer the issue of Cost until the November Council meeting when an accurate list of cost can be presented. E. PASSENGER seconded and the motion carried.

Mr. Gerber stated that a letter should be sent to the other parties explaining what has gone on and to determine their interest in this. Mr. Gerber stated that he would draft the letter.

ACTION E. PASSENGER moved that a letter be sent to the other parties to determine their interest in this matter. R. SCHMALE seconded and the motion carried.

EPW-2-Mayor Petersdorf stated that Mr. Wilkes called him saying that their aerial survey was not completed and that he would bring it in on Friday.

IX. UNFINISHED BUSINESS

VACANCIES - Viki Stewart has submitted a resignation from the Planning Commission. E. PASSENGER moved that the City Council accept Viki Stewarts resignation. R. SCHMALE seconded and the motion carried.

Mayor Petersdorf stated that this resignation places another vacancy on the Planning Commission. He suggested that the ad for the vacancy be run one more week and also for the Council members to try and come up with some names for consideration. He also suggested that the Planning Commission work on getting some names to consider.

ROAD ORDINANCE - Mr. Gerber stated that he was not prepared with this. Mayor Petersdorf stated that this ordinance would be put on next months agenda.

AMENDING ORDINANCE #50

Mr. Gerber gave the second reading of the Ordinance #70, amending #50, short title.

ACTION PASSENGER moved to accept the second reading of Ordinance #70 by short title. SCHMALE seconded and the motion carried.

BUILDING RENTAL APPLICATION

The Committee that was appointed to work on the Building Rental application presented to the Council a completed form as a proposed application. The Council looked over the form and discussed some of the items on it. The Council accepted this form to be the final draft of the form to use when persons are applying for Building Rental.

CLARK HOUSE

Mr. Gerber stated that they have been doing some research on the Clark House over on Siltcoos. He gave a short brief on the matter for the new Council member. He stated that he talked with officials in Portland that deal with this sort of thing a lot. He found out some of the channells that they went through in finding and notifying of an abatement and finally burning down a building. He found that as long as proper notice, according to our City Charter, has been given and there has been no response, the City is within it's boundaries to burn down the building. He felt that it should be published in the local paper, what is going to take place. This has been done and the Rural Fire Department has agreed to burn down the house for practice.

E. PASSENGER asked who was going to do the clean up. It has been her findings that the fire department does the burning down but not the disposing of the debris.

Gerber stated that he would look into this.

MORTEIR CONTRACT

Mayor Petersdorf stated that at the last Council meeting Mr. Morteirs contract with the City was discussed. There were a few questions on this. He has stated that he would contact Bernie LaForge to make sure that he was in agreement with the contract that stated that LaForge would be available to do inspections when Morteir was not. Mayor Petersdorf stated that he talked to Mr. LaForge and he is in agreement.

ACTION

E. FILLMAN moved that the City Council accept the new contract from Mr. Emile Morteir, Dunes City Building Inspector. SCHMALE seconded and the motion carried.

X. NEW BUSINESS

PETERSON COMPLAINT- Mayor Petersdorf stated that there may be a possible conflict of interest with this matter so he was turning the meeting over to Council President, E. FILLMAN.

MR. FILLMAN asked for a report on the complaint. E. PASSENGER had been assigned to investigate the complaint. She reported that the City received a complaint from neighbors of Mr. Peterson's, that his ducks and chickens were running loose and causing problems in

in the neighborhood. They stated that they had no objection to his having these animals, just that he keep them penned up. E. PASSENGER stated that under the Zoning Ordinance, sect. 4, item 3, Ducks and ~~Chickens~~^{CHICKENS} in Dunes City shall be allowed only under Conditional Use. A Conditional Use Permit has not been issued or applied for.

Mr. David Peterson, 5366 Buckskin Bob, Florence, Oregon (located in Dunes City) was present to testify for himself. He stated that he did not receive any complaints from the neighbors and he did not realize that the animals were a problem. He has given away a few of the ducks and as soon as he can catch the others he will try to give them away. There are some that are in the neighborhood that do not belong to him but hang around his area.

He stated that he has had the Chickens since he moved here in 1970 and he has had the Ducks for about 3 years.

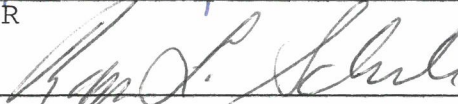
The Council discussed the possibility of the chickens being grandfathered under the Zoning Ordinance. Nothing was found that said they would be. Mr. Gerber stated that to keep the chickens he would have to apply for a CUP. He explained to Mr. Peterson how to go about getting a CUP.

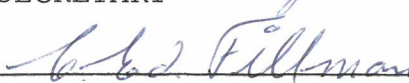
ACTION J. FREELAND moved that this matter be tabled until the November Council meeting to give Mr. Peterson time to abate the nuisance. R. SCHMALE seconded and the motion carried.


XI. ADJOURNMENT - 9:57 P.M.

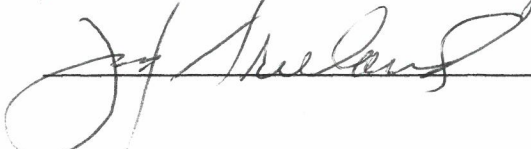

MAYOR


SECRETARY









RECEIPTS OCTOBER 14-NOVEMBER 12, 1981

Building permits	637.76
Building Rental	10.00
Central Lincoln P.U.D. Franchise	299.50
Copies	.50
Lien Search	10.00
State of Oregon	
Cigarette tax	208.31
Highway Tax	1,322.58
Room Tax	935.92
	<hr/>
	3,424.57
Citizen Loan Account	2,525.00
Total	<hr/>
	5,949.57

BILLS OCTOBER 14-NOVEMBER 12, 1981

Florence Coastal Hardware	4.00
Bldg. Permit Surcharge	58.22
Dept. of Assessment and Taxation	14.55
Centennial Press Paper	12.00
P.N.B. Tel. Co	32.45
West Lane Plumbing Roads	23.94
Copeland -Bldg	79.87
Siuslaw News	29.61
S.A.I.F.	60.00
Central Lincoln P.U.D.	
Street Lights	403.20
Bldg	35.50
Emile Mortier Bldg Inspection	522.76
Geo. Casselberry Cartentry	50.00
Debra Stinger Travel	2.89
Betty Stocking Travel	25.50
	<hr/>
	1,354.49

Nuisance Abatement costs

Ternyik Beach Grass Nursery	500.00
Partial Payment	
J. & V. Excavating	775.00
	<hr/>
	1,275.00

Cleaning Deposit refund	25.00	Ck # 1691
League of Oregon Cities (per Council O.K.)	272.50	1692

TOTAL	<hr/>	2,926.99
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AGENDA
REGULAR MEETING
DUNES CITY COUNCIL
NOVEMBER 12, 1981

7:30 P.M.

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
 - A. OREGON COAST LINE & O'CONNELL ENTERPRISES
 - B.
- VII. REPORTS
 - A. BUS SHELTER-ROAD COMMITTEE
 - B. PLANNING COMMISSION VACANCY
- VIII. EXECUTIVE SESSION: a) litigation b) personnel matters c) negotiations
- IX. PUBLIC HEARINGS
 - A. E.P.W.2
 - B. LEMKE-COSTS AND FINES
- X. UNFINISHED BUSINESS
 - A. ORDINANCE TO AMEND # 69-REPORT FROM PLANNING COMMISSION
 - B. PETERSON COMPLAINT RE DUCKS AND CHICKENS
 - C. DEREGULATION OF CABLE T.V.
 - D. ROAD ORDINANCE
- XI. NEW BUSINESS
 - A.
 - B.
- XII. ADJOURNMENT

DUNES CITY, OREGON

MINUTES OF THE CITY COUNCIL

REGULAR MEETING

NOVEMBER 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 7:41 on the 12th day of November 1981.

ROLL CALL

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

Absent: J. Gwilliam

There were 9 citizens present.

II. APPROVAL OF MINUTES OF OCTOBER 13, 1981

E. FILLMAN moved that the minutes of October 13, 1981 be approved with any corrections. SCHMALE seconded and the motion carried.

III. BILLS AGAINST THE CITY

The Bills Against the City totaled \$2,926.99. There was a question from Council on the Central Lincoln PUD Franchise for \$299.50. The bill from the PUD was for \$403.20. It used to be that the franchise and the bill balanced. Council discussed this with the City Recorder and it was decided that the bill for \$403.20 would be held until the City Recorder could get in contact with the PUD and find out what is going on with the franchise.

ACTION FILLMAN moved that the Bills Against the City be paid with the exception of the bill from Central Lincoln PUD for \$403.20. PASSENGER seconded and the motion carried.

IV. RECEIPTS OF SESSION - \$5,949.57

V. CITIZENS INPUT ON UNSCHEDULED ITEMS - None

VI. ANNOUNCEMENTS AND CORRESPONDENCE

OREGON COASTLINE - Mayor Petersdorf directed the City Recorder to read the Correspondence from Oregon Coastline. B. Stocking stated that all she had was a hearing notice for December 9 & 10.

Harry McLain was present and is a member of the committee working on the Oregon Coastline Bus Route. He stated that things have stopped for awhile. It is a case of frozen money. He stated that they have not given up on getting a coastline route they are just letting it sleep awhile.

BOUNDARY COMMISSION ASSESSMENT - Mayor Petersdorf stated that last month the Council decided not to pay the Boundary Commission Assessment. We wrote them a letter saying that we are not in favor of the Boundary Commission and refused to pay the assessment. The City received another letter stating that the assessment is due. The City Recorder wrote another letter to them stating the same thing as the first letter. The Council went on to discuss this further. It was the feeling of most of the Council, that the City did not need the Boundary Commission. Attorney Gerber did state that the law says the assessment should be paid. If at any time the City may need the Boundary Commission, the City will have to pay all back assessments. The Council did not feel that there are many important issues concerning Dunes City and the Boundary Commission.

FIRE PATROL TAX - Mr. Bill Riesenhuber, Westlake, was present with a question concerning his property taxes. He stated that on his taxes there is a billing for Fire Patrol for \$15. This is for the Oregon State Fire Patrol. Mr. Riesenhuber did not feel that this item was fair to the people. We are all paying for Siuslaw Rural Fire Protection and we do not need the Oregon Fire Patrol. Also he has found that this \$15 is not on all residents' taxes. It seems that they are picking people at random. The Council discussed this further. Some members felt that this tax was for persons with timber on their property but it was found that several people are being taxed for the Fire Patrol that only have houses on their property and no timber. Ex-Mayor Shirley Merz was in the audience and suggested that the Council contact Mr. Ron Lindsay, State Forester and have him come to one of the Council meetings and explain this tax to the citizens. After more discussion, Mayor Petersdorf directed the City Recorder to write a letter to the Lane County Department of Assessments and Taxation concerning the tax on Fire Patrol and also make a call to Ron Lindsay and have him come to Council and explain this tax.

VII. REPORTS

Roads-Bus Shelter - Ira Mann, Chairman of the Road Committee was present and gave a report on the Road Committee's decision for financing a Bus Shelter on the corner of Clear Lake Road and Erhart Road. He stated that at first the Road Committee rejected the project but later had a change of heart. They did find that there had been a precedent set for financing Bus Shelters in Dunes City. When Bob Read was Mayor the City had bus shelters built from road money. The Road Committee will allocate \$150 for the bus shelter as long as the shelter is built correctly and

and will not detract from the area. The Road Committee will oversee the building of the shelter. The residents of the neighborhood will do the building.

PLANNING COMMISSION REPORT- Mayor Petersdorf asked the Planning Commission Chairman T. Hunt if the Planning Commission had any recommendations for the vacancy on the Planning Commission. Mr. Hunt stated that there had been no applications turned in. Mayor Petersdorf stated that he had asked the Council to come to this meeting with at least one name to recommend. Councilmembers stated that they had found no one interested. Mayor Petersdorf stated that the newspaper ad should be run one more week and also for everyone on the Council to work on getting a recommendation ready for next Council meeting.

VIII. PUBLIC HEARINGS

EPW-2

Mayor Petersdorf opened the Public Hearing for EPW-2 at 8:10. There was no one present from EPW-2 to testify. The Council discussed the fact that EPW-2 was to come back to Council with their second survey of their property. This was to be an aerial photo survey. This was the condition to the Council's approval of the 5 additional building sites on the EPW-2 project. The matter was tabled until the Council receives the information and materials that were requested previously. The Public Hearing was closed at 8:12.

LEMKE - Costs and Fines

The Public Hearing was opened at 8:12 P.M.

There was no one present to represent Mr. Lemke. Mr. Gerber stated that he had received a letter last month from Mr. Lemke's attorney asking that they be notified when they would be an agenda item. This letter was overlooked and Mr. Lemke was not notified before the last meeting. Mr. Gerber then went on to say that he received a letter from Mr. Lemke and his attorney stating that they felt they were not treated fairly by not being notified of the hearing so that they could be present to defend themselves. Mr. Gerber then stated that he did notify Mr. Lemke's attorney of the hearing tonight. Since they were not present, Mr. Gerber stated that he would read their letters into the record as a matter of their defense. The letter from Mr. Cooley, Mr. Lemke's attorney and the letter from Mr. Lemke were read into the record.

Mr. Harry McLain then gave a presentation to the Council concerning Mr. Lemke's long track record of Lane Use Offenses in Dunes City. Mr. McLain stated that he had gone through the City's files on Mr. Lemke and had come up with several letters concerning Mr. Lemke and his dealings in subdivisions that did not comply with Dunes City Ordinances. These letters dated from 9-11-74 to the present. Mr. McLain gave a brief on each letter and what part-

icular issue it entailed.

The Public Hearing was closed at 8:41 P.M.

Mr. Gerber then presented to the Council a proposed Order concerning Fines and Costs against Mr. Lemke and Western Homes and Land Company. The Council had a short discussion on whether Western Homes should be billed for the costs. Mr. Gerber stated that Western Homes has been notified of all of the goings on here and they should be well aware of their liability in this case. A property owner is strictly liable for a nuisance created on their property. The costs can be billed to Mr. Lemke and to Western Homes, but it can not be collected twice. Each party can pay part of the costs.

The costs were discussed. The City Recorder had a list of costs from the City available. The attorney fees were also discussed. The amount to date, in attorney fees totaled, \$830.46. The office costs were \$232.18 and the costs to J & V Construction and Wave Beach Grass were \$2525.00. Also the nuisance ordinance allows a 15% of all costs to be added to the total. The total came to \$3487.64.

The meeting was recessed at 9:00.
The meeting reconvened at 9:08.

As Attorney Gerber was researching to see if the 15% included the attorney fees, he found that the nuisance ordinance did not provide for the attorney fees to be paid. This was discussed further and Council felt that possibly the attorney fee could come under costs. Mr. Gerber stated that he did not feel comfortable with this and he suggested that the attorney fees be deleted from the total costs. The total then came to \$2757.18 and with 15% of that, the total to be billed to Mr. Lemke and Western Homes was \$3170.76.

The Council and Attorney Gerber worked on the order to be sent to Lemke and Western Homes. There were two \$2500 fines assessed to Lemke and then the total costs assessed were \$3170.76. There was some wording changed in the order also.

ACTION E. PASSENGER moved that the Order proposed by Attorney Gerber, to assess Mr. Don Lemke with Costs and Fines of the Nuisance Abatement, be approved as corrected. FILLMAN seconded and the motion carried.

This Order is to be numbered 6-11-1.

Mr. H.G. Chickering, Dunes City, spoke out on the Lemke issue. He stated that this has been going on for 6 months. He felt that there should be some sort of moratorium placed on Mr. Lemke and any further land use projects of his in Dunes City. He felt that this man has made a nuisance of himself time and time again in Dunes City. He keeps claiming that the Ordinances were not provided to him. The Dunes City Ordinances are a matter of public record. Mr. Lemke could have gotten them at the County or at the City or

at the attorney's office.

Mr. Gerber stated that the City is now working on an ordinance that would deal with such things as denying building permits to a person that has previously not complied with Dunes City's Ordinances.

Mr. Chickering stated that the City of Florence has an Ordinance where the developer has to come up with the money before a project can take place. Mr. Gerber stated that he would check into what the City of Florence has and have it for next month.

IX. UNFINISHED BUSINESS

ORDINANCE TO REPEAL ORDINANCE #69

Mr. Hunt gave the Planning Commission's report to the City Council. the Planning Commission had a workshop on this ordinance at their last regular meeting. They worked with Attorney Gerber on the wording and the meaning of this ordinance. The Planning Commission recommended to the City Council to adopt Ordinance #71 to amend Ordinance #69.

Mr. Gerber gave a brief explanation of the ordinance and what it would do for the City.

After some discussion a few more changes were made to the ordinance.

Sect . Four , Sub. Sect. 1,a, the last sentence the words, "and appeal must be filed within 10 days with the City Recorder," were to be added.

Sect. Four, Sub. Sect. 2,a, third line, after the words, "land owner", the words "or the land owners, heirs, devisee , or assigns," are to be added.

Sect. Four, Sub. Sect. 1, the word, "presently" is to be added after the words, "which are" on the last line.

Page three, SEct. Four, Sub. Sect. 2,d, line 17, the words "twenty-four hours", are to be deleted and the words, " time set by the Mayor" are to be inserted.

The short title of the proposed Ordinance was changed to read:

" THIS IS AN ORDINANCE REPEALING ORDINANCE NO. 69 AND AUTHORIZING THE CITY TO DENY BUILDING PERMITS AND LAND USE APPLICATIONS TO OWNERS, DEVELOPERS AND CONTRACTORS WHO ARE NOT IN COMPLIANCE WITH MUNICIPAL ORDINANCES AND CONDITIONS CREATED BY THE SUBDIVISION ORDINANCE."

ACTION E. PASSENGER moved that the City Council have the 1st reading of Ordinance #71, by short title only. R. Schmale seconded and the motion carried.

Mr. Gerber gave the first reading of Ordinance #71 by short title.

ACTION E. FILLMAN moved that the City Council accept the first reading , by short title, of Ordinance #71. R. SCHMALE seconded.

Roll Call:

Ayes: Fillman, Schmale, Baumeister, Passenger, Freeland

The first reading of Ordinance # 71 by short title passed unanimously.

DAVE PETERSON COMPLAINT ,Re: Ducks and Chickens

Mayor Petersdorf turned the meeting over to Council President, E. Fillman. Petersdorf felt that there could be a possible conflict of interest with this issued and himself.

There was a short report on the findings since the last meeting. Mrs. Passenger stated that she had spoken to one of the neighbors and they said that the nuisance had been taken care of. The ducks and chickens had been contained. City Recorder, B. Stocking stated that after receiving a letter from Mr. Peterson's attorney stating that they would not recognize that a nuisance did exist unless they received a written complaint. The City had never received a written complaint. The complaint was a verbal one. B. Stocking stated that she called the person that had made the complaint, and they too stated that the nuisance had been taken care of and that they did not wish to submit a written complaint.

E. FILLMAN asked if the Peterson's had come to the City for a Conditional Use Permit as the Council had suggested at the last meeting. B. Stocking stated that a letter was sent to the Peterson's giving them all the information about applying for a Conditional Use Permit and that the permit would be needed if they wished to keep the fowl.

This was discussed further and some members of the Council felt that the issue should be dropped because the Council can take no action without a written complaint. Some felt that is is Council's knowledge that there is a violation to the Zoning Ordinance because the Peterson's have ducks and chickens without a Conditional Use Permit.

Mr. Gerber stated that the only way that the Council can take any further action would be to have the Police Commissioner or the Building Inspector go out to the property and make an inspection and decide if there are or are not ducks and chickens and if there is a violation. This report would suffice as a written complaint. and the Council could go ahead with a nuisance and ask that a CUP be applied for.

ACTION J. BAUMEISTER moved that the City Council direct the Building Inspector, Emile Mortier, to make an inspection of the David Peterson property located at 5366 Buckskin Bob, Florence, Oregon

(located in Dunes City), and make a report back to the City on whether there are ducks and chickens on the property. E. FILLMAN seconded .

AYES: FILLMAN, BAUMEISTER, PASSENGER
NAYES: SCHMALE, FREELAND

The motion carried.

DEREGULATION OF CABLE TV

Mr. Gerber reported that the Senate did turn down this bill and so the cable tv systems will still be regulated.

Mayor Petersdorf stated that the Council will have to vote on whether to go on to New Business or not since it was past 10:30.

ACTION E. PASSENGER moved that the Council go on to New Business, E. FILLMAN seconded and the motion carried.

X. NEW BUSINESS

Dave Clark, Florence, Oregon was present representing the Dunes City Cable TV System. He stated that the system is in the process of being sold to a company in Seattle. He stated that he understood that Dunes City had a long term franchise with the Dunes City Cable TV System and he suggested that the Mayor appoint two Councilmembers to meet with the new owners and talk over the conditions of the City's franchise contract. The City of Florence has chosen, Clare English and Dell Phelps to meet with the prospective owners of the Florence Cable TV System.

Mr. Clark went on to say that the equipment to have Showtime south of the river, has arrived and Mrs. Hughes, owner of the Dunes City System has been very uncomfortable with not having put the system in for the Dunes City residents as of yet. She has been waiting for the sale of the cable system. If the sale goes through the Showtime should be in possibly by the first of the year. Mr. Clark stated that this was purely speculation.

Mayor Petersdorff had some objections to Mr. Clark's suggestions.

The Mayor did go ahead and appoint, Jack Freeland, Attorney Gerber and himself to the committee to meet with the new owners. Mr. Clark stated that they hoped to have the meeting in conjunction with the Florence City Council members.

RETAINING WALL

Mayor Petersdorf stated that it has been brought to the City's attention that a retaining wall has been built along a City street down on Ocean Blvd. It is on the Bob Jackson property. He directed road chairman, Ira Mann to investigate the property .

SECRETARY RAISE IN PAY

Mayor Petersdorf stated that Debbie Stinger has been with the City for almost two years and it has been a year since the City has given a raise to her. In the budget the money was allotted for a raise. The Council discussed this issue.

ACTION

E. PASSENGER moved that Debbie Stinger, City Secretary be given a 50¢ an hour raise making her wage, \$4.50 per hour. J. FREELAND seconded and the motion carried.

XI. ADJOURNMENT- 11:02*****

Robert M. Petersdorf
MAYOR

Debbie Kay Stinger
SECRETARY

James G. Gillman

James E. Baumeister

L. Ed. Fillman

J. Freeland

A. M. J. Schuch

Evelyn M. Passenger

RECEIPTS OCTOBER 14-NOVEMBER 12, 1981

Building permits	637.76
Building Rental	10.00
Central Lincoln P.U.D. Franchise	299.50
Copies	.50
Lien Search	10.00
State of Oregon	
Cigarette tax	208.31
Highway Tax	1,322.58
Room Tax	935.92
	<hr/>
	3,424.57
Citizen Loan Account	2,525.00
Total	<hr/>
	5,949.57

BILLS OCTOBER 14-NOVEMBER 12, 1981

Florence Coastal Hardware	4.00
Bldg. Permit Surcharge	58.22
Dept. of Assessment and Taxation	14.55
Centennial Press Paper	12.00
P.N.B. Tel. Co	32.45
West Lane Plumbing Roads	23.94
Copeland -Bldg	79.87
Siuslaw News	29.61
S.A.I.F.	60.00
Central Lincoln P.U.D.	
Street Lights	403.20
Bldg	35.50
Emile Mortier Bldg Inspection	522.76
Geo. Casselberry Cartentry	50.00
Debra Stinger Travel	2.89
Betty Stocking Travel	25.50
	<hr/>
	1,354.49

Nuisance Abatement costs

Ternyik Beach Grass Nursery	500.00
Partial Payment	
J. & V. Excavating	775.00
	<hr/>
	1,275.00

Cleaning Deposit refund	25.00	Ck # 1691
League of Oregon Cities (per Council O.K.)	272.50	1692

TOTAL	<hr/>
	2,926.99

Don McNe
10/19/81

TO ATTACH TO
NOV. 12, 1981
MINUTES

Mr. Ron Gerber
City Attorney
Dunes City

Dear Mr. Gerber:

I was first informed by a reporter from the Eugene Register Guard that the Dunes City council had recommended a fine against me of \$5,000. I have also received many telephone calls inquiring about this article. I feel that it is very unfortunate that this entire occurrence took place and that I have been made a target for abusive attacks against me. I believe it is only fair that the record be cleared up and I believe that had you made known to the City Council the facts of this case (as you know them to be) that this matter would not have gotten out of hand. The facts can be summarized as follows.

Several years ago I purchased from Western House and Land Company three acres near Huckleberry Lane. A condition of the purchase was that I build a beach not to exceed 70' x 150' on the adjacent property and provide an easement to it. The property would be accessible and usable as a picnic type area. It was not intended to be a home site area and was to be available to the both of us and the purchasers of our lots. By the time I was ready to build the beach, I had heard that Dunes City had an ordinance that would not permit the project within 50 feet of the shore line. I had paid Briggs \$45,000 for the property. I asked for the deeds. Briggs refused, claiming that I had not constructed the beach.

When I advised Briggs that I understood that no leveling would be permitted 50 feet from the shore line, he demanded that I level off an area that was over 50 feet back from the shoreline. I was agreeable to preparing a suitable area for the purpose intended, that is, I was agreeable to provide picnic type areas and to provide access to them. However, Mr. Briggs demanded that the area be level (which would involve making huge cuts into the hillside and the removal of all vegetation.) I felt that this was outside of our agreement. I refused

OCT. 30 REC'D

to perform the work in this manner. Mr. Briggs countered by refusing to give me clear title to property which I had paid for. As an alternative to leveling the area, he demanded a large sum of money which I refused to pay.

My attorney, Mr. Cooley, suggested I file a lawsuit to resolve the matter. During the trial preparation I phoned you and explained in detail my problem with Mr. Briggs and that I wanted to determine if there were any ordinances that would prevent the leveling and clearing as specified by Mr. Briggs. Mr. Cooley also talked with you regarding this subject. It occurred to him that if there were a city ordinance that would prevent the work from being performed that the very most I would be required to do would be to prepare an area in keeping with my understanding of the purpose of the project.

Apparently you were unaware of Ordinance #50. Had we known of this ordinance we would have been relieved of having to make deep cuts in the steep hillside in order to level off the 70' x 150' area. In response to Mr. Cooley's and my inquiry for copies of ordinances, you replied in your letter dated December 11, 1980 as follows.

"Attached please find a copy of Dunes City Erosion Control and Vegetation Ordinance."

There was nothing in this ordinance that could be used as a defense to Mr. Brigg's demand that I cut into the bank to provide the 70 x 150 proposed level area that had been staked out by him. The ordinance attached to your letter read as follows.

Section I, Definition1, Dunes City Shoreland Zone:

"As defined herein the shore land zone includes all Dunes City lands within 50 feet measured horizontally from the ordinary high water line from all streams, Woahink Lake --".

Both Mr. Cooley and myself had relied upon the ordinance you sent to us as being the only ordinance that was applicable in resolving the dispute between

Mr. Briggs and myself. However, in your letter, you offered further advice as follows:

"I strongly suggest that you and your client consult with the appropriate state agencies prior to depositing any type of fill material, sand, rock or other matter in the waters within Dunes City."

It seemed conclusive that there were no city ordinances that would prevent the work demanded by Mr. Briggs and that we could not gain relief from performing the work based upon any city ordinance.

On 4-17-81 during trial proceedings before judge Roland Rodman, Mr. Briggs contended that it was my responsibility to clear and make level the area which he had staked out. I had no defense of there being a city ordinance that would prevent the work to be done in the manner prescribed by Mr. Briggs. The court ruled against me. My attorney advised me that I had no other alternative but to level the area.

I then employed a contractor and instructed him to perform the work as specified by Mr. Briggs and his engineer. As a result a bulldozer was moved onto the property and commenced to make cuts into the hillside. Dunes City stopped the work and cited as its authority an ordinance which we knew nothing about. Had I known of this ordinance I am sure that I would not have lost the suit for declaratory judgement against Mr. Briggs nor would I have incurred a judgement against me for \$3,500 to pay Mr. Brigg's attorney or the costs of my attorney, the cost of the cat work that was done and the ongoing cost on an issue that is still not resolved.

I then agreed with the city to employ Wilbur Turnich to landscape the area although I felt it was Mr. Brigg's responsibility -- not mine as he had placed me in a position to where I had to perform the work.

Page 4

I feel that in all fairness you should make known to the members of the City Counsel the facts as you know them to be. I have been humiliated, threatened with a fine and publicly portrayed as being an irresponsible citizen. I requested from you by letter of 10-8-81 that I be notified of any City Counsel meetings where this subject would be discussed so that I could appear. This request was apparently disregarded and without my being on hand to defend myself, the counsel proceeded to recommend a fine. I see no justification for a fine, nor am I aware of my not having acted in a totally responsible manner. In the interest of fairness I again request a meeting with the City Counsel before any fine is levied to clear up any misunderstandings.

Don Lemke

AGENDA
REGULAR MEETING
DUNES CITY COUNCIL
DECEMBER 10, 1981
7:30 P.M.



- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF NOVEMBER 12, 1981
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF SESSION
- V. CITIZENS INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
 - A. Carolynda Erskine - Florence Chamber of Commerce
- VII. REPORTS
 - A. Roads
 - B. Planning Commission - Vacancy Recommendation
 - C. Cable TV Franchise-Committee's Report
- VIII. EXECUTIVE SESSION: a. Litigation b. personnel matters c. negotiations
- IX. PUBLIC HEARINGS
- X. UNFINISHED BUSINESS
 - A. Ordinance to Repeal #69- Ordinance #71 - Second Reading
 - B. Road Ordinance - First Reading
 - C. Mortier's Report on Peterson Complaint
 - D. Resolution for Occupancy Permits
- XI. ADJOURNMENT
- XII. REFRESHMENTS*****

DUNES CITY, OREGON
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
DECEMBER 10, 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 10th day of December, 1981.

ROLL CALL

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

There were 11 citizens present.

II. APPROVAL OF MINUTES OF NOVEMBER 12, 1981

E. PASSENGER moved that the minutes of November 12, 1981 be approved. J. BAUMEISTER seconded and the motion carried.

III. BILLS AGAINST THE CITY

E. PASSENGER asked about the PUD Franchise and the billing that was questioned at the last meeting. B. STOCKING stated that she had talked to Mrs. Adkins at the PUD and she had stated that the amounts were correct. The City is receiving 2% of the total revenue now and after the first of the year that would go up to 3% so our franchise amount would be going up. The amount of the electricity and the amount of the franchise will not be the same amount any longer.

ACTION J. GWILLIAM moved that the bills against the City totaling \$1,357.51, be paid. E. FILLMAN seconded and the motion carried.

IV. RECEIPTS OF SESSION - \$2,916.59

Mayor Petersdorf stated that the Council would put the State Forester's that had come, on the agenda first since they traveled from Veneta.

Mr. Ron Lindsay, State Forester from the Western Lane area spoke to the Council and the citizens regarding the \$15.00 Fire Patrol Tax on the residents property taxes this year. He stated that the assessment used to be \$5.00 and it was just raised to \$15.00. This is why everyone is suddenly noticing it. He turned the meeting over to Mr. Ray Gregory, from Veneta. Mr.

Gregory gave a presentation to the Council regarding the laws that allow the State Forestry to collect this assessment from residents. He stated that there is a 50¢ per acre tax placed on any parcel over 30 acres and any parcel under 30 acres gets the minimum of \$15.00. He went on to explain that the Rural Fire Department takes care of structural fires and the State Forestry takes care of timber and brush fires. Dunes City is made up of a lot of timberlands and this is why the property is assessed for State Fire Patrol. He did go on to say that the Rural Fire Department and the State Fire Patrol do have a mutual aid agreement where they do work in conjunction with one another.

Ron Lindsay answered a few questions and went on to explain some of the services they provide for the City. He stated that they do patrol the area a lot in the summer months and they issue burning permits and check the burning sites. He stated that he would go out and check some of these areas that people were complaining about being assessed that did not even have timber or brush on them. It was brought to his attention that the Dunes City Community Center was taxed for the fire patrol and there certainly is no timber on this property. He said that if they find that some areas were assessed unjustly, they would drop them from the tax role.

8:09 Jim Gwilliam was excused from the meeting.

V. CITIZENS INPUT

VI. CORRESPONDENCE AND ANNOUNCEMENTS

Carolyn Erskine from the Florence Chamber of Commerce was present to speak to the Council. She stated that she had gotten word that someone from Dunes City was upset with the Chamber of Commerce because of a meeting of the Economic Diversification Development Committee was held and Dunes City was not included in this meeting. She stated that she felt very bad about this and would like to extend an invitation to Dunes City to have a representative attend the next meeting on December 15, 1981 at 7:30 at Driftwood Shores. This committee is made up of the Port of Siuslaw, the City of Florence and the Florence Chamber of Commerce. She felt that the City was represented because there were a few Dunes City residents on the Chamber of Commerce. This meeting is to discuss the development of the economy in this area and Dunes City has an interest in the economy of the area even though the City is not interested in industry in their area.

MAYOR PETERSDORF appointed E. FILLMAN to attend the meeting on December 15, 1981.

VII. REPORTS

ROADS- Ira Mann, Road Chairman was not present, but he had submitted

a written report of the road work done in the last month. D. STINGER read these reports into the record. Also there was a complaint on Pioneer Road of some residents using the right of way for a garbage dump. The road committee had checked out the retaining wall on Ocean Blvd. and felt that there was nothing wrong with it. It had only enhanced the beauty of the area.

The Council discussed the retaining wall on the Bob Jackson property. They felt that even though this had improved the looks of the area, it was still built on City property and possibly people would be influenced by the wall and not use the property when they are entitled to use it. There were several suggestions on what could be done. MAYOR PETERSDORF appointed, J. BAUMEISTER, E. FILLMAN, and J. FREELAND to a committee to look into this further and to report back to the Council.

Concerning the nuisance on Pioneer Road, MAYOR PETERSDORF appointed the Police Commissioner, E. PASSENGER to look into the complaint and report back at the next Council meeting.

PLANNING COMMISSION REPORT - D.STINGER read into the record the Planning Commissions report concerning the vacancy on the Planning Commission. The Planning Commission held a special meeting on December 2, 1981 and they recommend to the City Council that Kay Tindle be appointed to the vacancy on the Planning Commission.

The Council asked Mrs. Tindle a few questions.

ACTION E. PASSENGER moved that the City Council accept the Planning Commission's recommendation and appoint Kay Tindle to the Planning Commission. R. SCHMALE seconded and the motion carried.

This term will run until 12-31-83.

CABLE TV FRANCHISE - MAYOR PETERSDORF turned this over to MR. GERBER. GERBER stated that he, the Mayor and J. Freeland attended the meeting with McCaw Communications, the interested buyers of the Dunes City Cable System and the Florence Cable System. He explained what had been discussed. He stated that there would be a meeting held with the City of Florence that should be a timely one and he suggested that Dunes City wait for the outcome of this meeting.

VIII. UNFINISHED BUSINESS

ORDINANCE #71- Second Reading

ACTION E. FILLMAN moved to have the second reading of Ordinance #71, repealing Ordinance #69. E. PASSENGER seconded and the motion carried.

GERBER gave the second reading , by short title of Ordinance #71.

ACTION E. FILLMAN moved to accept the second reading of Ordinance #71 by short title. J. BAUMEISTER seconded.

AYES: PASSENGER, FILLMAN, SCHMALE, BAUMEISTER, FREELAND

The motion carried.

ROAD ORDINANCE

GERBER gave the Council a new draft of the Road Ordinance to be Ordinance #72. Council studied the Ordinance and Gerber gave a brief on some of the changes that had been made.

ACTION E. FILLMAN moved to have the first reading of Ordinance #72 by short title. E. PASSENGER seconded and the motion carried.

MR. GERBER gave the first reading of Ordinance #72 by short title.

" AN ORDINANCE REGULATING THE USE OF DUNES CITY STREETS BY HEAVY EQUIPMENT AND LUG VEHICLES, PROHIBITING REPAIR OF CONSTRUCTION AND LOGGING EQUIPMENT ON PUBLIC STREETS, REQUIRING PERMITS TO PERFORM EXCAVATING WITHIN THE CITY RIGHT OF WAY, ABOLISHING ORDINANCE NO. 66 AND INCORPORATING THE PROVISIONS THEREOF HEREIN, AND REQUIRING PERMITS TO CONSTRUCT NEW PUBLIC AND PRIVATE ROADWAYS AND EASEMENTS, ETC."

ACTION E. PASSENGER moved to accept the first reading of Ordinance #72 by short title. R. SCHMALE seconded.

AYES: PASSENGER, FILLMAN, FREELAND, SCHMALE, BAUMEISTER

The motion carried unanimously.

PETERSON COMPLAINT

MAYOR PETERSDORF turned the meeting over to the Council President, E. FILLMAN because of possible conflict of interest.

E. FILLMAN read Mr. Mortier's report of the property located at 5366 Buckskin Bob. He had seen two chickens running loose and this is all.

MR. GERBER suggested that the Council look into changing the Ordinance against having Chickens and Ducks so it is not so restrictive. There are several residents that have a few chickens or ducks without the Conditional Use Permit.

This was discussed at length by the Council.

ACTION E. PASSENGER moved that this issue be tabled and taken up by the CIC when it is reactivated to go through the Comp Plan and Zoning Ordinance. R. SCHMALE seconded and the motion carried.

The record shows that MAYOR PETERSDORF did not sit in on this issue.

RESOLUTION - Occupancy Permit

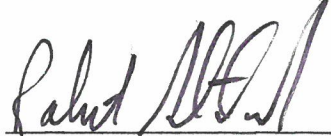
This resolution was to establish a fee for the Occupancy permit Ordinance # 70 amending Ordinance #50.

This was discussed at length. The question on whether the Building Inspector would charge for the extra service of checking for time of occupancy was discussed. Some residents and Councilmembers felt that the City would have a hard time collecting another fee for another permit. This charge should be included in the initial Building Permit.

ACTION

E. PASSENGER moved that the issue be tabled until the City can contact the Building Inspector and see whether he would charge more for doing this service. E. FILLMAN seconded and the motion carried.

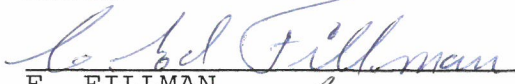
IX. ADJOURNMENT - 9:35



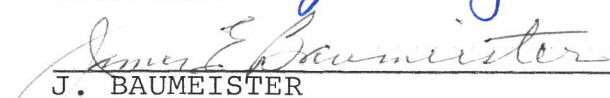
MAYOR



SECRETARY



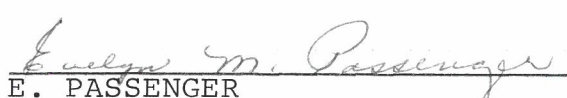
E. FILLMAN



J. BAUMEISTER

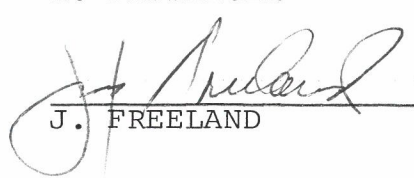


R. SCHMALE



E. PASSENGER

J. Gwilliam



J. FREELAND

AGENDA
REGULAR MEETING
DUNES CITY COUNCIL
DECEMBER 10, 1981
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VIII. UNFINISHED BUSINESS

ORDINANCE #71- Second Reading

ACTION E. FILLMAN moved to have the second reading of Ordinance #71, repealing Ordinance #69. E. PASSENGER seconded and the motion carried.

GERBER gave the second reading, by short title of Ordinance #71.

ACTION E. FILLMAN moved to accept the second reading of Ordinance #71 by short title. J. BAUMEISTER seconded.

AYES: PASSENGER, FILLMAN, SCHMALE, BAUMEISTER, FREELAND

The motion carried.

ROAD ORDINANCE

GERBER gave the Council a new draft of the Road Ordinance to be Ordinance #72. Council studied the Ordinance and Gerber gave a brief on some of the changes that had been made.

ACTION E. FILLMAN moved to have the first reading of Ordinance #72 by short title. E. PASSENGER seconded and the motion carried.

MR. GERBER gave the first reading of Ordinance #72 by short title.

" AN ORDINANCE REGULATING THE USE OF DUNES CITY STREETS BY HEAVY EQUIPMENT AND LUG VEHICLES, PROHIBITING REPAIR OF CONSTRUCTION AND LOGGING EQUIPMENT ON PUBLIC STREETS, REQUIRING PERMITS TO PERFORM EXCAVATING WITHIN THE CITY RIGHT OF WAY, ABOLISHING ORDINANCE NO. 66 AND INCORPORATING THE PROVISIONS THEREOF HEREIN, AND REQUIRING PERMITS TO CONSTRUCT NEW PUBLIC AND PRIVATE ROADWAYS AND EASEMENTS, ETC."

ACTION E. PASSENGER moved to accept the first reading of Ordinance #72 by short title. R. SCHMALE seconded.

AYES: PASSENGER, FILLMAN, FREELAND, SCHMALE, BAUMEISTER

The motion carried unanimously.

PETERSON COMPLAINT

MAYOR PETERSDORF turned the meeting over to the Council President, E. FILLMAN because of possible conflict of interest.

E. EILLMAN read Mr. Mortier's report of the property located at 5366 Buckskin Bob. He had seen two chickens running loose and this is all.

MR. GERBER suggested that the Council look into changing the Ordinance against having Chickens and Ducks so it is not so restrictive. There are several residents that have a few chickens or ducks without the Conditional Use Permit.

This was discussed at length by the Council.

ACTION E. PASSENGER moved that this issue be tabled and taken up by the CIC when it is reactivated to go through the Comp Plan and Zoning Ordinance. R. SCHMALE seconded and the motion carried.

The record shows that MAYOR PETERSDORF did not sit in on this issue.

RESOLUTION - Occupancy Permit


This resolution was to establish a fee for the Occupancy permit Ordinance # 70 amending Ordinance #50.

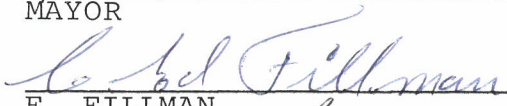
This was discussed at length. The question on whether the Building Inspector would charge for the extra service of checking for time of occupancy was discussed. Some residents and Councilmembers felt that the City would have a hard time collecting another fee for another permit. This charge should be included in the initial Building Permit.

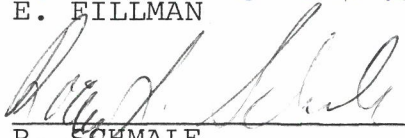
ACTION

E. PASSENGER moved that the issue be tabled until the City can contact the Building Inspector and see whether he would charge more for doing this service. E. FILLMAN seconded and the motion carried.

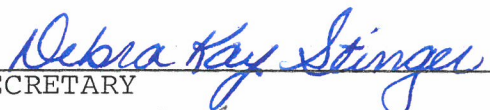
IX. ADJOURNMENT - 9:35

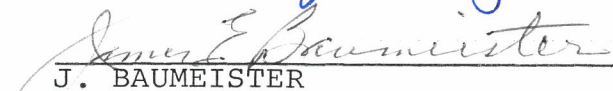

MAYOR

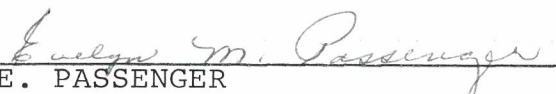

E. FILLMAN



R. SCHMALE

J. GWILLIAM


SECRETARY


J. BAUMEISTER


E. PASSENGER


J. FREELAND

RECEIPTS NOVEMBER 13-DECEMBER 10,1981

Building Permits	237.36
Building Rental	36.00
Central Lincoln P.U.D.	299.50
Copies	14.40
Lien Search	40.00
STATE OF OREGON	
Cigarette Tax	280.78
Highway Tax	1,203.34
Liquor Tax	805.21
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	2,916.59

BILLS NOVEMBER 13-DECEMBER 10,1981

Florence Cabinet-Map Case	202.00
Siuslaw Forest Sign 101 & Pacific	20.00
Ray Wells-Roads	216.80
Galeria-Office Supplies	7.55
Copeland -Building Materials	7.70
P.N.B.Tel Co.	28.55
Central Lincoln P.U.D. Street Light	403.20
Building	57.70
Emile Mortier-Bldg. Inspector	414.01
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	1,357.51