

DUNES CITY COUNCIL

REGULAR MEETING

JANUARY 12, 1984

AGENDA

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF DECEMBER 8, 1983
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
  1. Budget Workshop
  2. NEWS
  3. The Oregon Connection
  4. Letter from the Governor regarding Volunteer Award.  
Forms are available.
  5. Tuesday Art Group
  6. Letter of resignation from Kevin McMullen
- VII. REPORTS
  1. Phil Tout - Energy
  2. Planning Commission Vacancy and two re-appointments
  3. Revenue Sharing - Handicapped Requirements
- VIII. PUBLIC HEARINGS
  1. Cable TV Concerns
  2. Bob Read - Conditional Use Permit
  3. Bob Hartshorne - Minor Partition
  4. Paul Enriquez - Variance
- IX. EXECUTIVE SESSION a)Litigation, b)Personnel, c)Negotiations
- X. UNFINISHED BUSINESS
  1. Diane Diffenderfer Complaint
  2. Sheriff's Contract
  3. Cable TV
  4. Bill Pitts Sample Letter Re. Road Paving. The letter was in the December packets.
  5. Ordinance Compilation
  6. C.C.I. Recommendation Re. Soil Erosion Changes from 15 feet to 25 feet.
- XI. NEW BUSINESS
  1. Pacific Northwest Bell. The franchise expires in April.
- XII. ADJOURNMENT

DUNES CITY COUNCIL MEETING

REGULAR MEETING

JANUARY 12, 1984

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Bob Petersdorf.

PRESENT: D. Brown, E. Passenger, Mayor Petersdorf, E. Fillman, B. Pitts, Attorney R. Gerber, N. Johnson, P. Tout, City Recorder B. Stocking, and secretary K. Bacon. There were two members of the press present in the audience and 14 citizens.

The Mayor polled the City Council on whether they would be willing to hear Mr. Paul Enriquez public hearing that night or whether it should be re-scheduled for the February meeting. The Planning Commission had recommended not approving Mr. Enriquez's request for a Variance, but they had neglected to tell Mr. Enriquez that it was necessary to appeal in writing to the City Council within ten days of the Planning Commission hearing. The Council voted to hear Mr. Enriquez.

II. APPROVAL OF MINUTES OF DECEMBER 8, 1983

ACTION A motion was made by P. Tout and seconded by D. Brown to approve the minutes of the December 8, 1983, meeting with corrections. Motion carried.

III. BILLS AGAINST THE CITY - \$2,497.40

ACTION A motion was made by D. Brown and seconded by P. Tout to pay the bills against the City in the amount of \$2,497.40. Motion carried.

IV. RECEIPTS FOR THE SESSION - \$4,067.22

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

B. Stocking summarized for the Council letters that had been received regarding budget workshops, vacancies in the county government, the governor's volunteer award, a letter of resignation from Kevin McMullen of the Planning Commission; and she passed along thanks from the Tuesday and Thursday art groups for being able to use the Dunes City Community Building each week. E. Passenger summarized a letter she had

received from the Oregon State University Extension Service. They wanted elected officials to be aware of the extension services which are available.

VII REPORTS

- A. Planning Commission Vacancy. The Planning Commission has received one application for the one vacancy created by Kevin McMullen's resignation. The Council was informed that the terms of Planning Commissioners Tom Hunt and Sharon Gresham expired the last of December, 1983.

ACTION A motion was made by P. Tout and seconded by D. Brown to re-appoint T. Hunt and S. Gresham to the Planning Commission. Their terms of appointment will be three years each. Motion carried.

ACTION A motion was made by E. Passenger and seconded by D. Brown to appoint Jim Baumeister to the Planning Commission to fill Kevin McMullen's unexpired term which will expire in December, 1984. Motion carried.

- B. Revenue Sharing. B. Stocking reported that she had received notice that the City will be receiving revenue sharing funds. She also received notice that cities must assure that handicapped people will be able to use City facilities. She said that by October of this year, Dunes City needs to have made a survey of the City building facilities and notify the Office of Revenue Sharing in Washington, D.C., assuring them that handicapped people could use the Dunes City Building. D. Brown mentioned that the bathrooms in the building are probably the only area that is deficient since they could not accommodate wheelchairs.
- C. Neighborhood Watch. E. Fillman reported that Neighborhood Watch will be meeting in the Dunes City Community Building at 7:30 p.m. Monday, January 16.
- D. Fireplace Cover. B. Stocking had gotten an estimate from Larry's Sheet Metal of \$40 to make a steel plate cover for the fireplace opening in the Dunes City Community Center. The building inspector had said that the open draft on the fireplace was causing a large heat loss for the building. Herb Sauter was in the audience and volunteered to give the City an extra set of glass fireplace doors if they would fit the opening. The City gratefully accepted the offer.

- E. Road Committee. E. Passenger mentioned that it has been awhile since the road committee has met. She would also like Mr. Mann, the road committee chairman, to be more specific in listing the names of the roads he does road work on if he is not going to be able to attend the City Council meeting.

VIII. PUBLIC HEARING - CABLE TV

- A. Mayor Petersdorf opened the public hearing on cable tv at 8:10 p.m. Councilman B. Pitts declared that he has a conflict of interest since he is now employed by McCaw Cablevision and excused himself from discussion. Mr. Carroll Lockhart, engineer for McCaw Cablevision, came to the Council table to answer any questions that the citizens might have about cable tv service. The Council had called for the public hearing because of complaints from citizens about the cable services.

Those who testified complained about tuning problems, additional fees for more than one set, charges for converters that they had been unaware would be in addition to the basic rate and the incompatibility of video cassette recorders and remote tuners. They all seemed to feel miffed at having to pay more for a poorer quality picture than they were getting before McCaw Cablevision came on line.

Mr. Lockhart said that some of the problems of inferior quality are caused by failures on incoming signals, and he doesn't know why. He said that the signal the company can be held accountable for is the satellite picture. Mr. Herb Sauter felt that the fees should not be raised until the picture reception is acceptable. Attorney Gerber advised that the City has no authority to set fees above the fees set for the basic package as interpreted by the federal government.

Attorney Gerber said that the franchise agreement calls for formation of a tv committee that would meet monthly with McCaw to discuss problems with the aim of correcting them. Gerber advised that the City Council implement a tv committee. He also said he would check to see if the City has the right to hold up implementing the new fees for the basic package until the picture quality improves.

Mr. Lockhart said the recent ice storms had damaged a lot of equipment and compounded the problems of the conversion to the new system. They were trying to overcome the problems as quickly as possible.

The public hearing was closed at 9:20 p.m.

D. Brown asked Carroll Lockhart about providing converters to customers as a gesture of good will. Lockhart said he would ask the company about it.

B. Public Hearing - Bob Read - Conditional Use Permit

The public hearing was opened at 9:20 p.m. and closed at 9:25 p.m. Mr. Read wants to buy a portion of an adjacent lot so that he may relocate his septic system. Attorney Gerber said that a minor land partition is not needed here because Mr. Read and Mr. Pengra are merely adjusting lot lines.

D. Brown mentioned that the wording in the Planning Commission minutes was misleading in saying that the motion was made to approve the Conditional Use Permit. The Planning Commission does not have the authority to approve or disapprove - only to recommend for approval or disapproval. Reference was made to Ordinance #50 and the necessity to notify applicants of the need to appeal in writing to the City Council if the Planning Commission gives a negative recommendation.

ACTION

A motion was made by D. Brown and seconded by P. Tout to table the discussion of Ordinance #50 and the appeal process until the February meeting. Motion carried.

DISCUSSION

A motion was made by P. Tout and seconded by E. Passenger to accept the Planning Commission's recommendation for approval of the Conditional Use Permit including the findings of fact and conclusions of law. Motion carried.

C. Public Hearing - Robert Hartshorne - Minor Land Partition

The public hearing was opened at 9:50 p.m. Bob Hartshorne testified on his application to partition a block of approximately 100 acres. The land was purchased jointly with Dr. Richard Anderson on a 60/40 basis with Dr. Anderson to keep 60 acres and Mr. Hartshorne to keep 40 acres. Mr. Hartshorne wants to partition his 40 acres into two parcels at this time. Planning Commission Chairman J. Smith said that the Planning Commission had discussed the matter of an access road to the property. Attorney Gerber said that the City Council can approve the applicant's request and require that he demonstrate that he has legal easements for access or an easement across Dr. Anderson's property off Highway 101.

There was lengthy discussion of easements and eminent domain. The Mayor called for a recess at 10:45 p.m., and the meeting was reconvened at 11 p.m.

The Council had discussed whether there might be a need for a major land partition since Mr. Hartshorne showed a road to his future home site on the Exhibit A he submitted with his application. This exhibit is on file in the City office.

ACTION A motion was made by N. Johnson and seconded by P. Tout to treat Mr. Hartshorne's application as a minor land partition. Motion carried.

ACTION A motion was made by D. Brown and seconded by N. Johnson to approve the minor land partition with the following four conditions:

1. That Mr. Hartshorne be required to obtain easements for ingress and egress to the property.
2. That Mr. Hartshorne be required to obtain title insurance establishing that he has easements to the property.
3. That the City would accept the 30 foot roadway on the unnamed road within the Tsiltcoos Lake Club Plat as adequate for the application.
4. That Mr. Hartshorne would grant to lot 5 the right of ingress and egress across what will be lot 3, and that it will be maintained at the same 30 foot width.

Motion carried.

The public hearing was closed at 11:06 p.m.

ACTION A motion was made by N. Johnson and seconded by D. Brown to extend the meeting beyond 11 p.m.

D. Public Hearing - Paul Enriquez - Variance

Mr. Enriquez had left during the earlier recess, and the City Council tabled his public hearing until the February meeting.

X. UNFINISHED BUSINESS

- A. Diffenderfer complaint. The City Council had been asked by the attorney for Mr. and Mrs. Lincoln Raynes and Mrs. Diffenderfer's attorney to table discussion of the complaint until the February meeting. The Raynes had been in Alaska and had not received their mail in time to reply to the complaint.

- B. Cable TV. B. Pitts declared a conflict of interest because he is now employed by McCaw Cablevision. The Council wanted to discuss with Mr. Lockhart why the company had substituted C-Span for Modern Cable Network. Lockhart said Modern Cable Network is only broadcasting four hours a day because of financial difficulties. So McCaw is substituting C-Span as a stopgap. The Council told Lockhart that, since C-Span was a network the negotitators had not wanted during the negotiations, they felt McCaw should have consulted with the City about substituting a suitable alternative. Attorney Gerber advised the Council to request a written proposal from McCaw for the February Council meeting.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to request a written proposal from McCaw Cablevision before the February City Council meeting on what they plan to substitute for C-Span and Modern Cable Network. Motion carried.

B. Stocking will write to McCaw.

- C. Sheriff's Contract. Lt. Howard Kershner was unable to come to the Council meeting, but he had submitted a proposed contract.

The City Recorder will write a letter to Lt. Kershner which E. Passenger will deliver and in which the following changes will be noted. These are changes in the wording the Council discussed.

Page 1, Section II, sub-paragraph a. "Full time, as used herein, shall mean a regular work day of two hours each day, five days per week, ten hours each week. Less a pro-rata share of that time normally given a deputy sheriff as annual vacation, personal days, sick leave and training."

Page 1, Section II, sub-paragraph b. the Council wanted deleted.

Page 2, Section III, the Council wanted deleted sub-paragraphs b., c., and d. and wanted sub-paragraph a. to read as follows: "pay county the hourly rate, as per attachment "A", as for the deputy sheriff assigned. In the event there is a change in salaries under fringe benefits provided to the deputy sheriff assigned under this agreement, the time provided will be adjusted accordingly."

- D. Sample Letter Regarding Road Paving. Councilman Pitts had drafted a sample letter which the Council had in their December packets regarding road paving. Pitts suggested that the letter be sent to citizens whose road had recently been paved. The letter requested a voluntary donation that would go into the road maintenance fund. Councilman Tout said that he felt the City should not be begging for donations.

ACTION

A motion was made by E. Passenger and seconded by N. Johnson to file the letter for future reference. Motion carried.

- E. Ordinance Compilation. B. Stocking had talked with Gary Darnelle of L-COG about the binding for the ordinance compilation. He had told her that it was possible to have the compilation bound so that future ordinances could be added. N. Johnson volunteered to check on the cost of post binders. Some councilmen had expressed that they felt post binders would be better than loose leaf ring binders. B. Stocking will check with Darnelle on the cost of having the ordinances compiled into post binders. The City Council felt that they would like to have 20 to 25 copies, and they want them to open and be able to lay flat.
- F. Soil Erosion. The C.C.I. had recommended changing the Soil Erosion and Vegetation Ordinance to read 25 feet rather than the present 15 feet. P. Tout said he liked leaving it at 15 feet since it meets county standards rather than making it more restrictive.

ACTION

A motion was made by P. Tout and seconded by N. Johnson to leave the restriction in the ordinance at 15 feet.

AYE: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf,  
P. Tout, and E. Passenger

NAYE: D. Brown

Motion carried.

- G. Nuisance Complaint. The Mayor had previously reported at the December Council meeting that it looked like everything had been taken care of in the complaint of Mrs. Roberts against Mr. Girard. However, E. Passenger had inspected the property before the January Council meeting and said that Mrs. Roberts would like the City to begin nuisance abatement proceedings. R. Gerber advised tabling the matter for 30 days. E. Passenger said that she would talk to Mr. Jack Garrison, Mr. Girard's landlord, about the problem. She will tell him that if the problem with the parked vehicles and dog running at large is not taken care of, the City will begin nuisance abatement proceedings; and that assessments and fines will be assessed against the tenants and the landowner.

XI. NEW BUSINESS

- A. Pacific Northwest Bell franchise. The Pacific Northwest Bell franchise expires in April. P.N.B. had submitted a franchise proposal which increased the franchise fee from 2% to 3%.

ACTION

A motion was made by E. Passenger and seconded by D. Brown to advertise for a public hearing for the February meeting. E. Passenger asked that the Council have the first and second reading of the ordinance (which will be Ordinance #83) at that time. Motion carried.

- B. Street Maps. D. Brown requested street maps of Dunes City for the use of the rural fire department.

- C. Allocation to Fire Department.

ACTION


A motion was made by E. Passenger and seconded by B. Pitts that the City give the allocated \$600 in the budget for fire protection to the Siuslaw Rural Fire Department, Station #1. Motion carried.

- D. Bass Tournament. The Mayor asked if the Council would like to donate part of the motel money for advertising the annual bass tournament at Westlake. D. Brown said that he felt the City should do whatever it could to help. Several Council members said that they felt the weigh-in should be held on the beach rather than the dock so that it would be easier for the majority of the spectators to see.


XII. ADJOURNMENT

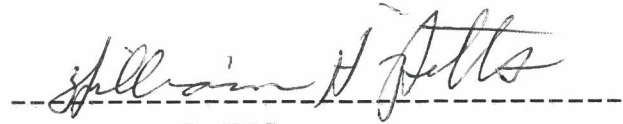
ACTION

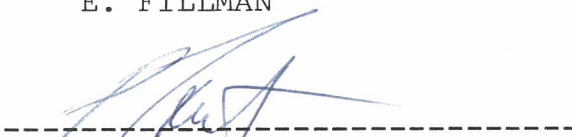
A motion was made by D. Brown to adjourn, and the meeting was adjourned at 12:30 p.m.

  
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MAYOR PETERSDORF

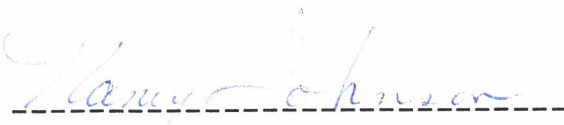
  
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SECRETARY K. BACON

  
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E. FILLMAN

  
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B. PITTS

  
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P. TOUT

  
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D. BROWN

  
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N. JOHNSON

  
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E. PASSENGER

DUNES CITY COUNCIL

REGULAR MEETING

FEBRUARY 9, 1984

I. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order by Mayor Bob Petersdorf at 7:30 p.m.

PRESENT: Attorney Ron Gerber, B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf, P. Tout, D. Brown, City Recorder B. Stocking and secretary K. Bacon. Also present were: Linda Campillo from Siuslaw News, Carroll Lockhart and Paul Renz from McCaw Cablevision, Rick Hamilton from KDUK and Mr. Jim Fish.

EXCUSED: E. Passenger

II. APPROVAL OF MINUTES OF JANUARY 12, 1984

ACTION

A motion was made by D. Brown and seconded by B. Pitts to approve the minutes of the January 12, 1984, meeting. Motion carried.

III. BILLS AGAINST THE CITY - \$1,880.44

ACTION

A motion was made by D. Brown and seconded by P. Tout to pay the bills against the City in the amount of \$1,880.44. Motion carried.

IV. RECEIPTS OF THE SESSION - \$6,694.24

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

A. Bass Tournament. Mr. Rick Hamilton, representing radio station KDUK, made a proposal to the City Council to advertise the Bass Classic for \$485.10. The promotion would begin February 28 and end March 11 (the last day of the tournament). The cost is for 135 30-second advertising spots.

ACTION

A motion was made by D. Brown and seconded by N. Johnson to accept Mr. Hamilton's proposal. Motion carried. Mr. Hamilton will submit the ad copy to the City Council for approval before it goes onto the air.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

A. Thank You Notes. Betty informed the council that the City had written thank you notes to Mrs. Entgelmeier and Mr. Herb Sauter for their contributions for enclosing the fireplace opening at the Dunes City Community Center. The City had also written to thank Sharon Gresham and Tom Hunt for accepting re-appointment to the planning commission and to Kevin McMullen for his service on the planning commission.

Page 2

- B. P.U.D. Street Light. The City had received a letter from Mr. Charles Doran thanking the City for its help in obtaining a street light on Laurel Street.
- C. Solar Energy. P. Tout asked B. Stocking if there had been any response from L-COG regarding a consultant to work with the planning commission on developing a solar plan for Dunes City. Mr. Gary Darnelle had said that Les Tumidaj would be available after the first of the year, but the City had not heard from L-COG. B. Stocking was requested to write to Les Tumidaj and George Kloeppel with a copy to Gary Darnelle requesting a consultant as per Mr. Darnelle's suggestion.
- D. Boundary Commission. Attorney Gerber had received a letter requesting the City to submit names that the governor could consider appointing to the Boundary Commission whenever there is a vacancy on that group.

#### VII. REPORTS

- A. Parks and Recreation. N. Johnson presented the city council with the names of the applicants for the parks and recreation committee. The newly-formed committee was created by Ordinance #78. The members are:

Mrs. Amy Winter	term expires June 30, 1984
Mr. John Winter	term expires June 30, 1985
Mr. Larry Johnson	term expires June 30, 1986

Mrs. N. Johnson will be the council representative on the committee.

- B. Roads. Mr. Bob Hartshorne's attorney had contacted Attorney Gerber to say that the title company will give Mr. Hartshorne title insurance on roads for ingress and egress to the property. This matter was discussed at length in the January 12, 1984, meeting. Acquiring title insurance was one of the conditions of Mr. Hartshorne's minor land partition. Mr. Gerber advised the council to table discussion of the matter until the March council meeting.

#### ACTION

A motion was made by P. Tout and seconded by N. Johnson to table discussion of the matter until the March city council meeting. Motion carried.

The mayor read the letter of resignation of Road Chairman Ira Mann. The mayor asked B. Stocking to advertise for applications for a replacement.

- C. Ordinance Compilation. There was city council discussion of the costs of binding the ordinances into a two-post or three-post binder. N. Johnson had gotten a cost estimate of \$7.64 for an 8½ x 11, two-post binder.

ACTION

A motion was made by D. Brown and seconded by P. Tout to buy the 8½ x 11, two-post binder for \$7.64 as quoted by N. Johnson. Motion carried. The mayor requested B. Stocking to purchase 16.

- D. Dunes City Sign. Mr. Jim Fish presented a letter to the city council from the Westlake merchants accepting the sign at the interesection of Highway 101 and Pacific. Mr. Fish will get extra paint in the colors Mr. Henderson used for the sign to keep on hand to touch up the sign as it is needed.

VIII. UNFINISHED BUSINESS

- A. Diffenderfer complaint. Attorney Tom Nicholson, representing Mrs. Diane Diffenderfer, asked the city council to postpone discussion of the complaint until the March city council meeting.
- B. Ordinance #50 - Appeal Process. Attorney Gerber recommended amending Ordinance #50 so that a negative recommendation from the planning commission does not require an applicant to appeal in writing to the city council within 10 days to be heard before the city council. Attorney Gerber will have a draft of an amendment to Ordinance #50 ready for the March city council meeting.
- C. Cable TV. B. Pitts, who is employed by McCaw Cablevision, declared a conflict of interest and did not participate in the discussion. Attorney Gerber recommended that the city council appoint a tv committee as included in the franchise agreement with McCaw to perform fact-finding duties and help cut down the amount of City time used. The mayor asked D. Brown to become chairman of the tv committee. B. Pitts will become chairman of the C.C.I. Steve Saubert and Bruce Herbert both agreed to serve on the tv committee. The council would like to have five members eventually but will begin with three. D. Brown asked about a planning commission member serving on the committee. The mayor is going to contact Tom Hunt. B. Stocking will call Sue Brown about serving on the committee.

Mr. Paul Renz, Area General Manager for McCaw Cablevision, told the council that several networks are presently shifting from one satellite to another; and when they get more information on what networks will be available, it will be easier to present a proposal for an alternative for C-Span. The council had previously expressed dissatisfaction with the substitution of C-Span for Modern Cable Network. P. Tout requested a list of things that are available as a replacement. Mr. Renz said that McCaw can give channel lineups that are presently available, although that does not guarantee that they will always be there.

The council agreed that it would be good for the tv committee to meet with a representative from McCaw and to discuss what is available and present a proposal to the council. Renz said the company would be glad to work with the council. Gerber will send D. Brown a memorandum listing the problems as he sees them. D. Brown scheduled the meeting for February 29 at 7:30 p.m.

Attorney Gerber asked B. Stocking to give each member of the tv committee a copy of the ordinance and franchise agreement.

Attorney Geber asked direction from the council on whether they would like him to attend the tv committee meetings. It was decided that he will not attend the meetings unless he is requested to do so by Chairman D. Brown and it has been cleared with the mayor.

- D. Sheriff's Contract. The City has not received a copy of the contract with the Lane County Sheriff's Department, but the sheriff's office had contacted the mayor and had verbally agreed to the changes the city council had drafted at the January 12 city council meeting.
- E. Nuisance Complaint. E. Passenger had submitted a written report to the council saying that Officer Tidball had been checking for violations at the property on Kendall Lane across from Mrs. Roberts. Officer Tidball had not observed any violations, but he will keep checking.
- F. Merz-Davidson Street Deed. The City had received documentation transferring title of Cloud Nine Road to Dunes City.

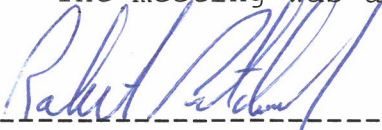
ACTION

A motion was made by N. Johnson and seconded by B. Pitts to accept the two deeds from Mr. and Mrs. Bob Merz and Mr. and Mrs. Don Davidson. Motion carried.

- G. Enriquez Variance. Mr. Paul Enriquez' request for a variance which was tabled from the January 12 meeting was dropped. Mr. Enriquez no longer wished to build on his property in a manner that would require a variance.
- H. Lights on Highway 101. D. Brown requested a warning light on Highway 101 that could be activated whenever an emergency vehicle is approaching the intersection of Highway 101 and Clear Lake Road. He was specifically concerned with fire trucks. With a hill immediately to the south of Clear Lake Road obstructing the view of motorists approaching from the south, he was worried about a potential accident at the intersection. There is a device on Highway 126 at Walton that activates when a fire truck enters the highway there. The council requested that E. Passenger, the road commissioner, check with L. E. "Bud" George of the State Speed Control Board about installing a warning device.
- I. Street Lights. N. Johnson asked how much it costs the City to operate the street lights. She was told it costs \$7.50 per light per month -- except for three lights which cost more.

IX. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.



MAYOR BOB PETERSDORF



SECRETARY K. BACON



N. JOHNSON

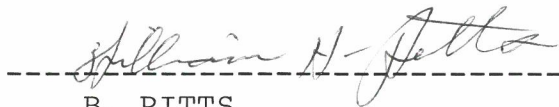
E. PASSENGER



E. FILLMAN



P. TOUT



B. PITTS



D. BROWN

DUNES CITY COUNCIL

REGULAR MEETING

MARCH 8, 1984

AGENDA

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF FEBRUARY 9, 1984
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
  - A. General Election Nov. 6 - Candidates due Sept. 6
  - B. Letter Re. Roads
  - C. Six-Year Road Plan
  - D. Community Profile
- VII. REPORTS
  - A. Cable TV Committee - D. Brown
  - B. Emergency Warning Device on Highway 101 & Clear Lake Road - E. Passenger
  - C. Energy - P. Tout
  - D. Police Commissioner Report - E. Passenger
  - E. Road Commissioner Report - E. Passenger
- VIII. PUBLIC HEARINGS
  - A. Pacific Northwest Bell Franchise - first and second reading
  - B. Amendment to Ordinance #50 - Appeal Process
  - C. Conditional Use Permit - James Edge to place a mobile home
  - D. Variance Request - Mark English - to encroach into setback requirement for Erhart Road
  - E. Street Name Change for Peninsula Road
- IX. EXECUTIVE SESSION a)Litigation, b)Personnel, c)Negotiations
- X. UNFINISHED BUSINESS
  - A. Sheriff's Contract
  - B. Bob Hartshorne - Minor Partition
  - C. Diffenderfer Complaint
- XI. NEW BUSINESS
  - A. Use of Residential Property for Recreational Vehicles - Emile Mortier, building inspector
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING

MARCH 8, 1984

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order at 7:30 p.m. by Mayor Bob Petersdorf.

PRESENT: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger, Attorney Ron Gerber, City Recorder B. Stocking, and secretary K. Bacon. There were six citizens present in the audience and one member of the press.

II. APPROVAL OF MINUTES OF FEBRUARY 9, 1984

ACTION A motion was made by P. Tout and seconded by D. Brown to approve the minutes of the February 9, 1984, city council meeting. Motion carried.

III. BILLS AGAINST THE CITY - \$1,712.54

ACTION A motion was made by D. Brown and seconded by P. Tout to pay the bills against the City including the bill for \$610 from McCormick Backhoe which came in too late to be printed on the list of bills. Motion carried.

IV. RECEIPTS OF THE SESSION - \$9,824.23

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

B. Stocking reviewed several items of correspondence the City had received. One letter the City had received was from Switchboard, Inc., which prints a human services directory. They wanted to know if Dunes City would like to be included in the directory. For a donation of \$10 or more, Dunes City can receive a copy of the directory.

ACTION A motion was made by D. Brown and seconded by E. Passenger to send \$10 to Switchboard, Inc. for a copy of the directory and ask that Dunes City be included with Florence as having 911 service. Motion carried.

VII. REPORTS

A. Cable TV. D. Brown reported on the meeting with the cable tv committee. At the meeting, Carroll Lockhart had reported that the problems with channels 12 and 6

seem to be out of the control of the local cable company. D. Brown reported that most customers seem to be satisfied with the quality of the reception they are getting and problems seem to be with pricing, costs of some of the equipment and public relations. The committee discussed programming. D. Brown recommended having another meeting during the day and scheduled March 21 at 2 p.m. for the next meeting. There was a discussion of putting a tv in the Dunes City Community Center so that people could come in and compare the picture with the one they are getting on their sets at home.

- B. Emergency Warning Device. The council tabled discussion of the emergency warning device for Highway 101 and Clear Lake Road until the April meeting.
- C. Energy. P. Tout reported that he had talked with Les Tumidaj on the phone and had suggested that Mr. Tumidaj schedule directly with the planning commission on setting up a meeting. (Mr. Tumidaj had been suggested by L-COG as a representative to help work out a solar plan for Dunes City.)
- D. Police. E. Passenger had not heard from Mrs. Roberts on Kendall Lane regarding her previous complaint. The deputy is continuing to watch that area during his patrols. In a separate item, E. Passenger said she felt Dunes City should not be billed by the sheriff's department for an hour the deputy spent at an accident on Clear Lake Road -- which is a county road.
- E. Road Committee. It was reported that the road committee will be interviewing someone March 9 at 2 p.m. to replace the road chairman, Ira Mann, who has resigned.
- F. Parks and Recreation. N. Johnson reported that the parks and recreation committee would like to recommend that a portion of road property on Parkway Drive and a portion of road property on Hilltop Drive be converted into city parks. The mayor referred the matter back to the committee to discuss and document that the parcels in question aren't private property. The city council would like to have maps or documents showing that the LaForges have dedicated it to the public.
- G. Yard of the Month. B. Pitts reported that the sign to be placed in the Yard of the Month is just about ready to go. Mr. Pitts suggested that a committee be appointed to make the selection. P. Tout suggested having the garden club from Florence make the selection if they were willing to do so. The city council referred the matter to the parks and recreation committee to work out the details.

- H. 911 Meeting. The mayor reported on the 911 meeting he had attended. Mapleton will be included in the 911 service within the next two months.

VIII. PUBLIC HEARINGS

- A. Pacific Northwest Bell Franchise. Mayor Petersdorf opened the public hearing on the Pacific Northwest Bell franchise at 8:30 p.m. Attorney Gerber explained that the franchise is a non-exclusive, 20-year franchise. Pacific Northwest Bell will grant a 3% franchise fee to Dunes City for the right of using the public right-of-way.

ACTION A motion was made by E. Passenger and seconded by D. Brown to have the first reading of Ordinance #83 by long title. Motion carried. Attorney Gerber read the ordinance by long title.

ACTION A motion was made by P. Tout and seconded by E. Fillman to accept the first reading of Ordinance #83.

AYE: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger.

Motion carried.

ACTION A motion was made by P. Tout and seconded by D. Brown to have the second reading of Ordinance #83 by short title only. Motion carried. Attorney Gerber read the ordinance by short title.

"An Ordinance granting to Pacific Northwest Bell Telephone Company, hereinafter sometimes referred to as 'grantee', its successors and assigns the right and privilege to do a general communication business and to place, erect, lay, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares, and public highways, places and grounds within the City of Dunes City poles, wires and other appliances and conductors for all telephone, telegraph and other communication purposes."

ACTION A motion was made by P. Tout and seconded by D. Brown to accept the second reading of Ordinance #83.

AYE: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger.

Motion carried. The public hearing was closed at 8:40 p.m.

- B. Amendment to Ordinance #50 - Appeal Process. The public hearing was opened at 8:41 p.m.

ACTION

A motion was made by P. Tout and seconded by E. Passenger to have the first reading of Ordinance #84 by short title only. Motion carried. Attorney Gerber read the ordinance by short title.

"This is an Ordinance amending Ordinance #50, the land use ordinance for Dunes City, Oregon, changing the Planning Commission's authority when processing a conditional use permit. Rejections by the Planning Commission will automatically be reviewed by City Council pursuant to this amendment."

ACTION

A motion was made by P. Tout and seconded by E. Fillman to accept the first reading of Ordinance #84.

AYE: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger.

Motion carried. The public hearing was closed at 8:46 p.m.

- C. Conditional Use Permit - James Edge. The mayor opened the public hearing at 8:47 p.m. on the request of Mr. James Edge for a conditional use permit to place a mobile home in a residential area.

The public hearing was closed at 8:50 p.m.

ACTION

A motion was made by P. Tout and seconded by E. Fillman to accept the findings of fact, conclusions of law, and recommendation of the planning commission to grant a conditional use permit to Mr. James Edge with the following conditions:

1. The mobile home not be unsightly.
2. The mobile home be skirted.
3. Mr. Edge get a building permit.
4. The setback be established by variance.

Motion carried. The public hearing was closed at 9:10 p.m.

- D. Variance - Mark English. The mayor opened the public hearing at 9:11 on the request of Mark English for a variance to place a storage shed inside the 50-foot setback requirement for Erhart Road.

Attorney Gerber noted that Mrs. English works for him. The public hearing was closed at 9:12 p.m.

ACTION

A motion was made by E. Passenger and seconded by D. Brown to accept the findings of fact, conclusions of law, and recommendation of the planning commission to grant Mr. Mark English a variance with the following conditions:

1. A garage door be installed to cover the opening facing Erhart Road.
2. The storage shed meet state and Dunes City building codes.
3. Mr. English get a building permit.

Motion carried.

- E. Name Change for Peninsula Road. The mayor opened the public hearing at 9:20 p.m. on the street name change for Peninsula Road. Becuase there are two pieces of road that are not connected, it was suggested that one section be re-named to differentiate it from the other section. It was suggested by the mayor that the City notify the property owners on Peninsula Road and ask them what name they would like for the name change.

ACTION

A motion was made by D. Brown and seconded by P. Tout that no action be taken, that the property owners on the west section of Peninsula Road be notified, and that someone be appointed to determine what action should be taken. Motion carried. Ira Mann will work with Betty on notifying the property owners. Public hearing was closed at 9:30 p.m.

X. UNFINISHED BUSINESS

- A. Sheriff's Contract. E. Passenger was asked to check with the Lane County Sheriff's Office to see if the deputy was already on patrol for Dunes City when he was called to an accident within Dunes City.

ACTION

A motion was made by P. Tout and seconded by D. Brown to approve the contract between the Lane County Sheriff's Office and Dunes City. Motion carried.

- B. Bob Hartshorne - Minor Partition. The city council was referred to letters in their packets to and from the Lane County Department of Assessment and Taxation regarding the roads in the Tsiltcoos Lake Club Plat. Lane County did not realize that the roads were private, and they will begin levying taxes on the roads in the plat. The taxes will be figured and divided between the 75 property owners. Mr. Hartshorne was in the audience. He wondered if the council would consider condemning the roads -- either one or two or all of them. Mr. Hartshorne is considering buying a piece of property which would give him access to his property off Clear Lake Road. He would be willing to give the City the cost he would be expending for the access strip for the City to use toward the cost of condemnation proceedings, if the council chooses to do so. Mr. Hartshorne said he is negotiating the purchase at \$1500 to \$2000.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to survey the property owners within the Tsiltcoos Lake Club Plat to determine how many would be willing to dedicate the roads within the plat to Dunes City. The motion was later amended to have the road committee look at the roads in the Tsiltcoos Lake Club Plat to determine which roads Dunes City is using and which roads they will need in the future. Then have the City notify property owners and ask if they would be willing to relinquish rights to just those roads. D. Brown wanted the City to send copies of the letters to and from the county tax department regarding the roads in the Tsiltcoos Lake Club Plat. E. Passenger declared a conflict of interest since she owns property in the Tsiltcoos Lake Club Plat.

AYE: N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout.

NAYE: B. Pitts

ABSTAIN: E. Passenger

The motion carried. The road committee will meet next month and will discuss the roads. D. Brown was asked to work with Ira Mann or his replacement on the roads in the plat. Mr. Hartshorne will continue his research to see if the park and roads in the plat were sold at a tax sale.

- C. Diffenderfer Complaint. T. Nicholson, the attorney for Mrs. Diffenderfer, had notified the City that he thought if he and his client had another 30 days they could resolve the complaint.
- D. Ordinance Compilation. Attorney Gerber reported that L-COG had notified him that they will do a legal review of the Dunes City ordinances for \$400. Attorney Gerber advised that \$400 was a fair price.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to approve the legal review as part of the ordinance compilation package. Motion carried. B. Stocking was instructed to check with Gary Darnelle of L-COG on why there is a price change.

- E. Bass Classic. There was a discussion of the bathroom at the county park. N. Johnson reported that it was filthy. The council was concerned because the Bass Classic was coming up. The mayor was going to check on having it cleaned.

XI. NEW BUSINESS

- A. Use of Residential Property for Recreational Vehicles. Mr. Emile Mortier, the city building inspector, had written the City with regard to recreational vehicles he had observed on residential lots, and he had considered them to be in violation of Dunes City ordinances and/or Oregon State building codes. There was city council discussion of this. The mayor asked B. Stocking to notify Mr. Mortier that the City does not consider recreational vehicles in violation, but the City does want him to issue building permits for any structures that are erected over a recreational vehicle.
- B. Justice Court. Judge Clark of Justice Court had talked with Attorney Gerber. He would be willing to assign able-bodied men to Dunes City to complete a community service sentence. However, the county cannot pay workman's compensation. Attorney Gerber and E. Passenger recommended that the men not be allowed to use City equipment. They would have to provide their own equipment. The City would not supervise the job but would lay out the work to be done and tell the judge how long it should take to do the job. However, the City would have to pay workman's compensation. The city council was not in favor of accepting the offer because of the need to pay the workman's compensation.
- C. Custodial Position. The mayor reported he had received several applications for the custodial position. He had narrowed the list to about 20 names. N. Johnson suggested that a personal interview be held. The mayor and B. Stocking will screen the final applicants.

- D. Sign for the North Beach Area. E. Passenger had been asked by the Dyers to request that the city council put up a sign at the intersection of Highway 101 and Clear Lake Road advertising the north beach area. The city council said they thought the state would have to give permission to erect a sign, and they may have to get permission from the Dunes N.R.A. (The sign that was recently erected on Pacific was a replacement of an existing sign.) The city council asked B. Stocking to find out what would be necessary to get permission to put up a sign.
- E. Recess. D. Brown suggested that the city council take a recess two hours into the meeting. The city council agreed that would be a good idea.
- F. Smoking. D. Brown also asked about smoking at the meeting. Attorney Gerber advised that it is not legal to smoke at the meetings. B. Stocking is going to check on getting some "No Smoking" signs.

XII. ADJOURNMENT


A motion was made by E. Fillman to adjourn, and the meeting was adjourned at 11:35 p.m.

  
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MAYOR PETERSDORF


  
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SECRETARY K. BACON

  
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B. PITTS

  
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N. JOHNSON

  
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E. FILLMAN

  
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D. BROWN

  
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P. TOUT

  
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E. PASSENGER

DUNES CITY COUNCIL

REGULAR MEETING

APRIL 12, 1984

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Bob Petersdorf.

PRESENT: B. Pitts, N. Johnson, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger, Attorney Ron Gerber, City Recorder B. Stocking, secretary K. Bacon. Present in the audience were: the Road Chairman, Ira Mann; the Planning Commission Chairman, Judy Smith; six citizens and one member of the press.

II. APPROVAL OF MINUTES OF MARCH 8, 1984

ACTION

A motion was made by E. Fillman and seconded by B. Pitts to approve the minutes of the meeting of March 8, 1984, with a spelling correction on Page 8. Motion carried.

III. BILLS AGAINST THE CITY

ACTION

A motion was made by E. Passenger and seconded by N. Johnson to pay the bills against the City in the amount of \$4,863.47. The mayor abstained from voting. Motion carried.

IV. RECEIPTS OF THE SESSION - \$9,918.51

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

A. Kay Tindle Resignation. The City had received the resignation of Planning Commissioner Kay Tindle. Mrs. Tindle was moving from Dunes City and asked to be released from the commission effective immediately.

ACTION

A motion was made by E. Passenger and seconded by D. Brown to accept the resignation of Kay Tindle with regrets. B. Stocking was asked to write a letter to Mrs. Tindle expressing thanks for her service to Dunes City. Chairman J. Smith told the City Council that the Planning Commission has no recommendations for a commissioner to replace Mrs. Tindle. The City will advertise for a commissioner.

VII. REPORTS

A. TV Committee. D. Brown reported on the afternoon meeting of the Cable TV Committee held March 21. At that meeting Carroll Lockhart of McCaw Cablevision had reported that the number of calls from customers on problems with their

reception is lessening. Mr. Lockhart was at the City Council meeting and reported on the progress McCaw is making on improving reception of Channel 12 and handling service calls.

D. Brown wondered if the TV Committee was being very effective when there had been such a sparse turn-out at the committee meetings. Attorney Gerber advised that the City does need a tv committee which would educate itself on tv concerns so that the City Council would be able to receive knowledgeable advice from it. He said that the League of Oregon Cities offers classes for public officials to educate themselves on tv matters. P. Tout felt it was more important for committee members to educate themselves on financial matters related to cable tv rather than technical know-how.

ACTION

A motion was made by D. Brown and seconded by E. Passenger to table the matter until the May City Council meeting. Brown will make inquiries to see what has been done elsewhere. Motion carried.

B. Parks and Recreation.

1. Yard of the Month. N. Johnson reported on the Yard of the Month project. The Florence Garden Club has agreed to be the judge for the Yard of the Month. The judging will occur during the months of June, July and August. Honeyman Village Nursery had offered to donate a rhododendron a month to the winner of the month. N. Johnson had placed a public service announcement on Channel 10 asking that anyone who would like to have their yard considered for judging call her and give their name and address. Only those who wish to participate will have their yards judged. She had received a lot of favorable comment about the project.
2. Park Areas on Hilltop and Parkway. N. Johnson presented a map to the City Council with the two proposed park areas outlined in red. She also had a letter from Mrs. Bernie LaForge which said that it had been the intent of her husband and herself that those two parcels become parks.

E. Passenger said she would like Mrs. LaForge to deed the land to the City before the City spends money on them. Attorney Gerber advised that Mrs. LaForge can give the City a quit claim deed relinquishing any rights she may have to the land.

ACTION

A motion was made by N. Johnson and seconded by E. Fillman to accept the two parcels designated as parks by Mr. and Mrs. Bernie LaForge on Hilltop and Parkway.

AYE: B. Pitts, N. Johnson, E. Fillman and Mayor Petersdorf  
NAYE: D. Brown, P. Tout, E. Passenger.

Motion carried. N. Johnson said she will send a copy of the plat map to Lane County to be sure of the ownership of the two parcels.

- C. Road Committee. Ira Mann gave a report of the work he had done for the month, and he submitted a plan for work he feels should be done in the summer of 1984.

E. Passenger reported on the emergency warning device that had been requested by D. Brown for the intersection of Highway 101 and Clear Lake Road. She had contacted Mr. Bud George of the State Speed Control Board who had referred her to Kipp Osborn of Roseburg. Mr. Osborn had requested written documentation from the City. The State Traffic Department will then decide if it is reasonable to make a survey. D. Brown had offered to write the letter and had a rough draft of his letter which he read to the group.

E. Passenger asked to be relieved as road commissioner since she will be leaving the City Council in December. She felt a continuing council person could provide more continuity for a new road chairman. The mayor asked Mrs. Passenger to wait to ask to be relieved because he would like to talk to her about it. B. Stocking was asked to put an ad on Channel 10 for two weeks for a road chairman applicant; and if there is no response, it will be advertised in the newspaper.

- D. Tsiltcoos Lake Club Plat. The secretary reported on letters that had been sent to the Lane County Department of Assessment and Taxation concerning the designated park property in the plat that had been sold. She also reported that letters had been sent to all the property owners in the Tsiltcoos Lake Club Plat asking if they would be willing to relinquish their rights to North Pioneer Road and an unnamed road that runs between lots 401 and 302 and 300. There had been four replies with two in favor of relinquishing and two in favor of the status quo.

E. Passenger, a resident of the plat, had a letter she asked be read to the City Council. The letter is on file in the City office and is incorporated herein by reference.

Mr. Gus Stores, owner of lot #401, had verbally agreed to relinquish his rights of private ownership; and he said he would offer his lot for sale to the City for \$2,000 if it wants to use it to widen the unnamed road. His lot is approximately five feet wide.

VIII. PUBLIC HEARINGS

- A. Amendment to Ordinance #50. The public hearing was opened at 9:05 p.m. by Mayor Petersdorf.

ACTION A motion was made by E. Passenger and seconded by D. Brown to have the first reading of Ordinance #84 amending Ordinance #50. Motion carried and Attorney Gerber read the amendment in its entirety.

ACTION A motion was made by P. Tout and seconded by D. Brown to accept the first reading of Ordinance #84.

AYE: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf,  
D. Brown, P. Tout, E. Passenger

Motion carried.

ACTION A motion was made by E. Passenger and seconded by D. Brown to have the second reading of Ordinance #84 by short title only. Motion carried and Attorney Gerber read the Ordinance by short title.

"This is an Ordinance amending Ordinance No. 50, the land use ordinance for Dunes City, Oregon, changing the Planning Commission's authority when processing applications under Section 9 of Ordinance No. 50. Rejections by the Planning Commission will automatically be reviewed by City Council pursuant to this amendment."

ACTION A motion was made by P. Tout and seconded by D. Brown to accept the second reading of Ordinance #84.

AYE: B. Pitts, E. Fillman, N. Johnson, Mayor Petersdorf,  
D. Brown, P. Tout, E. Passenger.

Motion carried.

The public hearing was closed at 9:15 p.m.

- B. James Edge - Variance.

The Mayor opened the public hearing on the variance request of James Edge at 9:17 p.m.

Mr. and Mrs. Edge requested a variance to encroach five feet into the 10-foot setback required at the rear of their property on Lake Boulevard to place a storage building

and to encroach into the 50-foot setback required from the center of Lake Boulevard to place their mobile home.

The Planning Commission had heard the request April 11. The City Council had the Planning Commission's recommendation that the Council grant a variance to encroach five feet into the setback on the east end of their property but not to allow an encroachment into the 10-foot setback required on the south side of their property because of a potential fire hazard.

Planning Commission Chairman J. Smith explained that the commission could not justify placing the storage building closer than 10 feet on the south side of the property because there is a storage building belonging to the Edges neighbors built on the property line. Planning Commission did not feel Mr. and Mrs. Edge would need a variance to encroach into Lake Boulevard if they placed their mobile home twenty feet back from their front property line. That would, in effect, place them 50 feet from the center line of the dedicated 60-foot roadway.

Mrs. Edge explained about the problems of placing the storage building with the narrowness of the lot, septic system on the north and the slope and drop-off on the south side of the property.

The public hearing was closed at 9:45 p.m.

City Council discussed the close proximity of the neighbors. Council members felt Mr. and Mrs. Edge had the right to have a garage/storage building, but they agreed with the Planning Commission recommendation because of the fire hazard.

Attorney Gerber advised that the Edges request the City Council to remand the application back to Planning Commission to consider placement of a proposed deck if it is going to encroach into the 10-foot setback on the south.

ACTION

A motion was made by D. Brown and seconded by E. Passenger to remand the variance back to Planning Commission to consider the deck and placement of the storage building/garage.

AYE: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown,  
P. Tout, E. Passenger  
ABSTAIN: N. Johnson

Motion carried.

IX. RECESS

There was a recess at 10:25 p.m. Before the recess, E. Passenger presented Ira Mann with a gift from the City in appreciation of his years of service to the City as the Road Chairman.

The meeting was reconvened at 10:50 p.m.

X. UNFINISHED BUSINESS

- A. Peninsula Road. Letters had been sent to 17 property owners along Peninsula Road off Collins Road. Because Peninsula Road is separated by difficult terrain, it was suggested that the section off Collins Road might be renamed. The property owners along that section were asked for their comments. There were four responses. City Council decided to postpone a decision for another month to give more people a chance to respond.
- B. Road Sign for the North Beach Area. E. Passenger asked what progress had been made in finding out the necessary steps for placing a sign near the intersection of Highway 101 and Clear Lake Road announcing the north beach area. City Council requested that B. Stocking determine the ownership of the property on the west side of Highway 101. City Council would also like Betty to find out the procedure that would be necessary for placing a sign at that intersection.

ACTION A motion was made by E. Passenger and seconded by N. Johnson at 11:05 to proceed with new business. Motion carried.

XI. NEW BUSINESS

- A. Liquor Licenses.

ACTION A motion was made by D. Brown and seconded by P. Tout to approve the liquor licenses for Darlings Resort and Woahink Landing. Motion carried.

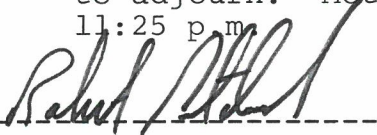
- B. Dog License Money. P. Tout asked if the City is no longer receiving money from Lane County for dog licenses. B. Stocking said the City had not received any money for a long time. She said she would check with the county about it.
- C. Planning Commission Secretary. The Mayor advised the City Council that the budget for the Planning Commission secretary salary had almost been spent for this fiscal year.


He requested authorization to take money from another area if the accountant could determine an area from which it could be taken. The City Council authorized the City to take the money from other areas if the money is available.

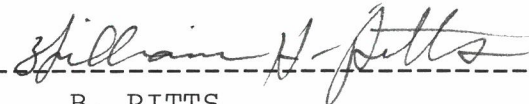
XII. ADJOURNMENT

ACTION


A motion was made by N. Johnson and seconded by E. Passenger to adjourn. Motion carried and the meeting was adjourned at 11:25 p.m.

  
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MAYOR PETERSDORF

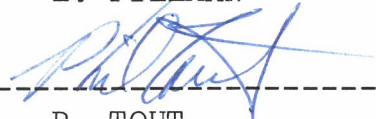
  
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SECRETARY K. BACON

  
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B. PITTS

  
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N. JOHNSON

  
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E. FILLMAN

  
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D. BROWN

  
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P. TOUT

  
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E. PASSENGER

DUNES CITY COUNCIL

REGULAR MEETING

MAY 10, 1984

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Robert Petersdorf.

PRESENT: B. Pitts, E. Fillman, N. Johnson, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger, Attorney Ron Gerber, City Recorder B. Stocking, and secretary K. Bacon. There were seven citizens in the audience, one member of the press, the City Building Inspector, and the Planning Commission Chairman and Vice-Chairman.

II. APPROVAL OF MINUTES OF APRIL 12, 1984

ACTION

A motion was made by D. Brown and seconded by E. Fillman to approve the minutes of the meeting April 12, 1984. Motion carried.

II. BILLS OF THE SESSION - \$5,871.69.

TION

A motion was made by P. Tout and seconded by D. Brown to pay the bills against the City in the amount of \$5,871.69. Motion carried.

IV. RECEIPTS OF THE SESSION - \$6,417.26

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

A. Rhododendron Festival. Councilman D. Brown announced that he still had Rhody buttons available for sale.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

A. Liquor License Applications. B. Stocking read a letter she had received from the State Liquor Control Commission. The Commission wanted the City to be aware of how important it is for the City to be involved in the liquor applications as a representative of the people. The Commission will be sending a representative to call on the City.

VII. REPORTS

A. Cable TV. D. Brown reported that he has made several inquiries of other cable systems. There do not seem to be any classes or symposiums that are regularly scheduled to help public officials educate themselves on tv-related matters. He had been given a handbook just before the council meeting that had been sent by the League of Oregon Cities. The handbook was concerning cable tv matters. He had been told that it was probably the most helpful source available. He had talked with Carroll Lockhart of McCaw.

Cablevision. McCaw is aware of the problems with Channel 13 and is trying to resolve them.

The City Council approved reimbursing D. Brown for his expenses to attend a cable tv meeting that is scheduled for the Eugene-Springfield area.

- B. Roads. E. Passenger, the road commissioner, had walked over Wright Road, Leavitt Loop and Greengate Road with Ira Mann. The road chairman felt those three roads should be blacktopped this season. The City will get cost estimates to determine if it will be under \$2,000 or if the City will have to let bids to have the work done.
- C. Recreational Vehicles. Emile Mortier, the building inspector, had sent the City a memo February 8, 1984, concerning recreational vehicles on private property. He said he has no objections to people placing recreational vehicles on their property and using them for recreational use, but people are building accessory buildings such as garages and carports over the vehicles which are in violation of the City zoning ordinance. He said that by definition an accessory building must be accessory to a main use or permanent building on the lot. A recreational vehicle would not fit into that category. Dunes City does not have authority to amend the state building code, and these structures do not comply with the state building code, he said. Mr. Mortier said the City either needs to amend the ordinance to allow the structures or decide what enforcement efforts the City wants to take against violations. He suggested the City could recognize staying in a recreational vehicle as an interim use and permit a structure to be built which would be accessory to a future permitted use. His example of this was a person living in a recreational vehicle while he builds a house on the property.

City Council asked Mr. Mortier to word a possible amendment to the zoning ordinance. Then the city attorney can implement it into ordinance form. The City will provide Mr. Mortier with a copy of a draft of a recreational vehicle ordinance that was worked on by C.C.I.

- D. Parks and Recreation. N. Johnson reported that the Parks and Recreation Committee unanimously recommended to the City Council that it name two pieces of designated park property on Hilltop and Parkway Drives. The names they recommended were Petersdorf City Park for the Hilltop Drive park and Byrd Memorial Park for the park property on Parkway Drive.

ACTION

A motion was made by N. Johnson and seconded by B. Pitts to accept the recommendation of the Parks and Recreation Committee.

AYE: B. Pitts, E. Fillman, N. Johnson, D. Brown, P. Tout,  
E. Passenger.

NAYE: Mayor Petersdorf

Motion carried.

N. Johnson said that there is a Boy Scout who is interested in making the signs for the two parks as a Scout project. He will have his designs and cost estimates ready for the City Council by its June council meeting.

Yard of the Month. N. Johnson asked B. Pitts to change the public service ad on tv to request that people wishing to have their yards judged for Yard of the Month sign up by calling 997-8813 after 6 p.m. or by sending their request to the Dunes City office.

E. Police Commissioner. The City had received two separate dog complaints. The complaints are from two neighbors on Lakeshore Drive who were complaining about each others dogs. Attorney Gerber advised Mrs. Passenger, the police commissioner, to tell each of the complainants that the City has received two signed complaints; and that if they cannot work the problem out among themselves, the City will issue a cease and desist and order that they each tie up their dogs. Mrs. Passenger will deliver a letter from the Mayor stating the City's position in the matter.

F. Dog Money. P. Tout asked if the City was receiving any money yet from dog licenses. B. Stocking will check with Lane County to see why the City is not receiving money. B. Pitts will put an ad on tv that asks Dunes City residents to state they live in Dunes City when they license their dogs so that the City will receive the appropriate revenue from the county.

Corrected at  
6-14-84 mtng. G.  
to read that the  
open house was at  
all three  
stations.

Fire Commissioner. D. Brown said that May 12 is Fire Service Recognition Day. There will be an open house at Siuslaw Rural Fire Station #1 from 10 - 2 p.m.

H. Building Report. E. Fillman, the building commissioner, had checked on the cost of buying new chairs for the City Council to replace the ones currently in use. He had gotten a local estimate and had a sample chair available at the meeting. The cost would be \$208 per chair if the City bought seven or more. N. Johnson felt the City could get a better price than that. The Mayor said he would talk with the company to see if they could give a better price.

VIII. RECESS

The Mayor recessed the meeting at 8:30 p.m. The meeting was reconvened at 8:48 p.m.

IX. PUBLIC HEARINGS

- A. Central Lincoln P.U.D. The public hearing was opened at 8:48 p.m. on the Central Lincoln P.U.D. Franchise. Mr. Pat Peach from the local office of Central Lincoln P.U.D. introduced Mr. Jack Snook, manager of customer services for P.U.D., from Newport. Mr. Snook apologized for not having copies of the franchise available to the City Council before the meeting so that they could look at it. He said that it is basically the same franchise that the City is currently operating under. It includes an amendment the City made to the old franchise in 1981. The public hearing was closed at 9:05 p.m.

ACTION

A motion was made by E. Passenger and seconded by D. Brown to table consideration of the P.U.D. franchise agreement until the regular June City Council meeting. At that time the City Council will have the first and second reading and declare an emergency.

- B. Closen F. Christian Subdivision. The public hearing on the Closen F. Christian subdivision was opened at 9:06 p.m. Chairman J. Smith gave the Planning Commission's position. Mr. Eugene Wobbe of Plants and Associates told the council briefly what Mr. Christian plans to do. N. Johnson asked if Mr. Christian plans to make Tsiltcoos Terrace a through street. Mr. Wobbe replied that they had not planned to when they submitted the tentative plan. E. Passenger pointed out that a street less than 2400 feet in length would need to have two exits according to information on page 22 of the subdivision ordinance. She pointed out that the subdivision ordinance also requires underground utilities. She was concerned that there was no map included showing subsurface sewage disposal as per requirement #14 on page 14 of the subdivision ordinance. Mr. Wobbe assured Mrs. Passenger that state law requires that the D.E.Q. approve on-site subsurface sewage disposal sites before a lot can be sold. He said that when Mr. Christian submits the final plan to the City Council for approval, they will have D.E.Q.-approved sewage disposal for each lot.

Mr. Wobbe said that the only change since the Planning Commission hearing was that Mr. Bob Rogina, who owns property to the north which he plans to develop into a subdivision, is not sure he will need to extend Future Drive through his property as part of his development. Mr. Rogina's uncle, Jim Shuhart of Florence, was at the City Council meeting and confirmed that Mr. Rogina does not at this time know if he will need to extend Future Drive.

Mayor Petersdorf asked to go on record as saying that he is an adjacent property owner, but he does not feel he would be prejudicial in his judgment on the subdivision. He said he feels Tsiltcoos Terrace should be extended to intersect with Future Drive.

Mr. Christian said he plans to get all the costs together and determine if he can develop the subdivision this year. If he can't do it this year, he wants to do it in 1985.

The public hearing was closed at 9:47 p.m.

Attorney Gerber advised City Council that there will be steep road conditions in the subdivision that the City has already experienced in dealing with the Little Woahink II subdivision. He also advised the council to be sure the water system will be upgraded enough to handle the increased customers. Mr. Christian has asked the person who is managing the water system for him to check with Lane County to see what improvements will need to be made. A letter from Harry Youngquist, the Lane County Public Health Engineer, concerning the water system in the subdivision was included in the City Council packets. D. Brown asked if there would be a rate increase for water service customers. Mr. Christian said there had been an increase in the rate since he purchased the system. He said he hopes there will not have to be another, but it will depend upon their costs.

ACTION

A motion was made by P. Tout and seconded by D. Brown to grant tentative approval to the subdivision planned by Mr. Closen F. Christian accepting the Planning Commission's Findings of Fact and Conclusions of Law which follow:

FINDINGS OF FACT:

1. Mr. Christian does intend creating 15 one-acre lots from tax lot 102 and a paved 22-foot roadway which does require a subdivision.
2. All property owners within 300 feet were notified of the public hearings. There were seven letters in response.
3. There is a proposed culvert running across Future Drive for drainage.
4. The subdivision meets the specifications of Residential Land Use.
5. According to page 43 of the Comprehensive Plan, the subdivision is in an area with a slope over 12%.
6. Mr. Christian has had a soil scientist check the soil and provided a letter to the City Council.
7. There is probably a 10% grade on Tsiltcoos Terrace Road which exceeds the City's 7% standards for development.
8. Future Drive is approximately 7% to 8% which is acceptable by City standards.
9. Future Drive as platted would be conducive to development of the 18 acres to the north of the subdivision.
10. Forty-nine lots are now being served by the existing water system.
11. There is a proposed street light system that meets City standards.
12. All lots in the subdivision are one-acre minimum or more which meets the City requirements.
13. Future Drive will be dedicated 50 feet wide with a 22-foot paved portion which meets City development standards.
14. The proposed length of Future Drive is 1150 feet.

CONCLUSIONS OF LAW:

1. Future Drive would be less than 2400 feet in length. Therefore, a 50-foot width would meet City standards.
2. Hilltop and Parkway are congested. An extension of Tsiltcoos Terrace is needed to alleviate congestion.

3. The proposed subdivision meets all of the 21 Tentative Plan Requirements with the exception of Tsiltcoos Terrace Road.
4. No lots will be sold as improved lots.

The motion also asked that Mr. Christian meet the following conditions in developing the subdivision:

1. All utilities in the subdivision will be underground.
2. Tsiltcoos Terrace will be extended to intersect with Future Drive. City Council gives Mr. Christian permission to exceed the 7% grade limitation authorized by the City in developing Tsiltcoos Terrace.
3. Mr. Christian will develop the initial portion of Future Drive and will dedicate Future Drive to the northern boundary of the subdivision. Although dedicated the full length, the City Council did not feel it would be necessary to clear and pave the road farther than it would be necessary to service lots 8 and 16 of the subdivision.

Motion carried.

Chairman J. Smith introduced Sharon Gresham to the City Council and said that as Vice-Chairman she will be attending the City Council meetings on alternate months.

X. UNFINISHED BUSINESS

- A. Woahink Landing Sign. The Woahink Landing had removed their broken sign after the City had contacted them requesting what they intended to do about it.
- B. Planning Commissioner. The City has not received any applications for a replacement planning commissioner.
- C. Road Chairman. The City has not received any road chairman applicants.
- D. Emergency Warning Device. Mr. Kipp Osborn, State Traffic Engineer, had been contacted about erecting an emergency warning device at the intersection of Clear Lake Road and Highway 101. He will let the City know the results of an evaluation the state will do.

- E. Building Inspector. P. Tout said he has a very positive feeling about Mr. Emile Mortier as the building inspector. He has been very pleased with Mr. Mortier whenever he has had to deal with him. Attorney Gerber agreed that the City has had no problem with complaints concerning the building inspector since the City hired Mr. Mortier. The Mayor will write a letter to Mr. Mortier expressing the City's appreciation.

XI. NEW BUSINESS

- A. Westlake Tavern. Although the Westlake Tavern had burned down, the City Council was informed that it was necessary for them to continue to apply for their liquor license in order to keep it.

ACTION

A motion was made by D. Brown and seconded by P. Tout to approve the liquor license for the Westlake Tavern. Motion carried.

- B. Bulkheads and Fill. There was a discussion of bulkheads and fill. Attorney Gerber was going to draft an amendment to the zoning ordinance concerning this. Since there was going to be a public hearing before the Dunes City Planning Commission involving a retaining wall and large fill, the City Council authorized Attorney Gerber to attend their meeting May 16.

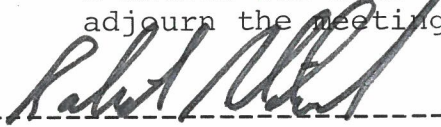
- C. Audit. The City Council decided to table discussion of the 1983 audit until the June City Council meeting.

- D. Budget. The first City budget meeting will be May 30 at 7 p.m.

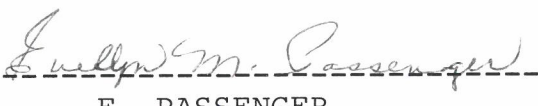
XII. ADJOURNMENT

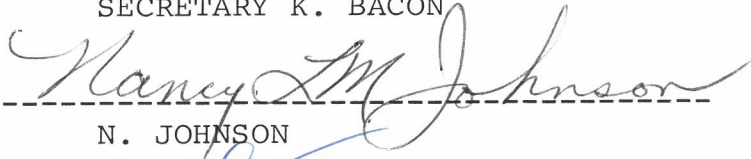
ACTION

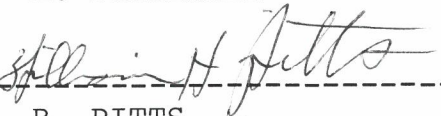
A motion was made by E. Passenger and seconded by P. Tout to adjourn the meeting and the meeting was adjourned at 10:25 p.m.

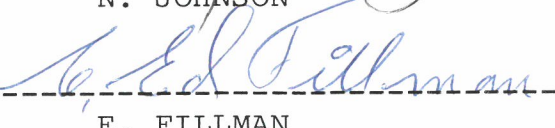
  
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MAYOR PETERSDORF

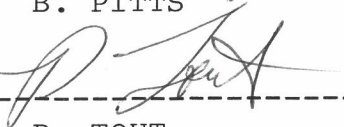
  
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SECRETARY K. BACON


  
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E. PASSENGER

  
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N. JOHNSON

  
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B. PITTS

  
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E. FILLMAN

  
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P. TOUT

  
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D. BROWN

DUNES CITY COUNCIL

REGULAR MEETING  
JUNE 14, 1984

AGENDA

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF MAY 10, 1984
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
  - A. Letter regarding small cities' allotments
- VII. REPORTS
  - A. Fire Commissioner
  - B. Road Commissioner - Road Chairman applications
  - C. Police Commissioner - Dog Complaint
  - D. Cable TV Report
  - E. Neighborhood Watch
  - F. Parks Commissioner
- VIII. PUBLIC HEARINGS
  - A. Linda Wilcox - Conditional Use Permit
  - B. Foss - Vacate and Relocate a Portion of Salal
  - C. Al Miller - Variance
- IX. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- X. UNFINISHED BUSINESS
  - A. Resolution accepting 1983 Audit Report
- XI. NEW BUSINESS
  - A. Resolution adopting agreement with League of Oregon Cities
  - B. *Liquor License Renewal*
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING

JUNE 14, 1984

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Robert Petersdorf.

PRESENT: Mayor Petersdorf, B. Pitts, N. Johnson, E. Fillman, D. Brown, P. Tout, E. Passenger, Attorney Ron Gerber, City Recorder B. Stocking and secretary K. Bacon.

There were 13 citizens present and one member of the press.

II. APPROVAL OF MINUTES OF MAY 10, 1984

ACTION

A motion was made by E. Passenger and seconded by B. Pitts to approve the minutes of the May 10, 1984, meeting with one correction in the Fire Commissioner's report. Motion carried.

III. BILLS AGAINST THE CITY - \$4,601.04

ACTION

A motion was made by P. Tout and seconded by E. Fillman to pay the bills in the amount of \$4,601.04. Motion carried.

IV. RECEIPTS OF THE SESSION - \$5,211.22

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

- A. Small Cities Allotment. B. Stocking read a letter from the State Department of Transportation regarding the street allotment given to small cities. The Transportation Department encouraged the city to continue to apply for funds although Dunes City has never received any. E. Passenger, the road commissioner, asked that the next time the City applies for funds to submit the application for Wright Road and Leavitt Loop. She said to point out in the application that there are a number of new houses under construction on these roads.
- B. Byrd Memorial Park. The City had received a letter from Mrs. Charles Byrd expressing appreciation that a park had been named in memory of her husband.
- C. Planning Commission Resignation. The City had received a letter of resignation from Planning Commission Chairman Judy Smith.

The Planning Commission now has two vacancies to fill. B. Stocking was instructed to run an ad in the newspaper and on cable tv each week until the positions are filled.

VII. REPORTS

- A. Parks. N. Johnson reported that the Yard-of-the-Month project was cancelled for this year because there had only been three people register their yards for judging. Several members of the Florence Garden Club live in Dunes City and were not comfortable in ~~judging the contest or~~ entering their yards for judging. N. Johnson suggested that next year the Reedsport Garden Club be asked to judge the project.

corrected at  
the July 12,  
1984, meeting

Park Signs. The City Council was presented with designs and specifications for signs for the two newly-created parks by Larry Johnson II, a Boy Scout. The Scout wishes to build the signs with the help of scouts from Troop #777 for his Eagle Scout project. He told the city council that he would submit the project to his scoutmaster for approval as his Eagle Scout project if the city council approves. Whether the project is accepted as his Eagle project, he still would like to build the signs for the city.

ACTION

A motion was made by P. Tout and seconded by E. Passenger to give tentative approval to the request of Larry Johnson II to build the signs for Byrd Memorial Park and Petersdorf City Park and to approve the expenditure of \$134 for each sign requested by Johnson. Motion carried.

- B. Neighborhood Watch. E. Fillman announced that Neighborhood Watch will have a potluck picnic in July.
- C. Fire Commissioner. D. Brown reported that there had been a good turnout at the open houses conducted by the Siuslaw Rural Fire Department on May 12 for Fire Service Recognition Day. There will be another open house in October for Fire Prevention Week.
- D. Roads. E. Passenger reported that the city's request for a flashing warning device at the intersection of Clear Lake Road and Highway 101 had been denied by the State Department of Transportation. D. Brown said he will have the crews on the fire trucks keep track of the number of close calls they have at that intersection so that the city will have some documentation for the transportation department. Attorney Gerber suggested that the City ask the state police to monitor the speed of the cars coming over the hill from the south for an hour three times a week to give the city more information about the speed of the cars coming from that direction. E. Passenger was going to make the request of the state police.

Road Chairman. It was reported that the road committee had been unable to interview the two road chairman applicants in time for the city council meeting and asked that the matter be delayed until the July City Council meeting.

The city council was anxious to fill the vacancy so that road work could begin.

D. Brown announced that he has a conflict of interest because he is one of the two applicants for the position.

ACTION

A motion was made by B. Pitts and seconded by E. Fillman to select one of the applicants for road chairman at the meeting.

AYE: P. Tout, B. Pitts, E. Fillman, Mayor Petersdorf

NAYE: E. Passenger

Motion carried.

D. Brown said that, as an applicant, he had asked if there was a job description available, but there hadn't been one. E. Passenger agreed that she did not know what the duties were. Attorney Gerber suggested that the city council and road committee meet together with the two applicants and outline the duties.

ACTION

A motion was made by P. Tout and seconded by E. Fillman to conduct a special joint meeting of the road committee and city council and interview the applicants and select one of the applicants for road chairman at that meeting. The meeting was scheduled for Wednesday, June 20 at 7 p.m. Motion carried.

Don Brown abstained from voting.

E. Police Commissioner. E. Passenger reported that the two dog complainants were resolving their differences.

F. Cable TV. D. Brown reported that he had attended a cable tv meeting in Springfield in May that he felt was very helpful. He said that it was conducted jointly by Lane County, and the cities of Springfield and Eugene on a monthly basis.

VIII. PUBLIC HEARINGS

A. Linda Wilcox - Conditional Use Permit. The mayor opened the public hearing at 8:15 p.m. and invited public testimony. There was none and the public hearing was closed at 8:16.

The city council discussed the septic system.

ACTION

A motion was made by E. Passenger and seconded by B. Pitts to accept the Planning Commission's recommendation to grant a Conditional Use Permit to Linda Wilcox and to accept the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Miss Wilcox plans to place a 14' by 65' mobile home on the lot located in an area zoned residential.
2. There is a concrete pad for a mobile home already on the property and existing septic system and water system on the lot.
3. All property owners within 300' were notified. There were four replies with one objection.

CONCLUSIONS OF LAW

1. The request conforms with the Comprehensive Plan.
2. Miss Wilcox does need a Conditional Use Permit.
3. It meets the definition of a mobile home.
4. The request is compatible with the existing neighborhood.

The city council also asked that Miss Wilcox meet the following conditions:

1. That skirting be applied to the mobile home.
2. That all county and state uniform codes be followed for placing the mobile home on the lot.

Motion carried.

- B. Ron Foss - Vacation of Salal Street. The mayor opened the public hearing at 8:22 p.m. Attorney Gerber announced that he had been contacted by an attorney for Mr. Foss. The attorney asked that the city council delay for another month the street vacation. It had been learned that the road was not a public road and was the property of the heirs of Mr. and Mrs. Ford. The title company is requiring Mr. Foss to obtain quit claim deeds from the Ford heirs, Lane County and Dunes City.

The public hearing was closed at 8:25 p.m.

ACTION

A motion was made by E. Passenger and seconded by D. Brown to table the Salal Street vacation until the city council meeting in July. Motion carried.

- C. Al Miller - Variance. The mayor opened the public hearing at 8:26 p.m. on the Al Miller variance. E. Passenger, D. Brown, and the mayor all reported that they had visited the site. S. Gresham, the planning commission vice-chairman, reported on the planning commission's recommendation and conditions.

J. Baumeister brought up several areas of the comprehensive plan and zoning ordinance that he felt applied to the Millers' variance.

Mr. Gerber had attended the planning commission meeting and hearing on Mr. Miller's variance in May.

The mayor closed the public hearing at 9:11 and opened the hearing to city council discussion.

There was considerable discussion about Mr. Miller's plot plan. The city council did not want to consider the new construction of the two-story garage with living quarters above without a plot plan that was drawn to scale showing the distance from the lake, highway right-of-way, parking, and the location of the corner pins of the property.

ACTION

A motion was made by P. Tout and seconded by D. Brown to approve replacement of the former deck on the back of the existing building with a deck that is 10 feet wide and the length of the existing building, and shoring up and railing of the second story deck of the existing building. Motion carried.

Mr. Miller was advised that the city council cannot discuss the rest of the items requested in his variance until they have a proper plot plan and the location of the corner stakes of the lot.

ACTION

A motion was made by D. Brown and seconded by B. Pitts to table the rest of the items on the variance until the July city council meeting. Motion carried.

The city council will have a site review Wednesday, July 11, at 3 p.m.

The public hearing was closed at 9:30 p.m.

Mrs. Al Miller requested that the mayor cut the ribbon for the opening of their gallery on June 24.

ACTION

A motion was made by E. Passenger and seconded by P. Tout to have the mayor cut the ribbon for the open house at the Miller's gallery June 24 at 2 p.m. Motion carried.

IX. UNFINISHED BUSINESS

A. 1983 Audit Report.

ACTION A motion was made by E. Fillman and seconded by E. Passenger to adopt Resolution 6-14-84 adopting the 1983 Audit Report. Motion carried.

B. P.U.D. Franchise.

ACTION A motion was made by P. Tout and seconded by D. Brown to have a vote on the P.U.D. Franchise since it had been published in the paper for a public hearing. The franchise becomes Ordinance #85.

ACTION A motion was made by E. Passenger and seconded by D. Brown to have the first reading of Ordinance #85 by short title only. Motion carried. Attorney Gerber read the ordinance by short title.

"An Ordinance granting the Central Lincoln People's Utility District, a municipal corporation, a franchise to construct, operate, and maintain both overhead pole lines and underground power lines along the streets and public ways within Dunes City, Lane County, Oregon; setting the price for such franchise and repealing Ordinances Nos. 7 and 68; and declaring an emergency."

ACTION A motion was made by E. Fillman and seconded by D. Brown to accept the first reading of Ordinance #85 - the P.U.D. Franchise. Motion carried.

C. Notice of Measure Election. Attorney Gerber notified the city council that he had drafted a Notice of Measure Election which would be sent to Lane County after the mayor had signed it. The measure is with regard to the garbage franchise.

X. NEW BUSINESS

A. Old Chairs. The city council had purchased new chairs which they were using for the first time at this meeting. The mayor said that there had been some offers to buy the old city council chairs. The city council agreed not to sell the old chairs and to keep them for the use of the audience at city council and planning commission meetings.

E. Fillman announced that Neighborhood Watch had donated an overstuffed chair to the Dunes City Community Center.

B. League of Oregon Cities Resolution.

ACTION

A motion was made by E. Passenger and seconded by E. Fillman to accept Resolution 6-14-84A which is:

"A resolution authorizing the Mayor and City Council of the City of Dunes City to execute and endorse an agreement with the League of Oregon Cities governing the League status as a unit of local government, similar to other cooperative inter-governmental agencies in which cities create and participate."

Motion carried.

C. Gerber Memo Concerning Fills and Bulkheads. Attorney Gerber talked about his memo that was included in the Al Miller variance packet concerning fills and bulkheads.

B. Stocking was asked to write to each agency that would have jurisdiction over Woahink and Siltcoos lakes and ask what their standards for shorelines are.

D. Initiative Petition. Attorney Gerber advised the city council about the city's financial risk if the garbage franchise initiative petition passes. The petition was initiated by West Lane Disposal. Attorney Gerber said that passing the initiative petition would, in effect, breach the city's exclusive contract with Siuslaw Sanitary Service. Siuslaw Sanitary could have legal recourse against the city.

The city council asked Attorney Gerber to draft an alternative proposal that could be placed on the ballot with the initiative petition.

E. Westlake Market.

ACTION

A motion was made by P. Tout and seconded by E. Passenger to approve the liquor license application for the Westlake Market.

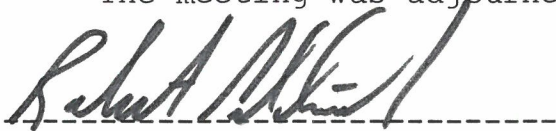
F. Packets from Planning Commission. The city council wanted to request that in future public hearings the applicants be denied a hearing if they have not provided the information the planning commission has stipulated in its conditions or if the applicants do not have precise plot plans and documented septic approval.

G. L-COG - Ordinance Compilation. The mayor said that he had talked with Gary Darnelle of L-COG about the ordinance compilation. Darnelle will have a resolution for the city council to consider at its July city council meeting.

B. Stocking was asked to write to Les Tumidaj about coming to help the planning commission with a solar ordinance. The mayor said he would bring the matter up at the next L-COG Meeting he attends. He said that since L-COG used Dunes City's name on their grant application, Dunes City should be getting some assistance.

XII. ADJOURNMENT

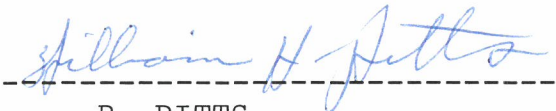
The meeting was adjourned at 10:35 p.m.



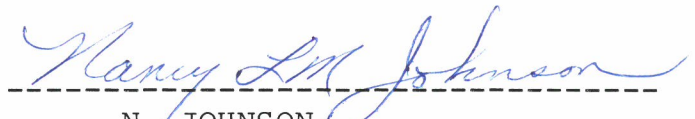
MAYOR PETERSDORF



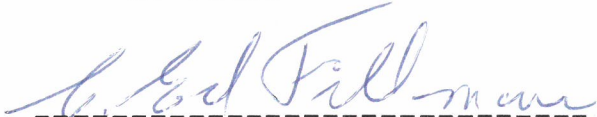
SECRETARY K. BACON



B. PITTS



N. JOHNSON



E. FILLMAN



D. BROWN



P. TOUT



E. PASSENGER

DUNES CITY COUNCIL

REGULAR MEETING  
JULY 12, 1984

AGENDA

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF JUNE 14, 1984
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
  - A. Flags
  - B. P.U.D. Newsletter posted
  - C. L.C.O.G. Budget available
- VII. REPORTS
  - A. ROAD CHAIRMAN APPOINTMENT AND REPORT
  - B. Cable T.V.
  - C. Report on Ordinance Compilation
  - D. Fire Commissioner
  - E. Police Commissioner-Hwy 101 and Clear Lake
  - F. Attorney Gerber- alternative proposal on initiative
- VIII. PUBLIC HEARINGS
  - A. Adoption of Budget-passing of BUDGET RESOLUTION
  - B. Adoption of P.U.D. FRANCHISE
  - C. FOSS Hearing
  - D. Orville Barksdale-C.U.P. to place Mobile Home
  - E. Eugene Wilson to place Mobile Home
  - F. Al Miller-Variance
- IX. Executive Session a) Litigation, b) Personnel, c) Negotiations
- X. UNFINISHED BUSINESS
  - A. Boundary Commission
  - B. Dog licenses
- XI. NEW BUSINESS
  - A. REVENUE SHARING RESOLUTION
  - B. Sheriff's Contract
  - C. Appointing New P.C. Member
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING

JULY 12, 1984

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Robert Petersdorf.

PRESENT: Mayor Petersdorf, E. Fillman, D. Brown, N. Johnson, B. Pitts, Attorney Ron Gerber, City Recorder B. Stocking, secretary K. Bacon, one member of the press and 8 citizens.

E. Passenger asked to be excused and P. Tout was on vacation.

II. APPROVAL OF MINUTES OF JUNE 14, 1984

ACTION

A motion was made by D. Brown and seconded by E. Fillman to approve the minutes of the June 14 meeting with one correction on page two. Motion carried.

III. BILLS AGAINST THE CITY

ACTION

A motion was made by E. Fillman and seconded by B. Pitts to pay the bills in the amount of \$6,946.25. Motion carried.

IV. RECEIPTS OF THE SESSION - \$7,292.19

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

A. Flags. B. Stocking had written to Secretary of State Norma Paulus regarding obtaining a state flag to fly outside the Dunes City Community Building. Mrs. Paulus replied that it is not possible for the City to receive them through the state, but she did enclose a list of Oregon businesses where the City may purchase a flag. N. Johnson suggested that if the City decides to fly a U.S. and state flag, they should be lighted and flown 24 hours a day.

B. P.U.D. Newsletter. B. Stocking announced that the City is receiving the Central Lincoln P.U.D. Newsletter, and it will be posted on the City's bulletin board.

C. L-COG Budget. A copy of the L-COG budget will be available in the Dunes City office.

VII. REPORTS

- A. Roads. D. Brown asked that the City Council delay discussing roads until later in the meeting so that other business could be taken care of first involving the people in the audience.
- B. Cable TV. D. Brown said he had been informed that Channel 12 will be on line with the new microwave station, and reports are that it looks good.
- C. Ordinance Compilation Report. This report was delayed until later.
- D. Fire Commissioner. D. Brown announced that several fire departments will be participating in special fire classes on fighting propane fires. The classes will be held at the Florence Airport July 14 and 15 from noon until 5 p.m.
- E. Garbage Franchise Initiative. Attorney Gerber informed the the City Council that according to state statutes the City must place a competing proposal on the ballot within 30 days of receiving an initiative petition. The City had missed that deadline. He said, however, that private citizens could still circulate a petition with a competing proposal; but the processes involved in that have to be completed by September 6.

VIII. PUBLIC HEARINGS

- A. Budget Resolution. The Mayor opened the public hearing on the budget at 7:40 p.m. It was closed at 7:41 p.m.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to accept Resolution 7-12-84A and adopt the Budget for 1984-85. Motion carried.

- B. Revenue Sharing Resolution.

ACTION

A motion was made by E. Fillman and seconded by D. Brown to adopt Resolution 7-12-84B on Revenue Sharing. Motion carried.

- C. Central Lincoln P.U.D. Franchise. The public hearing was opened at 7:50 p.m. on the P.U.D. Franchise and closed at 7:51 p.m.

ACTION

A motion was made by E. Fillman and seconded by D. Brown to have the second reading of Ordinance #85, regarding the P.U.D. Franchise, by short title only. Motion carried and Attorney Gerber read the following:

"An Ordinance granting the Central Lincoln People's Utility District, a municipal corporation, a franchise to construct, operate, and maintain both overhead pole lines and underground power lines along the streets and public ways within Dunes City, Lane County, Oregon; setting the price for such franchise and repealing ordinances nos. 7 and 68; and declaring an emergency."

ACTION

A motion was made by E. Fillman and seconded by D. Brown to accept the second reading of Ordinance #85 by short title.

AYE: N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, B. Pitts.

Motion carried.

- C. Salal Vacation. Attorney Gerber advised that it had been requested that this item be tabled for another month to give Mr. Foss time to get quit claim deeds from the Ford heirs.

ACTION

A motion was made by D. Brown and seconded by N. Johnson to table the Salal Vacation hearing until the August City Council meeting. Motion carried.

- D. Orville Barksdale - Conditional Use Permit

The public hearing was opened at 7:53 p.m. on the request of Mr. Orville Barksdale for a Conditional Use Permit to place a mobile home in a residential area. The hearing was closed at 7:54 p.m.

ACTION

A motion was made by D. Brown and seconded by N. Johnson to grant the Conditional Use Permit request of Mr. Orville Barksdale accepting the Planning Commission's Findings of Fact, Conclusions of Law and the following conditions:

1. That skirting be applied to the mobile home.
2. That Mr. Barksdale receive final septic approval before a building permit is issued.
3. That all state and county uniform codes be followed in placing the mobile home on the lot.

Motion carried.

- E. Eugene Wilson - Conditional Use Permit

The public hearing was opened at 8:05 p.m. and closed at 8:08 p.m. on the request of Mr. Eugene Wilson for a Conditional Use Permit to place a mobile home on a lot in

a residential area. The City Council discussed Mr. Wilson's setback from Canary Road. Mr. Wilson was told that he needs to measure from the closest point of the trailer to the road to determine if he is 50 feet from the centerline. Then he can either relocate the trailer on the lot to comply with the setback requirements or apply to the City for a Variance.

ACTION

A motion was made by D. Brown and seconded by N. Johnson to accept the Planning Commission's Findings of Fact, and Conclusions of Law and to grant the Conditional Use request of Mr. Eugene Wilson to place a mobile home on a lot in a residential area with the following conditions:

1. That skirting be applied.
2. That Mr. Wilson determine the setback from the centerline of Canary Road; and that if it is determined to be less than the required 50 feet, either relocate the mobile home on the lot to comply or apply to the City for a Variance.
3. That all state and county uniform codes be followed in placing the mobile home on the lot.

Motion carried.

F. Al Miller - Variance

The public hearing was opened at 8:31 and closed at 8:40 p.m. Mr. Miller requests a Variance to:

1. Build a garage with living quarters above
2. Build an 11'4" deck which will be tied into the existing deck along the back of the proposed new construction
3. Refurbish the dock to the seaplane for the Seaplane Rides
4. Refurbish the ramp to the hangar
5. Construct a parking lot between the hangar and the existing building.

It was determined that a Variance was needed because the proposed structures encroached into the setback requirements for Woahink Lake and Highway 101.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to accept the Planning Commission's Findings of Fact, and Conclusions of Law and to grant the Variance request of Mr. Al Miller with the following conditions:

1. That the sand along the bank next to Woahink Lake be clean.
2. That Mr. Miller completely replant the vegetation on the lakeside of the property.

Motion carried.

IX. RECESS

The Mayor declared a recess at 8:46 p.m. The meeting was reconvened at 9:02 p.m.

X. UNFINISHED BUSINESS

- A. Boundary Commission. Dunes City included in the new City budget money to pay the Boundary Commission annual dues.

ION

A motion was made by D. Brown and seconded by B. Pitts to pay the annual dues to the Lane County Boundary Commission. The Mayor asked that the City include a previously-written letter of protest. Motion carried.

- B. Dog Licenses. Lane County told B. Stocking that they have not received any dog license applications that were designated as being from Dunes City.

XI. NEW BUSINESS

- A. Sheriff's Contract.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to accept the contract with the Lane County Sheriff's Department. Motion carried.

- B. Planning Commission Applicant. The City Council members had in their packets the application of Phil Nichols for one of the Planning Commission vacancies.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to accept the resignation of Mrs. Sharon Gresham from the Planning Commission. Motion carried. B. Stocking was asked to write Mrs. Gresham a letter thanking her for her service on the Planning Commission.

ACTION

A motion was made by E. Fillman and seconded by N. Johnson to appoint Mr. Phil Nichols to fill Mrs. Gresham's unexpired term. His term will expire December 31, 1986. Motion carried.

VII. REPORTS - CONTINUED

- A. Bob Hartshorne - Minor Partition. Attorney Gerber reported that Mr. Hartshorne had advised him that he has acquired a small piece of property which gives him ingress and egress to his property. Since this was one of the conditions the City Council had required in granting his minor partition, this was to let the City know that he had fulfilled this requirement. He will be sending documentation to the City office.
- B. Roads. D. Brown had been hired as Road Chairman in a joint meeting between the Road Committee and City Council held June 20. He had toured the roads and had developed several points he felt the City Council should discuss. Mr. Brown had submitted his resignation to become effective July 31.

The points Mr. Brown felt the City Council should consider were:

1. Road ownership so that the City will know whether they are public or private.
2. A master road maintenance record needs to be kept.
3. The City needs to write a job description for the Road Chairman.
4. He felt the title "Road Chairman" was deceptive since the Road Committee elects a chairman and the City hires a Road Chairman. Perhaps "Road Supervisor" would be a better term, the Council felt.
5. The City needs to consider its legal position on bids and advertising for road work and its liability if it paves a road inadvertently across private property.

D. Brown suggested that road fund money be used to survey roads in question to establish their right-of-way. B. Stocking was asked to check with Mike Buckwald, the City's accountant, to see if road money can be used for surveying and ask what the grace period is for paying bills after the end of the fiscal year.

D. Brown listed the objectives he had outlined for himself when he was hired as Road Chairman.

Attorney Gerber suggested that D. Brown get together with E. Passenger, the Road Commissioner, and identify the goals and assign priorities to them so that they can present something to the City Council next month.

N. Johnson strongly suggested to Mr. Brown that he reconsider his resignation. She was impressed with the work he had done in just one month.

ACTION

A motion was made by N. Johnson and seconded by E. Fillman not to accept the resignation of Mr. D. Brown at this time.

AYE: B. Pitts, Mayor Petersdorf, N. Johnson, E. Fillman  
NAYE: D. Brown

Motion carried.

- C. Small Cities Allotment. D. Brown suggested waiting to do any paving on Wright Road and Leavitt Loop, but to prepare the necessary paper work to submit for the Small Cities Allotment. If the request is approved, the money can be used to pave Wright Road and Leavitt Loop. B. Stocking had prepared a resolution for the Council since it must be submitted by July 15.

ACTION

A motion was made by E. Fillman and seconded by B. Pitts to accept Resolution 7-12-84C to submit for the Small Cities Allotment. Motion carried.

- D. Office Hours. B. Stocking was asked to be in the City office from 1 to 5 p.m. on Thursday the day of City Council meetings. The City requested her to do this because Attorney Gerber said he receives several calls concerning agenda items that afternoon and the City office is not open. The City Council agreed that she should be paid extra for these extra hours.

XII. ADJOURNMENT

The meeting was adjourned at 10:28 p.m.

  
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MAYOR PETERSDORF

  
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SECRETARY K. BACON

  
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E. FILLMAN

  
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N. JOHNSON

  
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D. BROWN

  
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B. PITTS

Dunes City Council  
July 12, 1984

Page 8

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P. TOUT

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E. PASSENGER

DUNES CITY COUNCIL

REGULAR MEETING  
August 9, 1984

AGENDA

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF JULY 12, 1984
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
- VII. ROAD BIDS OPENING  
(The Road Bids will be opened at 8 p.m.)
- VIII. REPORTS
  - A. Police Commissioner
  - B. Road Commissioner
  - C. Park Commissioner
  - D. Energy Commissioner
  - E. Cable T.V.
  - F. Neighborhood Watch
  - G. Fire Commissioner
- IX. EXECUTIVE SESSION a)Litigation, b)Personnel, c)Negotiations
- X. UNFINISHED BUSINESS
  - A. Salal Street Vacation. This was tabled from July.
  - B. Ordinance Compilation
  - C. Hartshorne - Minor Partition - Ingress and Egress
- XI. NEW BUSINESS
  - A. Sign for Al Miller's Lakeside Gallery.
  - B. Draft of Ordinance regarding Accessory Buildings
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING  
AUGUST 9, 1984

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Robert Petersdorf.

PRESENT: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger, Attorney Ron Gerber, City Recorder B. Stocking and secretary K. Bacon. There was one member of the press and three citizens in the audience.

II. APPROVAL OF MINUTES OF JULY 12, 1984

ACTION A motion was made by B. Pitts and seconded by D. Brown to approve the minutes of July 12, 1984. Motion carried. E. Passenger abstained from voting since she was absent from the July 12 meeting.

III. BILLS AGAINST THE CITY

ACTION A motion was made by P. Tout and seconded by E. Passenger to pay the bills against the City with the addition of a bill from Hiatt Florist for brushing on Leavitt Loop. Their bill in the amount of \$255.00 brought the total for the bills to \$7,846.46. Motion carried.

IV. RECEIPTS OF THE SESSION - \$4,273.58

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

B. Stocking announced that the City had received the completed copies of the Central Lincoln P.U.D. Franchise Agreement and the Sheriff's Contract. E. Passenger asked if Betty had been receiving a printout of the sheriff's patrols within Dunes City. Betty said that she had not gotten any lately. E. Passenger asked that Betty ask for the printout when she pays the bill to the sheriff's department.

VII. REPORTS

A. Police Commissioner. E. Passenger reported that she had been unable to contact Art Walker of the State Police about monitoring the traffic at the intersection of Clear Lake Road and Highway 101.

B. Roads.

ACTION

A motion was made by E. Passenger and seconded by E. Fillman to accept the Position Description for the Director of Roads. Motion carried.

D. Brown gave a report of the work done on the roads during the month of July. He reported that the City's application for the Small Cities Allotment was submitted late because of a confusion of the deadline date for submission, and the application was rejected.

The Road Committee will meet monthly on the second Monday. B. Stocking was asked to notify the cable tv to run a public service announcement about the meeting.

The Road Committee recommended to the City Council that the City use a purchase order system for doing road work. No decision was reached on the recommendation.

- C. Parks. N. Johnson reported that the poles for the two signs for Petersdorf and Byrd Memorial Parks are in place, and the engraving work on the signs will begin next week.
- D. Energy. P. Tout asked if the City had received any word from L-COG regarding help on the City's solar ordinance. B. Stocking will write a letter to L-COG. Phill also told the council of a report he had read concerning energy savings made at the city building in Salem -- mainly through a conscientious effort to reduce energy waste.
- E. Cable TV. D. Brown reported that the FCC permit process is holding up progress on Channel 12 improvements. B. Pitts reported that the character generator for programming the public service channel is by the rural fire hall rather than at the cable tv office, and it takes awhile to drive out from town to type in the paid ads and public service announcements. In addition, he said that every time the lights flicker, everything they've programmed is lost. B. Pitts asked the City Council about requesting a volunteer to do the programming. He estimated it would take an hour every other day. Most City Council members were not in favor of requesting volunteers for McCaw. However, they agreed to think about it.

ROAD BIDS

At 8 p.m. the reports were interrupted so that the City Council could open and consider road bids. The City had received three bids -- two from Ray Wells and one from Johnson Rock Products -- which were opened by the Director of Roads.

A copy of the bid specifications is attached to the original minutes. There were two proposals for paving Wright Road. Ray Wells bid \$7,015.55 on proposal #1, and \$3,402.15 on proposal #2 for a total bid of \$10,417.70. Johnson Rock Products bid \$5,580 on proposal #1 and a total bid for both projects of \$8,176.

ACTION

A motion was made by E. Passenger and seconded by B. Pitts to accept the bid of Johnson Rock Products for paving Wright Road, Leavitt Loop and Collins Road. Motion carried.

N. Johnson seconded an amendment to Passenger's motion to commence the project in a time that will be approved by the Director of Roads. Motion carried.

B. Stocking will call Johnson Rock about their successful bid and write them a letter advising them to contact D. Brown to establish a starting date.

REPORTS - CONTINUED

F. Neighborhood Watch. E. Fillman announced that Neighborhood Watch will be having a picnic September 15 in the group picnic area at Woahink Park.

G. Fire Commissioner. The Fire Commissioner had nothing to report.

ACTION

A motion was made by E. Passenger and seconded by E. Fillman to give Siuslaw Rural Fire Department #1 the \$600 the City has budgeted for fire protection. Motion carried.

VIII. UNFINISHED BUSINESS

A. Salal Street Vacation. No one was present to discuss the Salal Street vacation, and the City had received no information concerning the progress being made to locate the Ford heirs.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to table the Salal Street vacation until the September City Council meeting. Motion carried.

B. Compilation of Ordinances.

ACTION

A motion was made by E. Fillman and seconded by P. Tout to accept Resolution 8-9-84 to provide for the compilation of the City's ordinances.

- C. Hartshorne - Minor Partition. E. Passenger declared that she and her husband own property within the Tsiltcoos Lake Club Plat. She said that she is also a former employee of James Banks, who owns tax lot 401 in the plat. She disqualified herself from taking part in the decision and sat with the audience.

Attorney Gerber reviewed a memo he had written to the City Council regarding the narrow strip of land Mr. Hartshorne had purchased for ingress and egress to his property. A copy of the memo is on file in the Hartshorne Minor Partition file.

ACTION

A motion was made by P. Tout and seconded by E. Fillman to recognize Mr. Hartshorne's right of ingress and egress as fulfilling condition #1 of his Minor Partition Order, and to notify the owner of tax lot 401 that he has created an illegal lot and his remaining lot is unbuildable. And to further notify the owner of tax lot 401 that unless he notifies the City to correct the situation, the City will record the lot as unbuildable. Motion carried.

Attorney Gerber will draft the order to be sent to Mr. Hartshorne.

IX. NEW BUSINESS

- A. Sign for Miller's Lakeside Gallery.

ACTION

A motion was made by E. Fillman and seconded by N. Johnson to accept the Planning Commission's Findings of Fact and Conclusions of Law and to approve the sign for Miller's Lakeside Gallery. Motion carried.

- B. Sign Fee.

ACTION

A motion was made by P. Tout and seconded by B. Pitts to accept the recommendation of Mr. Emile Mortier for the sign fee schedule of \$15 per sign plus 10¢ per square foot of sign. Motion carried.

ACTION

A motion was made by E. Passenger and seconded by the Mayor that any signs put up prior to this meeting have their fees waived.

AYE: Mayor Petersdorf, N. Johnson, E. Fillman, E. Passenger  
NAYE: B. Pitts, P. Tout, D. Brown

Motion carried.

- C. Accessory Buildings. The City Council discussed Mr. Mortier's amendment to the Zoning Ordinance regarding accessory buildings.

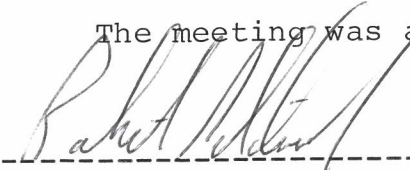
ACTION A motion was made by D. Brown and seconded by E. Passenger to table until the September council meeting Item I. of Mr. Mortier's recommendation concerning the length of stay of recreational vehicles on a lot. Motion carried.

ACTION A motion was made by D. Brown and seconded by N. Johnson to approve paragraph H. of Mr. Mortier's recommendation to allow accessory buildings prior to the establishment of a permitted use provided they do not establish a dwelling on the lot. Motion carried.


- D. Roads. D. Brown mentioned that people who want to go across a county road to get water from another source have a number of questions concerning what is involved. Attorney Gerber recommended that D. Brown bring this up with his road committee since the committee members are aware of what is happening within their neighborhoods.

X. ADJOURNMENT

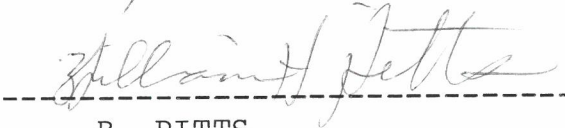
The meeting was adjourned at 9:45 p.m.

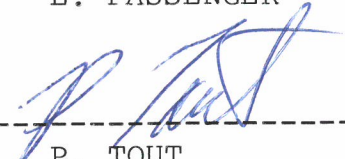
  
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MAYOR PETERSDORF

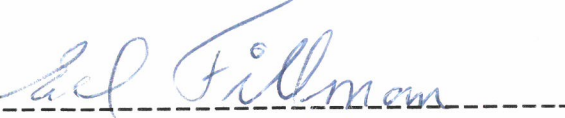
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SECRETARY K. BACON


  
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N. JOHNSON

  
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E. PASSENGER

  
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B. PITTS

  
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P. TOUT

  
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E. FILLMAN

  
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D. BROWN

#### ADDENDUM

At the August 9, 1984, Dunes City Council, the City Council misspoke themselves in making a motion to accept the road bids on page 3. The motion should read ". . .to accept the bid of Johnson Rock Products for paving Wright Road."

DUNES CITY COUNCIL

REGULAR MEETING  
AGENDA

SEPTEMBER 13, 1984

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF AUGUST 9, 1984
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
  - A. Conversation with Les Tumidaj
- VII. REPORTS
  - A. Planning Commission - Application form revision
  - B. Energy
  - C. Fire
  - D. Police
  - E. Cable TV
  - F. Neighborhood Watch
  - G. Parks
  - H. Roads
- VIII. PUBLIC HEARINGS
  - A. Donald Miller - Variance
  - B. Ordinance #86 Amending Ordinance #50. First and second reading and declaring an emergency
- IX. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- X. UNFINISHED BUSINESS
  - A. Salal Street Vacation
  - B. Letter to James Banks regarding illegal lot creation
- XI. NEW BUSINESS
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING  
SEPTEMBER 13, 1984

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Robert Petersdorf.

PRESENT: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout, Attorney Ron Gerber, City Recorder B. Stocking and secretary K. Bacon. There was one member of the press and four citizens in the audience.

ABSENT: E. Passenger had asked to be excused.

II. APPROVAL OF MINUTES OF AUGUST 9, 1984

ACTION

A motion was made by P. Tout and seconded by N. Johnson to approve the minutes of August 9, 1984. Motion carried. Later in the meeting Don Brown asked that the minutes be corrected. The Council had misspoken the motion that was made in awarding the contract to Johnson Rock Products for paving Wright Road.

III. BILLS AGAINST THE CITY

ACTION

A motion was made by P. Tout and seconded by E. Fillman to pay the bills against the City in the amount of \$13,514.35. Motion carried.

IV. RECEIPTS FOR THE SESSION - \$5,554.98

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

A. Cable TV Franchise Payments. Attorney Gerber asked if the City had been receiving franchise payments from McCaw Cablevision. B. Stocking was asked to write a letter to McCaw Cablevision and send it to the attention of Doug Beach.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

A. Energy. B. Stocking reported that she had talked with Les Tumidaj of L-COG. He was planning to attend the September 19, 1984, Planning Commission meeting to present some energy proposals. He will then attend the October City Council meeting with the proposals and the Planning Commission's recommendation. P. Tout, the energy commissioner, will attend the Planning Commission meeting and report to the City Council.

VII. REPORTS

- A. Planning Commission. The Planning Commission had submitted a revised page two for the application form for considering land use changes.

ACTION

A motion was made by P. Tout and seconded by D. Brown to approve the revised form for use by the office but to capitalize the words "8 days prior to Planning Commission hearing" in the note at the bottom of the page. Motion carried.

- B. Fire. D. Brown reported that the week of October 13 will be Fire Prevention Week. The Siuslaw Rural Fire Department, Station #1, had hosted some bicyclists from Renton, Washington, the week of September 10. Most of the cyclists were firemen from Renton. They were cycling down the coast to San Francisco to raise donations for burn centers.
- C. Cable TV. D. Brown reported that McCaw is still working on correcting the picture on Channel 12. The problem seems to be with the FCC processing the necessary paperwork.
- D. Neighborhood Watch. E. Fillman said that Neighborhood Watch would be holding a potluck picnic at East Woahink Lake September 15.
- E. Parks. N. Johnson reported that the signs being made for Byrd Memorial Park and Petersdorf City Park are coming along slowly but nicely. The Council discussed rustproof chain for the signs. It was decided that since the money was allotted for it, the Boy Scout, Larry Johnson, would purchase rustproof chain.

VIII. PUBLIC HEARINGS

- A. Donald Miller - Variance. The mayor opened the public hearing at 7:50 p.m. There was no one in the audience to testify against the variance. Mr. Chuck Douglas, the builder, was there to represent Mr. Miller. The public hearing was closed at 7:51 p.m.

ACTION

A motion was made by D. Brown and seconded by B. Pitts to grant a Variance to Mr. Donald Miller to build his garage within the setback from the north property line and five feet into the setback from Russell Drive with the condition that Mr. Miller build his garage with a two-hour fire wall on the north side of the garage. Motion carried.

The City Council accepted the following Findings of Fact and Conclusions of Law which were submitted by the Planning Commission:

FINDINGS OF FACT

1. Mr. Miller wants to encroach five feet into the setback from the north property line and five feet into the setback from Russell Drive.
2. 23.8% of the lot will be covered by structures.
3. Mr. Miller's original house was built in 1972 before Ordinance #50 was passed (in 1978).
4. Mr. Miller's original deed restrictions only required a five-foot setback from the property line.
5. There will be a single-family dwelling on the lot.
6. Mr. Miller is building a 28-foot garage to accommodate using four feet of the space for a heat pump.
7. Other people in the vicinity have garages.
8. It is a narrow lot and the drainfield takes up the southeast corner of the lot.
9. The neighbor to the north had inquired by phone to the City Recorder about his future rights to build within five feet of his property line. He was advised to attend the meeting but was not in attendance.
10. All property owners within 300 feet were notified. The only response was the phone call from the neighbor to the north.
11. Among the documents submitted by Mr. Miller was a copy of the original septic approval.

CONCLUSIONS OF LAW

1. Mr. Miller does need a Variance.
2. Mr. Miller has an approved septic system.
3. A strict and literal interpretation of the Zoning Ordinance would make it hard for Mr. Miller to have a garage.
4. It is difficult to locate the garage anywhere else on the lot because of the narrowness of the lot, placement of the septic drainfield, and the location of the original house.

5. Denying the Variance would not permit Mr. Miller to enjoy the same privilege other people in the area enjoy; i.e., having a garage.
  6. Granting the Variance will not be injurious to the public health, safety or welfare.
  7. It meets the goals of the Comprehensive Plan for residential land use, and the use of a heat pump meets the goal of encouraging energy conservation.
  8. Mr. Miller will be covering less than 30% of the lot with structures.
- B. Property to North of Mr. Miller's. Dr. Sam Marinesi was present in the audience and asked about a recent swath that had been cut by a cat on the lot directly north of Mr. Miller's. He said that the owner had cut a water line to the lake; and in the process, he had pushed "a lot" of dirt into the lake. Dr. Marinesi was concerned since Woahink is a drinking water source for several area residents. The Mayor advised him that the City can proceed when it receives a written complaint.
- C. Ordinance #86 - Allowing Accessory Buildings Prior to a Permitted Use. The mayor opened the public hearing on Ordinance #86 amending Ordinance #50 at 8 p.m. It was pointed out that there was a typographical error in subparagraph H.

ACTION           A motion was made by E. Fillman and seconded by B. Pitts to have the first reading of Ordinance #86 and to declare an emergency. Motion carried. Attorney Gerber read the ordinance in its entirety.

ACTION           A motion was made by P. Tout and seconded by D. Brown to approve the first reading of Ordinance #86.

AYES: B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout. E. Passenger was absent. Motion carried.

ACTION           A motion was made by E. Fillman and seconded by D. Brown to have the second reading of Ordinance #86. Motion carried and Attorney Gerber read the ordinance in its entirety.

ACTION           A motion was made by P. Tout and seconded by D. Brown to approve the second reading of Ordinance #86.

AYES:   B. Pitts, N. Johnson, E. Fillman, Mayor Petersdorf,  
         D. Brown, P. Tout.   E. Passenger was absent.   Motion carried.

Since L-COG is currently compiling the City's ordinances, a copy of Ordinance #86 will be sent to them to be included in the compilation. The public hearing was closed at 8:10 p.m.

IX.    UNFINISHED BUSINESS

- A.   Vacation of Salal Street. This item had been tabled each month for several months because of lack of progress. B. Stocking was asked to write to Rick Cox of Coast Real Estate to see if he or his clients were still seeking a street vacation.
- B.   Letter to James Banks. The City had written to Mr. Banks to inform him that he had purchased a lot that was unbuildable as a result of an illegal lot creation. The letter advised Mr. Banks to contact the City but did not give a specific time limit. The City had not received a reply. The Council discussed this.

ACTION           A motion was made by D. Brown and seconded by E. Fillman to write Mr. Banks a second letter asking that he reply within 30 days or the City Council will issue a show cause why the City shouldn't put a cloud on the title to his lot. Motion carried. B. Stocking will write the letter.

VII.   REPORTS - Continued

- F.   Roads. D. Brown requested that Hiatt Flowers be paid as soon as their brushing job on Salal and Russell is finished and Don has inspected it rather than wait until next month's City Council meeting approves the bills. There was a discussion of giving the Director of Roads a limit on what he could spend on road projects without City Council prior approval. N. Johnson suggested that D. Brown meet with the Road Committee and come up with figures on road repair limits for prior approval. Don said he had those figures and suggested a limit of \$250 on brushing, \$500 on grading and graveling and \$500 for contingencies and emergencies. The Mayor suggested a limit of \$1,000 that D. Brown could use to pay for road work as it occurs, that could be replenished as needed, but could not exceed the amount in the budget. Attorney Gerber asked for time to research the City Charter. The City Council asked D. Brown to draft a proposal that the Council could vote on at its October meeting. City Council approved brushing Salal and Russell.

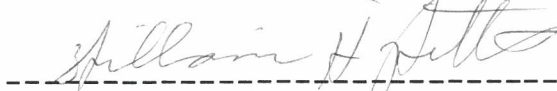
D. Brown distributed sample forms used by Lane County and Pacific Northwest Bell for buried utilities. The Council discussed instituting a form to keep track of buried utilities within Dunes City when they are buried under or near a road. The City Attorney will check ordinances to see if the City has anything covering buried utilities. If not, the attorney will draft an amendment to the road ordinance; or he will draft a resolution approving a permit application which Don will supply and a resolution setting fees.

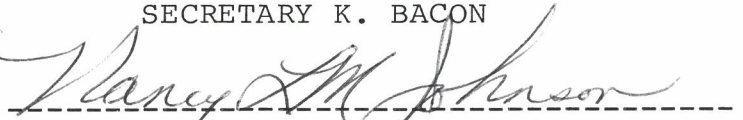
XII. ADJOURNMENT


The meeting was adjourned at 9 p.m.

  
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MAYOR PETERSDORF


  
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SECRETARY K. BACON

  
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B. PITTS

  
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N. JOHNSON

  
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E. FILLMAN

  
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D. BROWN

  
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P. TOUT

DUNES CITY COUNCIL

OCTOBER 11, 1984  
REGULAR MEETING

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Bob Petersdorf.

PRESENT: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger, Attorney Ron Gerber, City Recorder B. Stocking and secretary K. Bacon. In the audience was a press representative, Les Tumidaj from L-COG and one citizen.

ABSENT: N. Johnson was out of town.

II. APPROVAL OF MINUTES OF SEPTEMBER 13, 1984

ACTION

A motion was made by P. Tout and seconded by E. Fillman to approve the minutes of September 13, 1984. Motion carried.

III. BILLS AGAINST THE CITY

ACTION

A motion was made by E. Passenger and seconded by P. Tout to pay the bills against the City in the amount of \$3,257.64. Motion carried.

IV. RECEIPTS OF THE SESSION - \$12,950.01

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

A. Increased Garbage Rates. B. Stocking announced that Lane County refuse disposal sites will be charging higher rates October 1, but the rate increase should affect only commercial haulers. A \$1 discount will still be in effect for those who recycle.

B. 911. 911 service has been extended to Mapleton. 911 funds were used to purchase a new radio console and tape recorder for the Florence Police Department. These are operational now.

C. Workshop. B. Stocking announced that there will be a Shore Resource Management Workshop in Newport on October 19 and 20.

D. Handicapped Requirements. B. Stocking had received a letter requesting an evaluation of the Community Center facilities to see if they meet requirements for serving

handicapped patrons. Governments that receive less than \$25,000 in revenue sharing funds may be required to comply with the requirements if they are found by the office of Revenue Sharing to have discriminated against the handicapped. Emile Mortier, the building inspector, had checked the facilities and found that the bathrooms could not accommodate wheelchairs. B. Stocking was asked to advise the office of Revenue Sharing that the building is capable of serving handicapped patrons who do not require wheelchairs. She suggested that if the need should arise, the City could schedule meetings in buildings in Florence where facilities are already provided.

- E. Resolution Concerning Equal Opportunity in Employment. The attorney had drafted a resolution expressing the intent and commitment of the City of Dunes City to insure equal opportunity in employment.

ACTION

A motion was made by E. Passenger and seconded by D. Brown to accept Resolution 10-11-84 concerning equal opportunity in employment. Motion carried.

VII. REPORTS

- A. Les Tumidaj - Associate Energy Planner for L-COG. Mr. Tumidaj gave a slide presentation and discussion on solar energy. Mr. Tumidaj has been working for the past year under a grant funded by B.P.A. to develop energy management plans. L-COG has been working with the cities of Eugene, Springfield, Veneta, Creswell, Lowell, and Dunes City to help them develop energy management programs and energy efficient land use ordinances.

His presentation centered on the areas of new development, existing development and vegetation. Mr. Tumidaj discussed in his slide presentation active and passive solar buildings.

The following are some of the points Mr. Tumidaj presented:

- Solar access is a clear view of the sun during the time you want to use it.
- In planning for solar access you need to consider the effects of shade cast by adjacent buildings and trees.
- If you just protect the south-facing wall of a building, you have protected the 5% to 20% of solar energy the people are getting by default.
- 10 a.m. to 2 p.m. are the critical sunlight hours.

- The amount of sunlight measured at noon on a south-facing wall on December 21 is the standard of measurement recommended by L-COG for solar access.
- Solar development can be encouraged in subdivisions by encouraging maximum north/south depth of lots and streets laid out running east and west.
- Cities have to use their Zoning Ordinances (for setbacks) and Subdivision Ordinances (for street layout) together to protect solar access.
- Trees can be a problem, but buildings are the major problem.
- In new development and existing development, try to work around existing trees and encourage the planting of "solar friendly" trees.
- In a system of using solar access permits, the applicant would bear the burden of documenting through photos and surveys the solar access available to him at the time he begins development of his lot.
- L-COG has been working with Eugene to help them develop their solar access permit process then smaller cities would be able to contract with them to use their personnel for enforcement.
- The Golden Rule is that a person is guaranteed a house. If a person tries to situate his house so that he can protect the solar access of his neighbor and is unable to do so, he is still guaranteed that he will be able build a house and would be exempt from the regulations concerning solar access.
- The building inspector would administer the solar access permits.

Mr. Tumidaj gave the City Council (and the Planning Commission the previous night) draft language for ordinance changes for the Subdivision and Zoning Ordinances that would protect solar access.

The City Council scheduled a joint work session with the Planning Commission for Wednesday, October 24, at 7:30 p.m. to work on drafting a solar proposal for Dunes City. The City Council decided they want to try to finalize solar changes before the end of the year.

VIII. RECESS

The mayor declared a short recess at 9:30 p.m. The meeting was reconvened at 9:45 p.m.

- B. Hartshorne Minor Partition. B. Stocking announced to the group that the City had received documentation that Lane County had recorded the order granting Mr. R. N. Hartshorne a minor partition. The information is located on Lane County's reel 1317R.
- C. Planning Commission Applicant. The City had received the application of Mrs. Betty Knight to fill a vacancy on the Planning Commission.

ACTION

A motion was made by D. Brown and seconded by P. Tout to accept the application of Betty Knight. Motion carried. Mrs. Knight will fill Postion #5 vacated by Kay Tindle. Her term will expire December 31, 1985. The City will write Mrs. Knight a letter advising her that she had been appointed. E. Fillman will also notify her personally.

- D. Parks. N. Johnson had sent a letter to ask City Council to make plans for dedicating Byrd Memorial and Petersdorf City Parks on October 20. She said the Boy Scouts would be on hand and suggested a formal ribbon cutting ceremony with Mrs. Byrd and Mayor Petersdorf.

ACTION

A motion was made by E. Passenger and seconded by B. Pitts to accept Mrs. Johnson's recommendation. Motion carried. The ribbon cutting will be held Saturday, October 20, at 4 p.m. Jane Rees from Siuslaw News said that she would plan to attend.

- E. Fire. D. Brown announced that the week of October 7 - 13 was Fire Prevention Week. The Governor has declared Sunday, October 14, as a day to honor fallen fire fighters who have died in the line of duty. At 10 a.m. all fire stations "with working fire sirens" will sound their sirens for 10 seconds. Mr. Brown said that woodstove safety is the next area of concern now that we have entered the home heating season.
- F. Cable TV. D. Brown reported that McCaw is still waiting for FCC approval to take care of the problems they are having with Channel 12. There was also a discussion of public service announcements on Channel 10. McCaw prefers that one person represent an organization in submitting announcements. It was decided that the Dunes City office will be in charge of submitting announcements for any City-related public service announcements.

- G. Neighborhood Watch. E. Fillman announced that Neighborhood Watch would be having its meeting on October 15 at 7:30 p.m.
- H. Violation of the Soil Erosion Ordinance. The Council discussed a memo from Emile Mortier concerning a violation of the Soil Erosion Ordinance (Ordinance #59) that had occurred at 5168 Russell. A contractor had cut a wide swath to the lake to install a water line. In the process, he had removed all the vegetation in the cut, cut the roots of large trees, and pushed dirt into the lake. P. Tout suggested that if the City were to issue business licenses, they would have a recourse against violators of City ordinances by revoking their licenses. The mayor asked the City Council to consider the possibility of instituting business licenses. E. Passenger suggested sending a letter to the State Land Board concerning the dirt pushed into the lake. Attorney Gerber suggested that the City send a letter to the property owner with a carbon copy to the contractor advising them that they are in violation of Ordinance #59 and asking that they appear before the City Council to indicate what steps they plan to take to correct the situation or the City Council will issue a show cause at the next City Council meeting. In the letter, it was suggested that they be advised they could contact the Mayor, City Recorder or E. Passenger before the next City Council meeting if they wish to begin correcting the situation sooner.
- I. Garbage Franchise. The mayor had asked Don Stewart, who is not a Dunes City resident, to chair a town hall meeting to inform the public of the issues involved in the garbage franchise initiative to be on the November 6 ballot. The meeting will be October 29 at 7:30 p.m.
- J. Roads. D. Brown distributed letters to the City Council that he will be sending to Road Committee members. D. Brown discussed the value of a Road Committee. He felt there is a need for a road committee but that perhaps it doesn't need to meet as often as monthly. He suggested having the committee meet quarterly or semi-annually.

Mr. Brown reminded the council that his letter of resignation is still active, but he feels it will be hard to find a replacement because of the conditions under which the Director of Roads must work.

The Council discussed forms devised by Mr. Brown to record projects and expenditures.

B. Stocking will check the P.U.D. to have them check the intersection at Clear Lake Road and View Terrace to see if it is feasible to install a street light at that intersection.

D. Brown recommends including in next year's budget money to pave Russell Drive.

ACTION

A motion was made by E. Passenger and seconded by E. Fillman to authorize \$500 for graveling Russell Drive. Motion carried.

ACTION

A motion was made by P. Tout and seconded by E. Fillman to name the portion of Peninsula west of the lake arm off Collins Road "Collins Loop". Motion carried. The entire Collins Road will now be called Collins Loop. Lane County and the property owners on Collins Road will be notified of the change.

The council discussed the buried utility form devised by D. Brown, the City's liability, and how the utilities would be inspected. P. Tout suggested that whoever inspects the buried utilities should get a portion of the fee charged as the building inspector does now. Attorney Gerber stated that the City's main concern should be that the street be repaired and that the utilities are placed at the proper depth. D. Brown has bought some signs to advise of buried utilities which will be sold to applicants who wish to place buried utilities.

There was a discussion of a "No Turn Around" sign on Parkway. It was decided to remove the sign because it was confusing; people assume it means the street rather than the private drive where it was placed. D. Brown had examined Parkway Drive for damage in answer to a complaint and found none that had been caused by the new construction on Parkway.

ACTION

A motion was made by P. Tout and seconded by E. Passenger to pay Hiatt Flowers \$300 for stump removal and brush cutting. Motion carried.

IX. UNFINISHED BUSINESS

- A. Salal Vacation. B. Stocking had contacted Rick Cox of Coast Real Estate to see if Mr. Cox still wanted to have the Salal vacation on the agenda each month. Mr. Cox said they are still trying to resolve the problem of ownership with the heirs, and he will contact the City when they are ready to take action.

B. Letter to James Banks. B. Stocking had received phone calls from both James Banks and his attorney, Larry Gildea. They said they are considering taking action against Mr. Gus Stores who had originally sold Mr. Banks his unbuildable lot. B. Stocking advised them that they need to send something in writing to the City.

C. Fund for Director of Roads.

ACTION

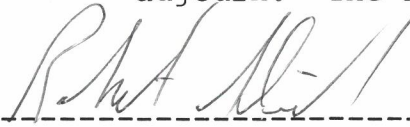
A motion was made by E. Fillman and seconded by B. Pitts to give a discretionary fund of \$1,000 to the Director of Roads to be used for road repairs up to the amount in the road budget. The Director of Roads will continue to report to the City Council on how the money is being spent. Motion carried.


D. Sign Permits. D. Brown asked if the City had devised a form to be used for sign permit applications. B. Stocking advised him that the City will use the building permit form since the building inspector will be inspecting the signs.

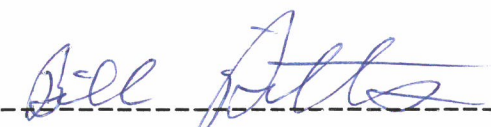
X. ADJOURNMENT

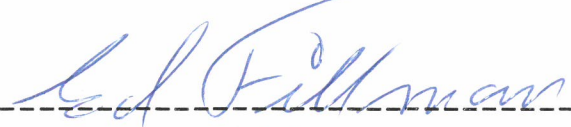
ACTION

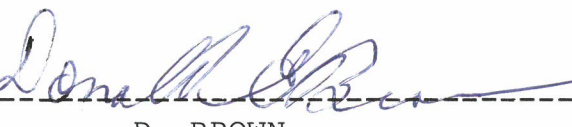
A motion was made by E. Fillman and seconded by E. Passenger to adjourn. The meeting was adjourned at 11:35 p.m.

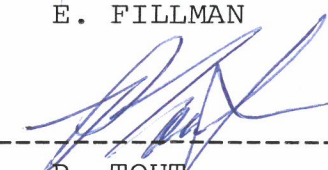
  
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MAYOR B. PETERSDORF

  
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SECRETARY K. BACON

  
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B. PITTS

  
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E. FILLMAN

  
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D. BROWN

  
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P. TOUT

  
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E. PASSENGER

DUNES CITY COUNCIL

REGULAR MEETING  
NOVEMBER 8, 1984

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:35 p.m. by Mayor Bob Petersdorf.

PRESENT: E. Fillman, N. Johnson, B. Pitts, Mayor Petersdorf, D. Brown, P. Tout, E. Passenger, Attorney Ron Gerber, City Recorder Betty Stocking and secretary K. Bacon. There was one member of the press, four citizens and two students from the Siuslaw High School American Studies class.

II. APPROVAL OF MINUTES OF OCTOBER 10, 1984

ACTION A motion was made by P. Tout and seconded by D. Brown to approve the minutes of the October 10, 1984, meeting. Motion carried.

III. BILLS AGAINST THE CITY

ACTION A motion was made by E. Fillman and seconded by B. Pitts to pay the bills against the City in the amount of \$2,659.05. Motion carried. E. Passenger asked if the City had been receiving itemized statements from the Sheriff's Department for the contracted service. B. Stocking said the City had not. The Council agreed to pay the bill this month, but it will not pay the bill in the future unless the bill is itemized. E. Passenger will notify Officer Tidball.

IV. RECEIPTS OF THE SESSION - \$5,200.26

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

A. Letter from L-COG. E. Passenger recapped for the Council a letter she had received from Steve Gordon of L-COG concerning an intergovernmental project review. They requested that the City comment by November 9. The Oregon Natural Resources Council wishes to close the Berry Creek and Sutton Creek estuaries to off-road vehicles. E. Passenger said she would like to go on record in opposition to more beach closures and enclose with the letter to L-COG a copy of the Findings of Fact of the U.S. Department of Agriculture hearing of October 11 on the closure of Waxmyrtle.

ACTION      A motion was made by D. Brown and seconded by P. Tout to notify L-COG and to write to each Lane County Commissioner as well the City Council's position on further beach closures. P. Tout suggested that Betty phone L-COG on November 9 and alert them that a letter would follow. Motion carried.

VII.      REPORTS

- A.      Cable TV. D. Brown said Channel 12 is still being worked on and McCaw Cablevision is awaiting FCC approval. McCaw has also been trying to improve Channel 16.
- B.      Fire. D. Brown reported the fire calls for the month. He said there are now 14 active firefighters in the Siuslaw Rural Fire Station #2.
- C.      Parks. Life Scout Larry Johnson II gave a report to the City Council on his completed project to provide signs for Petersdorf Park and Byrd Memorial Park. The City Council had allotted him \$268 for the project based upon his cost estimates. The actual cost had been \$152.63, and Johnson returned to the City \$115.37. B. Pitts suggested the City purchase a park bench for one of the parks with the returned funds. E. Fillman suggested the Park Committee look into it. N. Johnson will check with the Park Committee. The City Council thanked Larry Johnson for the fine job he had done on the project.
- D.      Energy. P. Tout reported that the City Council and Planning Commission had held a joint work session on October 24. The Planning Commission will hold a public hearing and continue to work on the solar ordinance at its November 21 meeting and will make recommendations to the City Council for a public hearing at the December 13 City Council meeting. At that meeting, the City Council will have a first and second reading and declare an emergency. Les Tumidaj of L-COG was in the audience and said he will get the information to the Planning Commission based on the notes which were taken at the work session.
- E.      Roads. D. Brown said that Russell Road needs to be paved next year. He said that the maintenance work done on the road is not holding and is expensive to keep redoing. B. Stocking felt the job of grading and gravelling

done on Russell Road was unacceptable. Her neighbors had voiced similar complaints. D. Brown said he was aware of the problem and would discuss it with the company that spread the gravel and have them come back out and look at it.

VIII. UNFINISHED BUSINESS

- A. Rick Ruede - Soil Erosion Violation. Mr. and Mrs. Rick Ruede were in the audience to address the City Council concerning a letter they had received advising them that they were in violation of the Soil and Vegetation Ordinance. Mr. Ruede said that he had been unaware of the ordinance and that he had been trying to correct the situation by ditching to correct runoff and by seeding and spreading hay to try to keep erosion from washing into the lake. When Mr. Ruede cleared his land, he had cut the roots of a large fir tree. His neighbor, Donald Miller, had expressed to D. Brown verbally that he felt the tree was now a threat to his property.

A motion was made by P. Tout and seconded by E. Passenger to approve the corrective measures taken to date -- including haying, seeding and ditching. The City will continue to monitor the situation. The Ruedes are advised that if these measures are inadequate, they will be required to take further corrective measures. And the City strongly advises that they obtain expert advice on the wisdom and advisability of topping or removing the fir tree on which the roots were cut. Motion carried.

N. Johnson and E. Passenger felt that a letter of reprimand should be sent to J & V Excavating concerning the work done for Mr. Ruede. They felt J & V should have been aware of the ordinance since they had done similar work within Dunes City in the past.

A motion was made by D. Brown and seconded by N. Johnson to send a letter of reprimand to J & V Excavating. Motion carried.

IX. RECESS

The meeting was recessed at 8:35 and reconvened at 8:45 p.m.

X. NEW BUSINESS

- A. Licenses. The Mayor referred the Council to a sample letter in their packets that should be sent to all contractors and nurseries concerning the soil erosion ordinance and other ordinances Dunes City has governing

land clearing and construction.

ACTION

A motion was made by D. Brown and seconded by P. Tout to prepare the letter and send to all nurseries and contractors in Florence, Reedsport and Coos Bay. Motion carried.

- B. Measure #51. Measure #51 regarding exclusive franchises passed in the November general election. Loren Parker, who wishes to collect garbage within Dunes City, has said he will not apply for a franchise until the current franchise expires. R. Gerber will check to see when Measure #51 (which will now become an ordinance) will go into effect. R. Gerber suggested the City draft an amendment to Measure #51 to defer implementing the ordinance until the present franchise expires. R. Gerber will have a draft of the ordinance to be read at the December City Council meeting. It will be published for a first and second reading and declare an emergency. Attorney Gerber also recommended that the City Council seriously consider licenses not as a revenue source but as a control measure.

Bob Read, the City's insurance carrier, would like to discuss the City's liability at the December City Council meeting.

B. Stocking was asked to write a letter to Loren Parker saying there had been some verbal complaints that he was collecting garbage within Dunes City limits.

- C. Community Service. R. Gerber presented to the City Council a proposal to have a citizen who is working out a community service sentence of Municipal Court do road work under the supervision of the road chairman, D. Brown. D. Brown had some reservations that he discussed with the Council. Bob Read had told the Mayor in the past that he discouraged this kind of arrangement. The Council discussed at length the liability. According to Mr. Gerber, SAIF would cover any injuries and it would cost the City \$6.23 for 28.57 hours of work.

ACTION

A motion was made by P. Tout and seconded by B. Pitts to give the idea a trial, and it will progress or fail on D. Brown's experience with the program.

AYE: B. Pitts, N. Johnson, D. Brown, P. Tout, E. Passenger  
NAYE: E. Fillman and Mayor Petersdorf


Motion carried.

- D. Al Miller. It was announced that Mr. Al Miller is doing

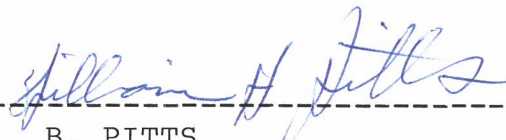
more landscaping and was in violation again of the soil erosion ordinance. The Council was referred to a memo from Mort. The Mayor will talk to Mr. Miller and tell him he is in violation of the ordinance and his variance. The City Council told B. Stocking to withhold issuing his final permit. B. Stocking will write a memo for the Mayor to take when he inspects Mr. Miller's property. Attorney Gerber suggested the City Council ask Mr. Miller to stop, correct the problem and report back to the City Council and attach a copy of the soil erosion ordinance with the memo. Further, no permit will be issued until arrangements satisfactory to the Mayor are made. Those arrangements will be reviewed by the entire City Council at the December meeting, and Mr. Miller should be at the December meeting.


XII. ADJOURNMENT

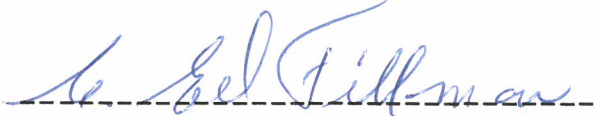
E. Fillman moved that the meeting be adjourned, and the meeting was adjourned at 9:54 p.m.


  
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MAYOR B. PETERSDORF

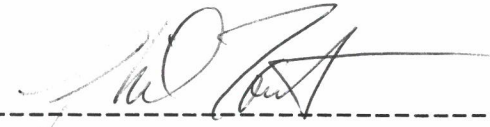
  
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SECRETARY K. BACON

  
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D. BROWN

  
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P. TOUT

  
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E. PASSENGER

DUNES CITY COUNCIL

DECEMBER 13, 1984  
REGULAR MEETING

I. CALL TO ORDER AND ROLL CALL

The regular meeting of the Dunes City Council was called to order at 7:30 p.m. by Mayor Robert Petersdorf.

PRESENT: D. Brown, P. Tout, B. Pitts, E. Fillman, Mayor Petersdorf, Attorney Ron Gerber, City Recorder Betty Stocking and secretary Kay Bacon. In the audience were two students from Siuslaw High School, Duke Wells of the Site Review Committee, Mayor-elect Jim Baumeister, Loren Parker of West Lane Disposal, Les Tumidaj from L-COG and one member of the press.

ABSENT: N. Johnson and E. Passenger

II. APPROVAL OF MINUTES OF NOVEMBER 8, 1984

ACTION

A motion was made by E. Fillman and seconded by D. Brown to approve the minutes of November 8, 1984. Motion carried.

III. BILLS AGAINST THE CITY

ACTION

A motion was made by D. Brown and seconded by B. Pitts to pay the bills against the City in the amount of \$2,798.86. Motion carried.

IV. RECEIPTS FOR THE SESSION - \$4,670.19

V. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

VI. CORRESPONDENCE

- A. Senior Citizen Dinner. B. Stocking announced that the Sixth Annual Christmas Day dinner for senior citizens will be held at the Valley River Inn at 1 p.m. It is free to senior citizens.
- B. Bureau of Governmental Research. The Bureau of Governmental Research has available videotapes and pamphlets on land use which would be suitable for training sessions. They may be rented for two weeks for \$10. D. Brown suggested Kay TV might be willing to loan the City a tv to use for the training sessions if the City decides to take advantage of the videotapes.

- C. League of Oregon Cities. The League of Oregon Cities has compiled a booklet entitled "Microcomputers for Small Cities". A copy is available in the City office.

VII. REPORTS

- A. Neighborhood Watch. E. Fillman announced that Neighborhood Watch will be having a potluck dinner Monday, December 17.
- B. Cable TV. McCaw is working to improve Channel 12 and is still waiting for FCC approval, D. Brown announced. B. Pitts added that preliminary construction has begun on Channel 12.
- C. Fire. D. Brown announced that he and his wife have retired from the Siuslaw Rural Fire Department, Station #2. Mr. Brown thought the City Council might want to appoint another Fire Commissioner. Mayor Petersdorf felt it would be better to wait until after the new mayor and council take over.
- D. Energy. P. Tout reported on the Planning Commission public hearing on the proposed solar ordinance. The Planning Commission had recommended to the City Council that it approve the solar setbacks to the zoning ordinance and subdivision ordinances and recommended approving a permit system of regulation rather than solar easements between neighbors.

VIII. PUBLIC HEARINGS

- A. Ordinance #87. The Mayor opened the public hearing on Ordinance #87 at 7:40 p.m. Ordinance #87 defers implementing ballot measure #51 until the current garbage franchise expires. Loren Parker of West Lane Disposal said he had no objection to the ordinance. The public hearing was closed at 7:45 p.m.

ACTION

A motion was made by E. Fillman and seconded by B. Pitts to have the first reading of Ordinance #87 by short title only. Motion carried and Attorney Gerber read the ordinance by short title.

"An Ordinance of the City of Dunes City amending Ordinance No. 38, which deals with disposal of solid waste, providing for the issuance, conditions and revocations of licenses, and granting exclusive franchises for the collection of solid waste, and providing penalties and declaring certain acts unlawful."

- ACTION            A motion was made by E. Fillman and seconded by P. Tout to accept the first reading of Ordinance #87.
- AYES: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout.
- E. Passenger and N. Johnson were absent. Motion carried.
- ACTION            A motion was made by E. Fillman and seconded by D. Brown to have the second reading of Ordinance #87. Motion carried and Attorney Gerber read the ordinance in its entirety.
- ACTION            A motion was made by E. Fillman and seconded by P. Tout to accept the second reading of Ordinance #87 and declaring an emergency.
- AYES: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout.
- E. Passenger and N. Johnson were absent. Motion carried.
- B. Solar Ordinances. The public hearing was opened at 7:50 on the solar ordinances which amend Ordinance #50 and Ordinance #60.
- ACTION            A motion was made by P. Tout and seconded by D. Brown to accept the Planning Commission's recommendation and to have the first reading of Ordinance #89 amending Ordinance No. 60 by short title only. Motion carried and Attorney Gerber read Ordinance #89 by short title.
- "An Ordinance of Dunes City amending Ordinance No. 60, Dunes City Land Subdivision Ordinance, providing for the provision and protection of solar access in subdivisions."
- ACTION            A motion was made by E. Fillman and seconded by D. Brown to accept the first reading of Ordinance #89 by short title.
- AYES: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout.
- E. Passenger and N. Johnson were absent. Motion carried.
- ACTION            A motion was made by P. Tout and seconded by D. Brown to have the second reading of Ordinance #89 and declare an emergency. Motion carried. Attorney Gerber read the ordinance in its entirety.
- ACTION            A motion was made by E. Fillman and seconded by B. Pitts to accept the second reading of Ordinance #89 and declare an emergency.
- AYE: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout.
- E. Passenger and N. Johnson were absent. Motion carried.

- ACTION        A motion was made by E. Fillman and seconded by P. Tout to have the first reading of Ordinance #90 by short title only. Motion carried and Attorney Gerber read the ordinance by short title.
- "An Ordinance of Dunes City amending Ordinance No. 50, Dunes City Zoning Ordinance, providing for building setbacks for the protection of solar access and providing for the provision and protection of solar access in planned unit developments."
- ACTION        A motion was made by E. Fillman and seconded by D. Brown to accept the first reading of Ordinance #90 by short title.
- AYES: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout.
- N. Johnson and E. Passenger were absent. Motion carried.
- ACTION        A motion was made by P. Tout and seconded by D. Brown to have the second reading of Ordinance #90 in its entirety and declare an emergency. Motion carried and Attorney Gerber read the ordinance in its entirety.
- ACTION        A motion was made by E. Fillman and seconded by D. Brown to accept the second reading of Ordinance #90 and declare an emergency.
- AYES: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown and P. Tout.
- N. Johnson and E. Passenger were absent. Motion carried.
- ACTION        A motion was made by E. Fillman and seconded by D. Brown to have the first reading of Ordinance #91 amending Ordinance #50 by short title. Motion carried and Attorney Gerber read Ordinance #91 by short title.
- "An Ordinance of Dunes City amending Ordinance #50, Dunes City Zoning Ordinance, providing for the protection of solar access through height limitations for trees."
- ACTION        A motion was made by P. Tout and seconded by D. Brown to accept the first reading of Ordinance #91 by short title.
- AYES: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout.
- N. Johnson and E. Passenger were absent. Motion carried.
- ACTION        A motion was made by P. Tout and seconded by D. Brown to accept the second reading of Ordinance #91 and declare an emergency.
- AYES: B. Pitts, E. Fillman, Mayor Petersdorf, D. Brown, P. Tout.

N. Johnson and E. Passenger were absent. Motion carried.

ACTION

A motion was made by P. Tout and seconded by D. Brown to delay implementing Ordinances #89, #90 and #91 for 90 days to avoid possible problems with people who are in the process of beginning to design their homes and are unaware of this action. Motion carried.

IX. UNFINISHED BUSINESS

A. Al Miller - Soil Erosion Violation. Mr. Duke Wells of the Site Review Committee gave a report on the site review the group had made at Al Miller's Lakeside Gallery. They found huckleberry, rhododendron and lodgepole pines that had been removed without a permit and plant debris that had been pushed into Woahink Lake. It was determined that Mr. Miller was in violation of the following areas:

1. He is apparently building his garage addition without the building permit being issued.
2. Mr. Miller has bladed the property to the edge of the lake and has violated the setback required.
3. Mr. Miller has pushed debris into the lake.
4. Mr. Miller apparently is planning to put a parking area over the top of his septic drainfield.
5. Mr. Miller has not applied to the City for a vegetation removal permit.

Attorney Gerber advised the City Council to issue a show cause letter to Mr. Miller. The City can also clean up the property and assess the costs as a lien against the property.

ACTION

A motion was made by D. Brown and seconded by E. Fillman to have Attorney Gerber begin abatement proceedings against Mr. Miller. Mr. Gerber was going to write the letter December 14, and the Mayor was going to deliver it that evening to Mr. Miller. The letter will tell Mr. Miller to cease and desist and will be a show cause order.

- B. James Banks. Attorney Gerber advised the City Council to issue a show cause letter to Mr. James Banks regarding the lot he illegally subdivided creating two unbuildable lots. A review of Mr. Banks' file showed that Mr. Banks had been advised that action would be taken at the December meeting.

ACTION

A motion was made by E. Fillman and seconded by P. Tout to notify the Lane County Department of Deeds and Records that lot 401 on map no. 19-12-27-1 is unbuildable. Motion carried. Attorney Gerber will send the letter to Lane County with a copy to Mr. Larry Gildea, Mr. Banks' attorney.

- C. Draft of Business License Ordinance. The City Council discussed the proposed draft of the business license ordinance. Some corrections were made on pages 3 and 5. This ordinance will be published for a first reading at the January meeting.

VII. REPORTS - Continued

- E. Roads. D. Brown discussed repair work that needs to be done to Buckskin Bob and Parkway. The road repair fund would be reduced considerably to do both jobs, and there are still 6 months remaining in the current fiscal year. Ray Wells had given an estimate of \$1315. for both jobs. He had broken it down into two sections -- one of \$585 and one of \$730.

ACTION

A motion was made by E. Fillman and seconded by B. Pitts to table a decision on the projects until the January meeting. Motion carried. In the meantime, D. Brown will make emergency repairs.

There was a discussion of the citizen who has been fulfilling a community service sentence by doing road repairs. D. Brown reported that he has not been reliable. He will continue to work with him awhile longer.

Frank Stringer on View Terrace had contacted D. Brown for permission to top a tree that he thinks is in the City's right-of-way. The Council discussed the advisability.

ACTION

A motion was made by P. Tout and seconded by B. Pitts to send a letter to Mr. Stringer giving him permission to top the tree with the conditions that it will be Mr. Stringer's responsibility to determine that the tree is in the right-of-way and assuming all responsibility for any damage or liability. Motion carried.

X. ADJOURNMENT

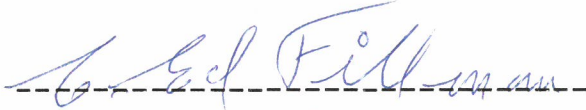
The meeting was adjourned at 9:45 p.m.



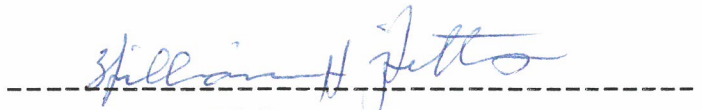
MAYOR PETERSDORF



SECRETARY KAY BACON



E. FILLMAN



B. PITTS



D. BROWN



P. TOUT