

DUNES CITY COUNCIL

REGULAR MEETING

APRIL 13, 1989

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Council President Ron DePiero.

PRESENT: H. Hodson, R. DePiero, E. Fillman, C. Ellis, R. Petersdorf, Attorney Ron Gerber, City Recorder Kathleen Aitken, and secretary K. Bacon. There was one representative from the press and 15 citizens present.

ABSENT AND EXCUSED: Mayor D. Eastman and Councilor E. Landwehr. However, Councilor Landwehr entered the meeting at 8:05 p.m.

II. BILLS AGAINST THE CITY

ACTION A motion was made by R. Petersdorf and seconded by E. Fillman to pay the bills against the City in the amount of \$4,681.06. The voting was unanimous, and the motion carried

III. APPROVAL OF MINUTES OF MARCH 9 MEETING

ACTION A motion was made by R. Petersdorf and seconded by E. Fillman to approve the minutes of the March 9, 1989, meeting with any corrections. The voting was unanimous, and the motion carried.

IV. RECEIPTS OF THE SESSION - \$13,320.79

V. ANNOUNCEMENTS AND CORRESPONDENCE

- A. Florence Futures Meeting. K. Aitken announced that the next meeting of the Florence Futures group would be April 18. She asked that if anyone would be interested in attending in the mayor's absence to please let her know.
- B. Day on Dunes. K. Aitken announced that the Dunes N.R.A. was sponsoring an all-day event entitled "Day on the Dunes" to familiarize the public with the activities on and management program for the dunes. Anyone interested in attending was advised to bring a sack lunch. They had set of limit of two representatives from each area.
- C. Cooke Cablevision. K. Aitken announced that the sale of Cooke Cablevision to Falcon was off and there was nothing further to report.

- D. Westlake Liquor License Renewal. K. Aitken announced that the liquor license for Westlake Market was due to be renewed.

ACTION A motion was made by C. Ellis and seconded by R. Petersdorf to recommend to the O.L.C.C. that it renew the liquor license of Westlake Fishermen's Market. The voting was unanimous, and the motion carried.

VI. CITIZEN INPUT ON UNSCHEDULED ITEMS

John Carlson had written the City a letter requesting that the minutes of the March 9 meeting be amended concerning his statements during the Richard Anderson C.U.P hearing. The council had declined to amend the minutes. Mr. Carlson said that he had requested the change for the purpose of establishing "standing", but he said that by enclosing his statement with a note from the secretary it had accomplished the same thing.

VII. PUBLIC HEARINGS

- A. First Reading of Ordinance 123. R. DePiero opened the public hearing at 7:41 p.m. Council members had received a copy of the proposed language for Ordinance #123 in their packets. The attorney had advised the staff to draft the ordinance incorporating all the proposed options suggested by the C.C.I. Committee and the Planning Commission. They had been listed as "C", "D", and "E" in addition to the present language.

John Carlson said that item "C" had been the option most favored by the group present at the C.C.I. meeting. He further stated that item "E" had not been favored and, if approved, would make the setback requirements of the Zoning Ordinance unnecessary. He thought that by approving item "E" it would give an unfair advantage to grandfathered non-conforming structures over new structures that are being built on empty lots and must meet the setbacks.

Phil Tout, a Dunes City resident, said that he favors option "E" because citizens should have recourse through the variance procedure to alter a non-conforming structure if their reason for doing so is good.

Marilyn Miller, Chairperson of the Planning Commission, said that the intent of Section 10 of the Zoning Ordinance is clear; and if the City allows residents to

alter non-conforming structures with a variance, the City might as well remove Section 10 from the Zoning Ordinance.

John Carlson and Marilyn Miller stated that they are opposed to options "D" and "E" in the proposed ordinance.

The public hearing was closed at 7:49 p.m.

E. Fillman said that he would not favor changing the Zoning Ordinance if all the lots in Dunes City were an acre or more, but the lots in the Westlake area of the city are much less, and if the structures were to burn down, the owners would not be allowed to rebuild, according to the present Section 10.

Attorney Gerber accused John Carlson of favoring the Al Miller expansion on one hand through circulating petitions while on the other hand disapproving of the two ordinance amendments which would allow the expansion. John Carlson denied having favored the proposal through circulating petitions.

R. DePiero said that he had proposed item "E" because each alteration to a non-conforming structure would be considered on its own merits during the variance procedure, and it would not leave the action to the discretion of the building inspector. He said that there were two instances he knew of where the building inspector had allowed an alteration to a non-conforming structure where the city council may not have allowed it.

Chairperson Miller pointed out that item "E" is exactly opposite to the present item "A" in Section 10.

Councilor Ellis asked if the City could establish different rules for residential areas than it has for commercial areas. Attorney Gerber said that the City can do that if the city council wanted to make that distinction. However, R. DePiero said that he did not think that the City would want to do that.

There was a heated discussion between Attorney Gerber, John Carlson and the city council on the semantics of item "E".

K. Aitken suggested that item "E" be amended to read: "Any additions to a non-conformity will require the permission of the council through the variance procedure."

Councilor Petersdorf said that he would prefer to leave the Zoning Ordinance written the way it is now.

H. Hodson said that he agreed with item "E" as amended by K. Aitken.

R. DePiero said that his concern was not to accommodate the Al Millers in their desire to expand a non-conforming structure. His concern was to expand the rights of recourse for all the citizens of Dunes City.

ACTION A motion was made by E. Fillman and seconded by H. Hodson to accept item "E" as amended by K. Aitken and to amend item "A" to include the following language so that it reads as follows: "No structures may be enlarged or altered in a way which increases its non-conformity except as provided below". The voting was unanimous, and the motion carried.

ACTION A motion was made by C. Ellis and seconded by E. Fillman to have the first reading of Ordinance #123 by short title. The voting was unanimous, and Attorney Gerber read the following:

"An ordinance amending Section 10 of Ordinance No. 50, the Zoning Ordinance, concerning non-conforming structures."

ACTION A motion was made by E. Fillman and seconded by R. Petersdorf to approve the first reading of Ordinance #123.

AYE: H. Hodson, E. Landwehr, C. Ellis, R. Petersdorf, E. Fillman

NAYES: None

ABSTAIN: R. DePiero as chair of this meeting

The motion carried.

Attorney Gerber asked to be excused from the meeting for a few minutes so that he could discuss with John Carlson an item that would be coming up later in the meeting.

B. Variance - Robert McGuire, applicant. R. DePiero opened the public hearing at 8:24 p.m. The McGuires had applied for a variance to partition a lot and create two lots which would exceed the allowed ratio of 2½ times the width to the depth.

Sam Marinesi, an adjacent neighbor, said that he favored the partition and wished to purchase the northern-most portion. He intended to leave the lot

undeveloped and planted in native and wild vegetation as a buffer between his home and any future development of the remaining portion.

There was no one present to speak in opposition to the proposal, and the public hearing was closed at 8:25 p.m.

The McGuires had sent a letter stating a correction to the planning commission's findings contained in the minutes of its public hearing. They wanted it made clear that they were not dividing their lot in half. They wanted to stress that they were partitioning their lot into two portions of 10 rods (or 165 feet) of frontage each. They said that the irregular shoreline of the property would leave more acreage in the southern portion.

R. Petersdorf asked why the planning commission had stipulated as a condition that only Sam Marinesi could purchase the northern portion. R. DePiero explained that the newly-created lot would then be considered as one lot, by definition, with Dr. Marinesi's contiguous holdings. Therefore, only the portion retained by the McGuires would be considered as sub-standard.

R. Petersdorf said that he thought Dr. Marinesi should be required to incorporate the northern portion into his tax lot rather than allowing it to remain a separate tax lot. Dr. Marinesi said that he would not want to do that; he wanted to retain it separately for his heirs.

R. DePiero said that he could not see why the City should require Dr. Marinesi to do a lot re-alignment to incorporate the lot when the McGuires would be allowed to keep a similar size lot.

Phil Tout stated the hardships he had encountered in meeting the stipulations of the council to bind part of a partitioned lot to his tax lot. R. DePiero said that Mr. Tout's situation was a different situation from this particular case where the lot being created would be large enough to be a buildable lot.

ACTION

A motion was made by R. Petersdorf and seconded by E. Fillman to approve the variance request of Robert McGuire, accepting the planning commission's findings of facts, conclusions of law and conditions "because I find by the

weight of the evidence that the findings of fact, conclusions of law as adopted by the planning commission and amended are true. Therefore, I move to adopt these findings of fact and conclusions of law. I move to adopt all the conditions recommended by the planning commission." The voting was unanimous, and the motion carried.

C. Conditional Use Permit - Jack Freeland, applicant. The public hearing was opened at 8:39 p.m. Mr. Freeland asked why the planning commission had made it a condition for approval that he obtain septic approval for newly-enlarged tax lot 112. He said that a septic approval is usually not required until someone plans to build and knows where they want to place the home.

There was a discussion; and the secretary and planning commission chairperson could not recall why it had been required.

R. Petersdorf stated that he had visited the property.

The public hearing was closed at 8:42 p.m.

R. DePiero re-iterated that someone purchasing tax lot 112 would have to get septic approval, and he asked Chairperson Miller if she would object if that condition was removed. She said that she would not object as long as the applicant realizes that he is at risk by having allowed the septic approval on tax lot 113 to go to tax lot 114. The applicant said that he realized that.

ACTION

A motion was made by R. Petersdorf and seconded by C. Ellis to approve the Conditional Use Permit request of Jack Freeland to partition tax lot 113 and assign the portions as described into tax lot 114 and 112, "because I find by the weight of the evidence that the findings of fact and conclusions of law as adopted by the planning commission are true, and I would like to delete condition #3 as stated by the planning commission, and I move to adopt all the other conditions recommended by the planning commission." The voting was unanimous, and the motion carried.

D. Conditional Use Permit - Jack Freeland, applicant. The public hearing was opened at 8:47 p.m. The applicant had requested a Conditional Use Permit for a lot line re-alignment involving two lots that are less than the one-acre minimum. The applicant asked that the matter be tabled. He had been unable to discuss with the owner of tax lot 107 his request to remove 65 feet of that lot and adjoin it to his tax lot 109.

The attorney advised the applicant that the City was required to render a decision within 120 days from the date of the application. The secretary advised that it would be 109 days from the date of application to the date of the May city council meeting. Mr. Freeland said that he would be willing to waive the time line. The council set June 8 at 7:30 p.m. for the next day and time for the public hearing.

The public hearing was closed at 8:52 p.m.

VIII. REPORTS

- A. Vegetation Removal. E. Landwehr said that the City had not received a written complaint, but she had been asked to visit the site of a home being built on Woahink Lake to check on a report that vegetation had been removed. She said that she did not know what the property had looked like before, but there was vegetation left in place along the edge of the lake. There were trees growing on the property that had been trimmed. The lot had been graded and filled and the developer will have a lawn planted. E. Landwehr stated that she does not agree with the vegetation removal ordinance and thinks that wild vegetation "is not what you would like to look at" out your front room window. K. Aitken reported that the building inspector had also looked at the property and does not think that there is a potential for erosion into the lake.

R. DePiero announced that he is familiar with the property, and the developer has left a buffer strip of vegetation. He agreed that there is not a danger of erosion but added that there has been a violation of the soil erosion and vegetation ordinance (Ordinance #59) in the shoreland zone.

R. Petersdorf suggested that the City write a letter to the developer (Dr. Richard Anderson) telling him that he is in violation of the soil erosion ordinance.

Sam Marinesi objected. He said that other people in Dunes City have been treated more harshly when they have violated Ordinance #59. He considered a letter to the violator to be nothing more than a slap on the wrist.

The attorney was asked what recourse the City might have. Attorney Gerber said that the City could declare a municipal court and hail the violator in or abate the property as a nuisance. Attorney Gerber checked the ordinance while the council moved on to the next item on the agenda.

- B. **Vehicles at Canary and Greengate Roads.** R. Petersdorf asked why this item had been placed on the agenda again. He said that when he checked the property and reported on it previously, he could find nothing in the ordinances that would prevent the owner from keeping cars on his property as long as he is not maintaining a wrecking yard. He said that the property owner owns all the vehicles. He checked, and all the vehicles are licensed with current licenses. Petersdorf was asked if he had actually been shown title to all the vehicles present. He said that he had not.

There followed a discussion of "police power". Attorney Gerber said that "police power" gives the City the right to inspect. Attorney Gerber advised that the City may "do pretty much what you want to do" as long as the property owner gives permission. If the owner does not give permission, the City may not exceed its authority and go onto the property; and any evidence obtained may not be used against the owner. However, the courts have determined that the City may draw adverse inferences if a property owner refuses permission. Attorney Gerber advised the City to place a statement on all applications for building permits, conditional use permits, variances, etc. that would give the City permission to come onto the property to make reasonable site inspections necessary to ensure compliance with all municipal ordinances. Attorney Gerber said that if the City is refused permission, if there is a municipal judge, the City may get a warrant. If you can see a violation from a public way or a neighbor's property with the neighbor's permission, you may use whatever information you obtain.

The staff was directed to add the language on all future applications.

- A. **Vegetation Removal - Continued.** Attorney Gerber advised that a letter of abatement is the most viable recourse the City has in this situation.

R. Petersdorf said that the City should send an abatement letter stating that he (Dr. Anderson) could be fined as much as \$500 a day retroactively to the day the violation began until he comes into compliance with the ordinance.

In response to a question from the council, Attorney Gerber advised that the City can issue a stop work order on the project that is in violation but not a building code stop work order. R. Petersdorf pointed out that the house is sitting on a violation because the violation was caused by clearing for construction of the house.

ACTION

A motion was made by E. Fillman and seconded by E. Landwehr to send a letter of abatement to Richard Anderson to restore the native vegetation within 30 days or appear before the city council at its May meeting and state why he should not be declared in violation of Ordinance #59. The voting was unanimous, and the motion carried.

R. DePiero abstained from voting and had declared earlier that he had a direct conflict of interest.

IX. UNFINISHED BUSINESS

- A. South Shore Subdivision. The council discussed the on-going dilemma of the barrier fence stipulated in the South Shore Subdivision approval. It was pointed out that the fence had not yet been completed. The developers have been given until May 1 to complete the fence. K. Aitken said that this item was on the agenda for this meeting because the May 1 deadline will have passed before the May city council meeting, and she wanted the councilors to be thinking about what direction the City should take if the deadline is missed. It had earlier been determined that the planning commission will consider it at its May meeting and make a recommendation to the city council if the developers fail to meet the May 1 deadline.
- B. Road Report. Phil Tout reported on the Road Committee meeting. The Road Committee recommended that the City apply a 2-inch blacktop over existing oil mat streets. He estimated that the cost would be \$80,000 and would probably hold the roads for a number of years.

The committee also recommended making Leavitt Loop a one-way road. R. DePiero asked the City staff to send a form letter to the residents on Leavitt Loop asking for their comments on the proposal. It was suggested

that the form letter have spaces where the respondent can check whether or not they object to the proposal and then allow space for written comments. The letter should also state the date of the next city council meeting where the respondents may speak to the proposal, if desired.

The Road Committee had also devised a formula for prioritizing graveled roads for blacktopping. That formula was: multiply the length of the road by the width of the road and divide by the number of dwellings the road serves and divide that number by the percent of grade.

ACTION A motion was made by R. Petersdorf and seconded by E. Fillman to accept the recommendations of the Road Committee concerning the blacktopping of oil mat streets and the formula for determining a priority for blacktopping graveled roads and to ask for bids to begin the work.

AYE: H. Hodson, E. Landwehr, R. Petersdorf, C. Ellis, E. Fillman

NAYE: None

ABSTAIN: R. DePiero

The motion carried.

R. Petersdorf commented that he thinks the Road Committee is doing a "real good job". Everyone concurred.

X. RECESSED

A recessed was declared at 9:42 p.m. The meeting was re-convened at 9:52 p.m. E. Fillman left the meeting during the recess.

IX. UNFINISHED BUSINESS - Continued

C. Appointment of Budget Committee. The council had been given in its packets a list of people who had indicated that they would be willing to serve on the Budget Committee if appointed. Those people were: Henry McKinney, Mrs. Herb Gunderson, Dick Parent, Reed Condie, Evelyn Strenke, Duke Wells, and Art Weston.

ACTION A motion was made by R. Petersdorf and seconded by C. Ellis to accept the proposed list and to appoint the above-named residents to the Budget Committee.

AYE: H. Hodson, E. Landwehr, R. Petersdorf, C. Ellis.

NAYE: None
ABSTAIN: R. DePiero

The motion carried.

- D. Lyle Larson Conditional Use Permit. The City had received a letter from Lyle Larson March 31, 1989, stating that he had contacted "several local dealers" about pressure treated wood; and he had been told by all of them that pressure-treated wood is safe in water. They indicated that the chemicals used are permanently fixed into the wood and do not leach into the water.

The council had been given a copy of Mr. Larson's letter as well as a memo from K. Aitken indicating that she had also checked with a lumber company and been told that the chemicals they use for pressure treating are specified by the Forest Service and are considered safe to use in water since they bond with the wood and do not leach into the water.

ACTION

A motion was made by R. Petersdorf and seconded by E. Landwehr to delete the following condition from Mr. Larson's C.U.P. approval:

"That no pressure-treating will be used in the posts or plywood."

AYE: H. Hodson, E. Landwehr, R. Petersdorf, C. Ellis, E. Fillman

NAYE: None

ABSTAIN: R. DePiero

The motion carried. The staff was asked to notify both Mr. Larson and Mr. James Archer who had also been asked not to use pressure-treated wood for a retaining bulkhead.

- E. City Road Miles. R. DePiero said that the City stands to lose \$8,000 in revenue from Lane County as a result of the recent stipulation that the City document its road miles. R. DePiero asked if the council thought the City should request that Lane County require all cities in the county to re-compute their road miles.

The City will know in June whether or not the county is going to reduce the funds it gives Dunes City. The council discussed whether or not to request that other cities also be required to re-compute road miles.

H. Hodson pointed out that Dunes City could lose even more if the cities re-compute and it is found that they are being under-paid.

The council did not take an action on this item, and R. DePiero said that he had just wanted to make them aware of the potential consequences.

- F. Tourism and Advertising Committee. The committee had discussed options for using the room tax money for advertising. The committee wanted to use \$2,070 to have 10,000 brochures printed advertising Dunes City attractions. They plan to send some of the brochures to chamber of commerce visitors information centers.

ACTION

A motion was made by R. Petersdorf and seconded by C. Ellis to approve the recommendation of the Tourism and Advertising Committee and authorize the expenditure of up to \$2,070 for printing the above-mentioned brochures.

AYE: All but R. DePiero, who abstained.

The motion carried.

- G. Mary Watts. At the start of the meeting, John Carlson had given a copy of a proposed agreement between Mary Watts and the City to Attorney Gerber and K. Aitken. Attorney Gerber said that he had reviewed the agreement and discussed it with John Carlson outside during the meeting. He suggested that the matter be tabled for 30 days until the May meeting.

In the proposed agreement, Mary Watts agreed to remove the silver travel trailer from her lot within three years and during that time no more than two people will occupy the trailer and no more than two cars "in front of it on a permanent basis".

Gerber suggested that Mrs. Watts be required to also admit that she is in violation of the Zoning Ordinance. He pointed out that without admitting a violation, when the three years of the agreement are up Mrs. Watts could refuse to remove the trailer; and the City would be back in the same position it is in right now.

R. DePiero said that he is not opposed to someone having a place to live on a short-term, but he feels Mrs. Watts needs to admit a violation so that others who may also wish to have a trailer on the lot with another residence cannot claim that Mrs. Watts was given special privilege.

In response to a question as to why the City was having this problem now, it was pointed out that when Mrs. Watts was granted a Conditional Use Permit to have a mobile home on the lot, it was noted that there was a small travel trailer on the lot; but it was not made a condition for approval that the travel trailer be removed when it was no longer used as a dwelling by the grandmother.

There was considerable discussion of the history of the present abatement against Mrs. Watts.

The city council was advised by the attorney that it would not relinquish any of its rights by delaying a decision for 30 days until the next city council meeting. John Carlson will discuss the requested addition to the agreement with Mrs. Watts during that time.

John Carlson asked if the City could add some proposed language to the agreement which would incorporate the requested stipulation. He would then have something to show Mrs. Watts for her approval. The attorney and city recorder agreed to send a letter to Mrs. Watts which would include the proposed language.

XI. NEW BUSINESS

A. Renewal Agreement for Building and Plumbing Inspections.

K. Aitken explained that it was time to renew the building and plumbing agreement. The City presently contracts with Mortier Engineering for these services. She said that the fee schedule of 75% for the building inspector and 25% to the City is standard. She said that Florence and Reedsport pay that same fee schedule for their building inspections.

R. Petersdorf asked if the City should include a "save harmless" clause in the agreement for the City's protection should the inspector make a bad judgment call or have a conflict of interest. Attorney Gerber agreed that it could be included if Mr. Mortier would agree.

Sam Marinesi asked if the City had ever requested a bid from someone else or advertised an opening for building and plumbing inspection services. Attorney Gerber said that he did not think the City ever had, and he added that he did not think there would be anyone else interested in providing the services.

Attorney Gerber said that during a conversation with a representative of Lane County, it had been mentioned that Lane County might be interested in providing inspection services for the City on a contractual basis if the City ever decides to change its inspector. The comments from the council and audience indicated that the present inspection services are preferable to those offered by Lane County.

ACTION

A motion was made by R. Petersdorf and seconded by C. Ellis to approve the contract with Emile Mortier for building and plumbing inspections with the addition of a "save harmless" clause.

During the discussion which followed, Attorney Gerber suggested some changes to language in the agreement that he considered to be "housekeeping" changes. They were as follows (the suggested language is underlined):

In the section entitled "Duties", #11 is amended to read: "To secure an independent person not in MORTIER'S employ and mutually acceptable by CITY to perform all plan reviews and inspection services for all permits issued for which MORTIER has provided professional engineering services. Compensation shall be paid entirely to the said independent person as set forth in paragraph 2 "CITY" duties below. Mortier will make no claims to the fees paid to the independent person.

In the section entitled "City Agrees", #2 is amended to read: "To pay MORTIER seventy-five percent (75%) of all fees collected by CITY for building, mechanical, plumbing and mobile home permits. Providing MORTIER renders inspection services."

And to add a third item to the section entitled "Termination" which would read: "If contract is terminated by either party, MORTIER will be paid a pro rata share of any projects that are in progress."

ACTION

A motion was made by R. Petersdorf and seconded by C. Ellis to modify the above motion to include the recommendations to modify the language as made by Attorney Gerber and subject to review of Schedule A (which the council had not received and wanted to review).

AYE: H. Hodson, E. Landwehr, R. Petersdorf, E. Fillman, C. Ellis

NAYE: None

ABSTAIN: R. DePiero

The motion carried.

- B. Cable TV. R. DePiero said that he had learned that the City was being paid 3% of the basic rate for all cable tv subscribers south of the river rather than 3% of the gross revenues for all subscribers within Dunes City. This would include then the premium channels, extra hookups, etc. DePiero said that it was a "Catch 22" since the City may receive more under the present way of determining the City's share than if the City required 3% of the gross collected for subscribers within Dunes City. He added that the City has the right to audit the books for the cable company, but the costs of the audit would "be astronomical".

Attorney Gerber said that he recalled that there were 450 subscribers within the city and 750 subscribers on the system south of the river.

Attorney Gerber advised that at the time of the sale of the company, the City is entitled to have the fees to the City paid current and retroactively.

The council declined to take any action at this time.

- C. Forest Practices Rules. R. DePiero announced that at this time the State Forestry Department no longer enforces the Forest Practices rules within urban growth boundaries. He said that the City needs to adopt some form of control so that it can handle logging within the City limits in accordance with the state regulations.

There was a discussion of damage done by logging within the City. R. DePiero said that a business license would give the City more leverage in dealing with violations.

K. Aitken recommended that the council send the Forest Practices Act to the planning commission and ask that the commission make a recommendation to the council on what portions would be applicable to Dunes City.

Marilyn Miller said that it is her understanding that the City must enforce all of the Forest Practices Act within the city limits. She said that the only change is that the State Forestry Department no longer does the enforcing within urban growth boundaries. She said that Ron Lindsay offered to meet with Dunes City and offer his help in setting something up.

K. Aitken said that the City had been in contact with Mr. Lindsay, and his suggestion was that the City adopt

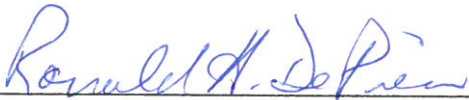
part or all of the Forest Practices Act by ordinance or resolution.


(R. Petersdorf left the meeting at 10:55 p.m. to go to work.)

The council asked that the planning commission review the Forest Practices Act and meet with Mr. Ron Lindsay at its May planning commission meeting to discuss and make a recommendation for the city council at its June regular meeting. Chairpersom Miller asked that copies of the Forest Practices Act be included in the planning commission's packets that were scheduled to go out on April 14 so that commissioners would have a month to review the information before beginning discussion.


XII. ADJOURNMENT

The meeting was adjourned at 11:05 p.m.



COUNCIL PRESIDENT R. DE PIERO



SECRETARY K. BACON


H. HODSON


E. LANDWEHR


E. FILLMAN


C. ELLIS


R. PETERSDORF

Sign-up - Public Hearing

John Carlsson - P.O. Box 126 Westlake

DUNES CITY BUDGET COMMITTEE MEETING

April 27, 1989

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:37 p.m. by Mayor Darryl Eastman. He announced that the committee would elect a chairperson who would conduct the remainder of the meeting following his/her election as well as future meetings of the committee.

PRESENT: Ed Fillman, Harold Hodson, Darryl Eastman, Carol Gunderson, Chuck Ellis, Duke Wells, Reed Condie, Evelyn Strenke, Art Weston, R. Parent, and Eleanor Landwehr. City Recorder Kathleen Aitken and secretary K. Bacon were also present.

ABSENT: Robert Petersdorf, who was representing the City at an LCOG meeting; Ron DePiero and Henry McKenney

The mayor announced that he and the city recorder had attended a budget meeting in North Bend. At that meeting, they had learned that the budget committee should not be given a copy of the budget until after the budget officer had given the budget message. K. Aitken had been designated to serve as the City's budget officer.

The mayor also announced that the chairperson of the budget committee must be a lay member of the committee rather than a city council member. He said that, in addition to chairing meetings of the budget committee, the chairperson would present the proposed budget to the city council.

The group agreed to hear the budget message before electing a chairperson. In her budget message, K. Aitken said that the City cannot afford to raise its level of services or expand its interests without seeking additional revenues. She also pointed out that the General Fund has the greatest demands put upon it in operating the City, "and yet, has the least available resources". She stressed that the General Fund not be expected to subsidize other City funds which have the ability to be self supporting.

The budgets were then distributed to those present, and the mayor requested nominations for chairperson.

ACTION

A motion was made by R. Condie and seconded by E. Strenke to nominate Art Weston as chairperson. There were no other nominations. The voting was unanimous, and Art Weston was elected as chairman of the committee and conducted the rest of the meeting.

The group reviewed line by line the items on page 1 of the budget under General Funds resources. K. Aitken and Mayor Eastman explained where the revenues originate.

The committee then reviewed the proposed expenditures from the General Fund on page 2 of the budget. The mayor outlined the proposed salary increases for the secretary and city recorder. Both the secretary and city recorder currently earn \$7 per hour. It was proposed that the secretary's salary be increased to \$7.50 per hour and that the city recorder's salary be increased to \$8 per hour. The group was told that the staff receives no paid benefits such as sick leave or paid vacations, or overtime pay. They strictly work by the hour and are not paid when they are gone. There was a discussion of possible benefits for the staff. The group agreed to take this item under advisement and perhaps discuss at a later budget meeting.

The committee also reviewed other General Fund expenditures. K. Aitken had recommended a reduction in the amount allotted for Tourism and Advertising. The City had agreed to allocate all the motel tax monies for Tourism and Advertising. However, K. Aitken said that she thinks that the City can no longer afford to give the entire amount for this purpose. She had proposed allocating \$1,000 for Tourism and Advertising during the 1989-90 fiscal year. It was estimated that the City will receive \$2,600 in revenue from motel taxes during the same period.

There was considerable discussion of the legal account. The proposed budget had allocated \$4,500 for legal services from the General Fund as well as \$750 for legal in the Street Fund and \$750 for legal under the Urban Transition Fund. There were discussions of ways to reduce the amount spent on legal services. The mayor was asked if the City had ever requested bids for legal service from any other attorneys. The mayor said that at one time a committee did investigate soliciting for legal services, but he said that no other attorneys had been interested. The secretary reported that the City of Florence does not have its attorney attend all its meetings and requests legal opinions as the need arises. The group agreed that the City should work with the City's attorney on ways to reduce the legal costs.

It was reported that the City is continuing to "erode" its cash carry-over amount each fiscal year. The proposed budget anticipates expenditures of \$61,100 while anticipating income of only \$58,200 (which does not include the estimated \$21,500 cash carry-over from the present fiscal year).

K. Aitken had not proposed an increase in street lighting expenditures. The group was asked what would happen if a citizen requested a street light for his/her area. K. Aitken agreed to check on the cost of installing and maintaining a new street light. She will report on her findings at the next budget meeting.

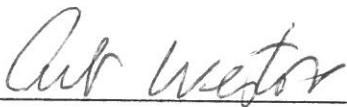
It was pointed out that the City no longer receives Revenue Sharing Funds, but it continues to be shown on the budget under Historical Data this year. It will not appear on next year's budget.

K. Aitken announced that the City is required by the state to allocate from the State Highway Apportionment a minimum of 1% for bike paths, foot trails. The City may allow the amount to accumulate up to ten years. The City must begin the allocation as soon as the 1% of the State Highway Apportionment exceeds \$250. Mayor Eastman said that based on that formula and the City's Historical Date, in 1986-87 the amount would have been \$258.84. He would like the committee to think about where the City could put a bike or foot path. He said that, if the state plans to put in a new road, the City may give the bike path money to the state to install or maintain a bike path with the new road.

It was announced that the next meeting will be May 18 at 7:30 p.m. Chairman Weston asked the committee members to review the information given and to consider recommendations for the next meeting.

ACTION

A motion was made by E. Fillman and seconded by R. Parent to adjourn, and the meeting was adjourned at 9:55 p.m.



CHAIRMAN ART WESTON



SECRETARY K. BACON

DUNES CITY COUNCIL

REGULAR MEETING
MAY 11, 1989

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF APRIL 13, 1989
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VII. PUBLIC HEARINGS
 - A. Second Reading of Ordinance #123 (Non-conforming structures)
 - B. Conditional Use Permit - Gary Cooper, applicant
- VIII. REPORTS
 - A. Florence Futures - C. Ellis
 - B. Road Report - Phil Tout
 - C. Vermilyea Plastics Business
 - D. Al Miller Stop Work Order
 - E. Richard Anderson cattle - complaint
- IX. UNFINISHED BUSINESS
 - A. Final Order - Phil Tout Conditional Use Permit
 - B. Leavitt Loop - one-way road proposal
 - C. Richard Anderson - vegetation removal
 - D. Contract Review Board
 - E. Building/Plumbing Inspection Agreement
 - F. Final Orders - Anderson, Larson, Freeland, McGuire
 - G. Final Approval - Richard Anderson Major Partition
 - H. Watts - Ron DePiero chair
- X. NEW BUSINESS
 - A. Liquor License Renewal - Darlings Resort
 - B. Set date for Community Forum
 - C. Resolution - State-shared revenue (Resolution 5-11-89A)
 - D. Resolution - Transfer of contingency funds (Resolution 5-11-89B)
- XI. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING

May 11, 1989

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:33 p.m. by Mayor D. Eastman.

PRESENT: H. Hodson, E. Landwehr, R. DePiero, Mayor Eastman, E. Fillman, C. Ellis, Attorney Ron Gerber, City Recorder K. Aitken, and secretary K. Bacon. There were a representative from the press and 22 citizens present in the audience.

ABSENT: R. Petersdorf

II. APPROVAL OF THE MINUTES OF APRIL 13

The secretary pointed out that there was an error in the time listed for closing a public hearing and a spelling error on page 3. She also pointed out that E. Fillman's name should be removed on page 10 from the roll call vote to approve the budget committee since he had left the meeting just prior to this item of business.

Marilyn Miller also asked that pages 2-3 of the minutes be amended in the last paragraph of Item A. of the Public Hearings to read ". . .and if the City allows residents to make non-conforming alterations to non-conforming structures..."

ACTION A motion was made by C. Ellis and seconded by E. Fillman to approve the minutes of April 13, 1989, with corrections. The voting was unanimous, and the motion carried.

III. BILLS AGAINST THE CITY

ACTION A motion was made by E. Fillman and seconded by H. Hodson to approve the bills against the City in the amount of \$3,775.42. The voting was unanimous, and the motion carried.

IV. RECEIPTS OF THE SESSION - \$11,364.89

V. ANNOUNCEMENTS AND CORRESPONDENCE

A. Budget Meeting. K. Aitken announced that the next meeting of the budget committee would be May 18 at 7:30 p.m. At that meeting it is expected that the budget committee will adopt the budget with any revisions or recommendations and present it to the city council at the regular June city council meeting.

- B. Wetlands Conference. K. Aitken announced that there will be a wetlands conference in Eugene and anyone interested may review the information at the City office.
- C. Focus Four. The Soroptimists had requested a \$500 donation from the City for Focus Four. K. Aitken said that the City had given that amount in the past, but this year "the City is already overspent by more than \$500 in Community Services". She said that the City would be unable to make the donation from this fiscal year budget. However, she said that the item was under consideration for the 1989-90 fiscal year budget.

VI. CITIZEN INPUT ON UNSCHEDULED ITEMS

- A. Westlake Anniversary. Richard Parent reported that a sign has been made to install next to the Westlake Post Office during the 75th anniversary commemoration. He asked that the city council waive the fees and planning commission and city council public hearings so that the sign can be installed in June during the commemoration.

Mayor Eastman asked if it was a commemorative sign. Parent said that the sign is "somehwat commemorative", engraved on brass and screwed onto a 15 inch by 27 inch redwood block mounted onto a redwood post. The wording on the plaque, Parent said, would be "Community of Westlake since 1914". Parent said that he had received permission from the post office and the property owners.

ACTION

A motion was made by H. Hodson and seconded by E. Landwehr to accept the placement of the proposed sign at the Westlake Post Office and to waive the sign permit requirements and fees. The voting was unanimous, and the motion carried.

IV. PUBLIC HEARINGS

- A. Ordinance #123. The mayor explained that there had been two public meetings held to take public comment on amending Section 10 of Ordinance #50 - the Zoning Ordinance. At the last city council meeting, the council had accepted the third option which would require a variance to make any alterations to a non-conforming structure. However, the mayor said that the wording that had been accepted, "Any additions to a non-conformity. . .", did not remove alterations from the building inspector's discretion and give it entirely to the city council as had been hoped when that language had been accepted.

The City attorney was asked if the language could be amended before a second reading, and he said that it could be.

The public hearing was opened at 7:50 p.m. to take any additional testimony the public may wish to make.

"Dusty" Ambrosio asked why the wording selected was the least-favored option to come from the C.C.I. Meeting. Marilyn Miller of the planning commission said that she was also opposed to the language of the amendment and it reflected the least-favored view of the planning commission. Ms. Miller also pointed out that the introductory statement of the ordinance amendment should reflect that a change was made to the wording of sub-paragraph A., sub-section IV. of Section 10 as well as the addition of a sub-paragraph. The mayor agreed that the introduction should be changed to reflect that.

John Carlson read a statement indicating that the proposed amendment would be at odds with the Dunes City Comprehensive Plan and ended with a statement that the proposed amendment will give future councils "arbitrary control over setbacks with no real standards or criteria".

Attorney Gerber said that Carlson's points were valid; and in order to pass a variance under this ordinance, the council would have to pass all the points that he (Carlson) had raised in the Comp Plan. And if anyone applied for a variance that would be in violation of any one of those policies, "the council would be duty-bound to turn it down".

The public hearing was closed at 8:12 p.m. R. DePiero said that he had proposed the amendment option that had been selected and none of the testimony that had been presented had changed his mind. He said that contrary to the view that this amendment would reduce property rights, he thinks this amendment would give residents more property rights.

ACTION

A motion was made by E. Fillman and seconded by R. DePiero to have the second reading of Ordinance 123 by short title only with the wording in paragraph C. changed from "non-conformity" to "non-conforming structure". The voting was unanimous, and the motion carried.

Attorney Gerber read as follows:

"An ordinance amending Section 10 of Ordinance No. 50, the Zoning Ordinance, concerning non-conforming structures".

ACTION

A motion was made by E. Fillman and seconded by C. Ellis to accept the second reading of Ordinance 123 by short title.

AYE: H. Hodson, E. Landwehr, R. DePiero, C. Ellis, E. Fillman

NAYE: None

ABSTAIN: None

ABSENT: R. Petersdorf

B. Conditional use Permit - Gary Cooper, applicant. The public hearing was opened at 8:19 p.m. Mr. Cooper had applied for a Conditional Use Permit to place a triple-wide manufactured home on a lot in a residential area. Mr. Cooper testified that his father had represented him at the planning commission hearing since he was out of the country at the time and he had no further information to present. M. Miller asked about the unnamed road shown on the map that runs north and south just east of Kendall Lane. She was told that it is a road in the Tsiltcoos Lake Club subdivision and is not an easement.

The public hearing was closed at 8:25 p.m. The mayor asked if any of the council had visited the site or had ex parte contact with the applicant. C. Ellis reported that he had attended the planning commission meeting, and he did not think it would affect his ability to be impartial. The mayor reported that he had visited the site.

The mayor suggested that Mr. Cooper check on the measurement description of a triangular piece of easement. The mayor said that the document submitted to the City listed it as 90 feet east. . . The mayor thought that it probably should read 90 feet west. . . He suggested that Mr. Cooper check that item and notify the City so that it can be corrected in Finding of Fact 9. before the final Order is typed. Mr. Cooper said that he would check that.

ACTION

A motion was made by R. DePiero and seconded by E. Fillman to approve the Conditional Use Permit request of Gary Cooper with the necessary corrections on the easement "because I find by the weight of the evidence that the Findings of Fact and Conclusions of Law as adopted by the planning commission are true; therefore, I move to adopt these Findings of Fact

and Conclusions, and I move to adopt all the conditions recommended by the planning commission. And I would also move that the easement description be corrected as it should be." The voting was unanimous, and the motion carried.

VIII. REPORTS

- A. Florence Futures. C. Ellis reported on the meeting he had attended of the Florence Futures April 18. He reported that the City of Florence had been selected as a finalist for All-American City. He said that the draft report on the all-events center is available in the Dunes City office. He said that the group asked that Dunes City consider adding a 1½¢ room tax to help support the all-events center and to be consistent with other motels in the area.
- B. Road Report. Following last month's city council meeting, the City had sent letters to the property owners on Leavitt Loop asking for their reaction to the proposal to make Leavitt Loop a one-way road. Phil Tout reported that the response to that request had been seven in favor of the proposal and seven against. He said that the city council would have to decide what action to take.

There was a discussion of advertising for bids to do work on the roads that had been "prioritized". It was suggested that this additional road work be advertised as an addendum to the previously-advertised bid. The bidder would have to submit a bid for the original bid and then the addendum, according to R. DePiero, rather than bidding them together. It has been DePiero's experience, he said, that when bidding for a project each bidder is asked to sign showing that they have been given the addendum.

John Carlson asked if the roads that are scheduled for paving will be paved to the width they are intended to be or paved the width that they are presently. The mayor said that it was his understanding that the prioritized list would be paved to adopted standards. Phil Tout, Herb Gunderson and John Carlson said that the adopted road standards were intended to be used for new roads. Phil Tout said that it is the opinion of the road committee that the City cannot afford to pave the existing roads to the adopted standards at this time. Phil Tout said that it is his opinion that the City should blacktop all roads to what the citizens think is adequate at this time. To go

beyond that, the City would have to extend the bases, would have to survey and engineer the work. It would be expensive; but Tout thought it would be a "great idea" once the City gets the roads paved to the width they are at this time.

Herb Gunderson suggested that the council table action on the second list, entitled Road Ratings, and just proceed with work that had been agreed to earlier. The mayor asked the road committee to consider the prioritized list and present some specifics as to what needs to be done prior to the application of blacktop. Attorney Gerber suggested that the bid specifications state that the contractor is to check and be sure that the subsurface is adequate. Attorney Gerber also suggested that the City ask the contractor to bid each road individually with a total for each road so that the City can decide how many roads can be done. Gerber advised that the City can blacktop to the present width since the City has prescriptive easement. He advised that a problem he foresees could arise would be if the road is so far out of the right-of-way that there is actually an island of private property between the road where it lies and the platted right-of-way. In that case, the City may have to condemn the island of private property.

- C. Vermilyea Plastics Business. The mayor reported to the group that there had been a fire at the Vermilyea home. It was discovered that a commercial plastics manufacturing operation had been occurring at the home, and barrels of hazardous chemicals had been located on the site at the time of the fire.

There were representatives of the fire department present at this meeting. Marvin Tipler, a fire department representative, said that the Siuslaw Rural Fire Department needed to be notified if anyone in the City has 55 gallons or more of stored hazardous materials so that the department can plan for it.

The mayor asked if any of the members of the council would like the secretary to read the permitted and conditional uses of a residential area and home occupation limitations. She read from Section 4 of the Zoning Ordinance on allowed and conditional uses in a residential area. She read the limitations for home occupations from Section 7 of the Zoning Ordinance.

Lorana Ray, another fire department representative, added that if there is 55 gallons of one single hazardous material stored on a site, the property owner is required by state law to notify the state.

The mayor asked if the the council would object to him sending a letter to Mr. Vermilyea notifying him that it is unlawful to operate the business he previously had at that location and add that, if he wishes to have a business like he previously had at that location, he must apply for a conditional use permit. The secretary said that it would require a variance rather than a conditional use permit, but the attorney said that Mr. Vermilyea should be advised that he might need both a variance and a conditional use permit if he is willing to scale his operation back to a family operation. The mayor said that he would also notify Mr. Vermilyea about the requirement to notify the state and fire department about hazardous materials. The council did not object to him writing the letter.

- D. **Stop Work Order - Al Miller.** The mayor explained the situation at Miller's Lakeside Gallery with the violations that had occurred recently on the property. Mr. Miller had begun construction of some docks without a conditional use permit. The work had been stopped, and Mr. Miller had been advised not to proceed until he had applied for and been granted a conditional use permit.
- E. **Complaint Regarding Richard Anderson Conditional Use Permit.** The City had received a complaint from Maxine Baumeister about two of Richard Anderson's cattle being on Highway 101. One of the conditions for approval of his conditional use permit had been that he would keep the animals adequately contained.

Dr. Anderson explained that he had moved the fences to comply with the city council's request. It was discovered that the cows had been getting out under the fence. The cattle were fenced on all four sides now, he said. He added that they have fenced the cows with two wires rather than one wire so that the cows can neither go under nor jump over the fence.

C. Ellis said that he thinks the City should notify Dr. Anderson with a letter so that there will be a record in the file. The mayor said that, although Dr. Anderson had presented an explanation and apparently had the situation under control, he would write a letter to him.

- F. Fill on Ocean Boulevard. The mayor advised the council that there had been considerable fill placed between Siltcoos Lake and Ocean Boulevard in front of property owned by Mr. and Mrs. Herb Gunderson and their neighbor, Mr. Flowers.

Mrs. Gunderson read a statement indicating that the Gundersons did not think they had damaged the shoreline, they estimated the amount of fill to be 20 to 25 cubic yards, and the Gundersons had been told at the City office at the time they were considering purchase of the property that the City was uncertain whether the strip of land in question was under City or state jurisdiction.

Bob Jackson, a nearby neighbor, testified in support of the Gundersons' action.

Herb Gunderson recalled a phone conversation he had with the state engineer about Siltcoos Lake. He was told, he said, that the strip of land between Ocean Boulevard and Siltcoos Lake was under the jurisdiction of the state.

ACTION

A motion was made by E. Fillman and seconded by E. Landwehr to waive any permit requirements and fees and to accept the fill that has been done to this point adjacent to Ocean Boulevard, but to stipulate that any further work "along this line" will require applying for the necessary permit.

AYE: H. Hodson, E. Landwehr, E. Fillman, C. Ellis

NAYE: R. DePiero

The motion carried.

- G. City Audit. The city recorder reported that she had done some checking to see if the City was getting the best price possible for its audit, and it was determined that the City is. Therefore, the City will continue to have the audit done by Gregor Professional Corporation.
- H. House Numbering. H. Hodson reported that he had talked with Mr. Libby of the Siuslaw Rural Fire Department. Mr. Libby had suggested, and Hodson agreed, that it is up to the property owners to make certain that their property is easily identifiable for emergency personnel.

- G. Major Partition Final Approval - Richard Anderson, applicant. The secretary had sent a memo to council members outlining the information that had been received at the City office to meet the required conditions for approval. C. Ellis asked the secretary if all the conditions had been met. She replied that they had been met to her satisfaction.

ACTION

A motion was made by C. Ellis and seconded by E. Fillman to grant final approval to the Major Partition request of Dr. Richard Anderson since the conditions for approval have been met. The voting was unanimous, and the motion carried.

- H. Mary Watts Abatement. Since Mayor Eastman was absent at the April city council meeting where this item was discussed, he asked that Council President R. DePiero chair the continued discussion of this matter.

D. Eastman suggested that, if the council concurs, the matter be referred to the planning commission to take findings of fact and make conclusions of law on the information the City has received to date.

R. DePiero asked the city council if it would like to remand the matter to the planning commission for review at its June meeting. The council concurred that it would like the planning commission to take findings, reach conclusions and make a recommendation to the city council.

R. DePiero relinquished the chair to Mayor Eastman to continue the meeting.

X. NEW BUSINESS

- A. Liquor License Renewal for Darlings Resort.

ACTION

A motion was made by C. Ellis and seconded by H. Hodson to recommend approval of the liquor license for Darlings Resort. The voting was unanimous, and the motion carried.

- B. Community Forum. Mayor Eastman announced that the City had scheduled a community forum for May 24 at 7:30 p.m. in the Dunes City Community Center to discuss any concerns that residents may have.

- C. State-Shared Revenue Funds.

ACTION


A motion was made by E. Fillman and seconded by C. Ellis to accept and approve Resolution 5-11-89A verifying that the City provides four (4) services and is eligible to receive state-shared revenues. The voting was unanimous, and the motion carried.

- D. Resolution 5-11-89B. It was explained that the City had over-spent the budgeted funds for materials and services and needed to transfer the \$5,000 contingency funds from the General Fund to Materials and Services.

ACTION A motion was made by E. Fillman and seconded by C. Ellis to approve Resoution 5-11-89B. The voting was unanimous, and the motion carried.

XI. ADJOURNMENT

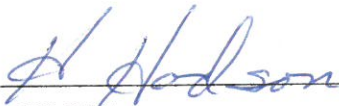
The meeting was adjourned at 10:58 p.m.



MAYOR D. EASTMAN



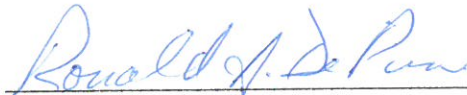
SECRETARY K. BACON



H. HODSON



E. LANDWEHR



R. DE PIERO



E. FILLMAN



C. ELLIS

DUNES CITY BUDGET COMMITTEE

May 18, 1989

I. CALL TO ORDER AND ROLL CALL

PRESENT: City Recorder K. Aitken, Mayor D.R. Eastman, E. Landwehr, H. Hodson, E. Fillman, Marilyn Miller, Evelyn Strenke, Henry McKenney, Carol Gunderson, Richard Parent, Reed Condie, Duke Wells, C. Ellis, Chairman Art Weston, and secretary K. Bacon.

ABSENT: Councilmen R. DePiero and R. Petersdorf

Chairman Weston called the meeting to order at 7:45 p.m.

ACTION

A motion was made by R. Condie and seconded by D. Eastman to approve the minutes of the April 27, 1989, meeting. The voting was unanimous, and the motion carried.

Chairman Weston said that he would go through the proposed budget page by page and item by item, and he suggested that committee members stop him if there was a particular item anyone wanted to discuss.

E. Fillman pointed out that The Landing resort had sold since the budget was initially prepared, and it could increase the motel tax revenues the City receives.

E. Strenke questioned reducing the amount allotted for tourism and advertising. She noted that the city council had resolved a year ago that the City would budget the entire amount of motel tax revenue to be used for tourism and advertising. K. Aitken said that the City cannot afford to give the entire amount. The mayor said that the Budget Committee should decide whether or not to continue to commit the funds.

There was a discussion of how much room tax money to designate for tourism and advertising. Comments were that the room tax money should probably be budgeted for tourism and advertising; but the committee projected that the City will be operating at a deficit in three to four years if it continues to erode its resources.

C. Gunderson asked how the tourism and advertising funds were managed. She was told that the Tourism and Advertising Committee decides how the funds should be dispersed and makes a recommendation to the city council for approval. The money was used this fiscal year for radio advertising and to have advertising brochures printed.

K. Aitken told the group that, since "tourism and advertising" is a line item within the General Fund, funds can only accumulate in tourism and advertising if a separate fund is created for it. Otherwise, the funds must be spent within the fiscal year for which they are budgeted. If not spent within that time, they become part of the cash carry-over. Creating a separate fund would slightly increase the auditing costs, she added.

ACTION A motion was made by C. Gunderson and seconded by R. Parent to create a separate fund for tourism and advertising. The voting was unanimous, and the motion carried.

ACTION A motion was made by D. Wells and seconded by D. Eastman to put the entire amount of motel tax revenues into the newly-created fund for tourism and advertising.

AYE: D. Eastman, E. Landwehr, H. Hodson, E. Strenke, H. McKenney, C. Gunderson, R. Parent, R. Condie, D. Wells, C. Ellis, Chairman Weston

NAYE: E. Fillman

The motion carried.

E. Fillman asked why the City had over-spent by \$1773 in Miscellaneous. K. Aitken explained that there had not been a line item for tourism and advertising in the present fiscal year's budget. The city council had resolved to designate the motel tax revenues for tourism and advertising after the budget had been adopted. Therefore, any tourism and advertising expenses as well as the city's anniversary picnic expenses had come from Miscellaneous.

K. Aitken said that the City had been unable to make a donation to Focus Four during this fiscal year, and she asked the committee to consider giving the Community Service funds to Focus Four in the 1989-90 fiscal year budget. M. Miller and Ginny James were present and explained the services provided by Focus Four.

ACTION A motion was made by D. Wells and seconded by E. Strenke to leave \$500 in the Community Services line item and to further recommend to city council that it expend those funds for Focus Four. The voting was unanimous, and the motion carried.

E. Fillman asked why the proposed budget shows an increase for "Elections" from \$200 to \$500. K. Aitken responded that it had been increased because Lane County Elections Division had advised her that \$500 would be the minimum amount the City could expect to spend if it had to call a special election.

The committee discussed ways to reduce the City's legal expenses. The mayor and C. Ellis said that they would not be comfortable conducting the city council meetings without the City's attorney present. D. Eastman said that he had talked to the attorney about reducing his comments at the meetings, and the staff is calling LCOG for legal advice whenever possible to help reduce legal costs.

D. Wells offered an interesting solution for reducing street sign theft. He said that it has been found that when tar is put on the sign post about shoulder height it has reduced street sign theft.

The line item for "New Roads" was changed to "New Roads/Improvements".

There was a discussion of the requirement to budget for foot and bike paths. Chairman Weston said that he would like to see the City develop footpaths in areas where he presently sees a number of people walking along the edge of the road. The two areas he mentioned were in the Westlake area and along Clear Lake Road. K. Aitken said that Lane County had suggested that the City work with the county or the state to develop foot and bike paths in connection with road projects. The paths would have to be within the road or street right-of-way. She said that the City would have to enter into an inter-governmental agreement to work together on such a project. Funds budgeted for this item may be allowed to accumulate for up to ten (10) years. The \$1,200 amount shown in the proposed budget is a four-year accumulation, the mayor said.

On page 8 of the budget, the committee decided to combine "Grading" and "Street Maintenance" line items for a combined budgeted total of \$55,000.

K. Aitken had talked to a representative at Central Lincoln P.U.D. about the cost of putting in a new street light. P.U.D. has no charge for installing a new light on an existing pole or for installing a new pole. A new light on an existing pole would be an additional \$7.50 per month for the electrical usage for that light, if it's a 100-watt

bulb, or \$8.30 per month, if it's a 200-watt bulb. If P.U.D. has to install a new pole and a new light, it would be \$9.10 per month for a 100-watt bulb.

K. Aitken offered to track, for awhile, her time spent on road matters. She said it would be difficult to separate the time since it could be a phone call, someone coming in with a road question, or it could be working up a road bid. H. Hodson pointed out that if you carry this to an extreme, you get to the point of "diminishing return" because so much of the time is spent on tracking. K. Aitken said that she would track it for a month or so to see if enough time is being spent that it can be charged back to the road fund.

ACTION

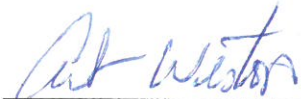
A motion was made by E. Fillman and seconded by D. Eastman to recommend to city council that it approve the proposed budget as amended. The voting was unanimous, and the motion carried.

Mayor Eastman reminded Chairman Weston that it would be his duty to present the budget to the city council at its regular June meeting.

II. ADJOURNMENT

ACTION

A motion was made by C. Gunderson and seconded by C. Ellis to adjourn the meeting, and the meeting was adjourned at 9:20 p.m.



CHAIRMAN ART WESTON



SECRETARY K. BACON

DUNES CITY COUNCIL

REGULAR MEETING

June 8, 1989

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF MAY 11, 1989, MEETING
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. PUBLIC HEARINGS
 - A. Ordinance #124. First and Second Reading and Declare an Emergency.
 - B. Resolution 6-8-89D. Contract Review Board
- VI. OPEN SEALED BIDS 8:00 p.m.
- VII. ANNOUNCEMENTS AND CORRESPONDENCE
- VIII. CITIZEN INPUT ON UNSCHEDULED ITEMS
 - V. PUBLIC HEARINGS - Continued
 - C. Resolution 6-8-89A Adopting Budget
 - D. Conditional Use Permit - Donald Miller, applicant
 - E. Variance - Thomas Ball, applicant
- IX. REPORTS
 - A. Recommendation on Forest Practice Rules -- Planning Commission
 - B. Road Committee -- Phil Tout
 - C. Any other reports commissioners may have
- X. UNFINISHED BUSINESS
 - A. Jack Freeland Conditional Use Permit - set date specific
 - B. Building and Plumbing Inspection Agreement
 - C. Richard Anderson vegetation removal
 - D. Leavitt Loop
 - E. Final Approval of Phil Tout Conditional Use Permit
 - F. South Shore Subdivision fence - Planning Commission recommendation
 - G. Approve Final Order for Richard Anderson Major Partition
- XI. NEW BUSINESS
 - A. Resolution 6-8-89B Adopting June 87-88 Audit Report
 - B. Resolution 6-8-89C Special City Allotment
 - C. Insurance Review -- Bob Read
- XII. EXECUTIVE SESSION (if needed) a) Litigation, b) Personnel, c) Negotiations
- XIII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING

June 8, 1989

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:35 p.m. by Mayor D. Eastman.

PRESENT: H. Hodson, E. Landwehr, R. DePiero, Mayor Eastman, R. Petersdorf, Attorney Ron Gerber, City Recorder K. Aitken, and acting secretary D. Stinger. There were 24 citizens present in the audience.

ABSENT: E. Fillman and C. Ellis (They were both excused by the council.

II. APPROVAL OF THE MINUTES OF MAY 11, 1989, MEETING

ACTION There was a motion made by R. DePiero and seconded by E. Landwehr to approve the minutes of May 11, 1989. The voting was unanimous, and the motion was carried.

III. BILLS AGAINST THE CITY

There was some discussion by the council regarding some work to be done for the Fire Department. It has not been completed yet and the fiscal year is about to end. If the work is not done by the end of June, \$1000 that was allocated by the City for the work , will be paid to the Fire Department and they will then pay the contractor that does the work.

ACTION A motion was made by B. Petersdorf to accept the bills against the city and if the work for the Fire Department is not done by the end of the fiscal year, June 29, then the City will go ahead and allocate \$1000 to the Fire Department for the work to be done. This motion was seconded by H. Hodson and the motion carried unanimously.

Attorney Gerber suggested that R. DePiero abstain since he was the contractor asked to do this work. R. DePiero did go ahead and abstain.

IV. RECEIPTS OF SESSION - \$ 4,756.72

V. PUBLIC HEARINGS

A. Ordinance #124 - The Public Hearing for Ordinance #124 was opened at 7:40 P.M.

The purpose of this ordinance is to establish a local Contract Review board to review contracts and to make rules about contracts.

Mayor Eastman asked for any comments from the public regarding ordinance #124. There were no comments either for or against.

Mayor Eastman gave a brief discription of the ordinance and read the title to the public.

The Public Hearing was closed at 7:42 P.M.

Attorney Gerber stated to the council that he felt that the language " and declaring an emergency", should be added to the title. Also he felt that a section 4 needed to be added titled "Emergency" and reading; The City has pending before it, 4 bids to do various street projects. It is necessary that a bid be accepted tonight, allowing the winning bidder to complete his project before the fall rains close us down. Thus, both readings must occur tonight to allow the successful bidder time to complete the work by the time the fall rains commence.

ACTION

B. Petersdorf moved that the council have the first reading of ordinance #124 by short title, adding to the title, " and declaring an emergency", and adding subsection 4 "Emergency", as stated by Attorney Gerber. H. Hodson seconded and the motion carried unanimously.

AN ORDINANCE ESTABLISHING A LOCAL CONTRACT REVIEW BOARD TO REVIEW PUBLIC CONTRACTS AND MAKE RULES ABOUT CONTRACTS AND DECLARING AN EMERGENCY.

ACTION

B. Petersdorf moved that the City Council accept the first reading of ordinance #124 by short title. R. DePiero seconded. The council was polled as follows:

H. Hodson: Aye	R. DePiero : Aye
E. Landwehr: Aye	B. Petersdorf: Aye

The motion carried.

ACTION

R. DePiero moved to have the second reading of ordinance #124 by short title. B. Petersdorf seconded. The motion carried.

Attorney Gerber gave the second reading of ordinance #124.

ACTION

H. Hodson moved that the City Council accept the second reading of ordinance #124 by short title. B. Petersdorf seconded. The council was polled as follows:

H. Hodson : Aye	R. DePiero : Aye
E. Landwehr : Aye	B. Petersdorf : Aye

The motion carried.

B. RESOLUTION 6-8-89D - Mayor Eastman stated that the League of Oregon Cities recommended to Dunes City that they adopt such a resolution. This would expand the function of the Contract Review Board or the City Council. Our hope is to streamline some of our process. It is a standard resolution to deal with a Contract Review Board.

B. Petersdorf asked whether or not this resolution means that any contracts less than \$1000 can be approved by any designated person. That being the Chairperson or the Mayor.

The council continued the discussion as to whether one individual could make the decision to accept a contract of \$1000 or less and how many times that person could do this without the mayor's approval or the city council. The discussion lead to page 3 of the resolution, paragraph 2. It was decided that this should be changed to read, (the second sentence), "All Contracts and/or purchases over \$500 but less than \$1000, shall be approved by the Mayor and the President of the city council."

B. Petersdorf asked Attorney Gerber if this had any conflict with the City Charter and Attorney Gerber stated that he researched it thoroughly and there was no conflict.

ACTION

R. DePiero moved the city council approve Resolution 6-8-89D, reading: BE IT RESOLVED THAT THE FOLLOWING ARE THE RULES FOR THE ADMINISTRATION OF PUBLIC CONTRACTING FOR THE CONTRACTING FOR THE CITY OF DUNES CITY PUBLIC CONTRACT REVIEW BOARD. B. Petersdorf seconded and the motion carried unanimously.

VI. OPEN SEALED BIDS - 8:00 P.M.

Mayor Eastman stated that the city asked for bids for 6000 lin. feet of road repair in the city. They received 4 bids.

- #1. Johnson Rock - \$63,743.00
- #2. Bohemia - \$58,700.00
- #3. Pass Creek
Construction- \$107,479.00
- #4. Morse Bros. - \$47,249.59

The City went on to discuss the bids. It was decided that each of the bids should be equal as all of the contractors were taken around by Mr. Watson of the Road Committee and shown exactly what was needed. They were each sent out a list of specs by the city.

ACTION

B. Petersdorf moved that the city council accept the low bid of \$ 47,249.59 by Morse Bros. with the stipulation that the contractors are aware of and can finish the work by Sept. 1, 1989. H. Hodson seconded.

R. DePiero suggested the council contact Morse Bros and ask for a completion date that satisfies the city.

H. Hodson withdrew his second and the motion was restated.

ACTION

R. DePiero moved that the city accept the bid by Morse Bros at \$47,249.59 tentatively until Morse Bros. is contacted and can give the city a completion date that is satisfactory. To be completed by Sept. 1 or sooner. H. Hodson seconded and the motion carried.

Mayor Eastman stated that there would be a change in the agenda. They would go ahead and hear from Herb Gunderson, the secretary for the Road Committee.

ROAD REPORT

Herb Gunderson gave a brief report on the 6-7-89 Road Committee meeting. The council had the minutes to this meeting in their packets. He stated that he had contacted Ken Lanfear from the City of Florence Public Works. He was a great help in figuring what needed to be done to the Dunes City roads. There is a list of 11 roads that are listed according to priority for the work to be done. It will be done on a road by road process. He did state that the Road Committee does recommend that Leavitt Loop only be graveled and not blacktopped. They felt that the road is narrow and has several curves. By blacktopping this road, it would create a "race track". He also stated that there should be some sort of guarantee that the contractors will come back within the first year of completion and fix anything that may go wrong with the repaired road. The city should require a performance bond.

The council did go on to discuss the roads on the list and decided that they may as well send out invitations for bids on these roads so they may be considered at the July City Council meeting. This way, possibly the work could be done this summer.

ACTION B. Petersdorf moved to go ahead and send invitations for bids for the roads recommended for repair by the road committee. R. DePiero seconded and the motion carried.

V. PUBLIC HEARINGS - Continued

C. Resolution 6-8-89A - ADOPTING BUDGET - Art Weston was present as the Chairman of the Budget Committee, to present the budget to the city council. He did state that on page 3 of the proposed budget, the Community Service money was suggested for Focus 4. The city council had a short discussion on the budget figures.

ACTION B. Petersdorf moved that the city council accept the 1989-90 city budget as approved by the budget committee. E. Landwehr seconded. The motion carried unanimously.

ACTION B. Petersdorf moved for the city council to adopt resolution 6-8-89A, Adopting the Budget. R. DePiero seconded and the motion carried.

Mayor Eastman again moved the agenda up to, New Business, item C.

XI. NEW BUSINESS

C. Insurance Review - Bob Read - Bob Read of Read Insurance Agency presented the city council with the Insurance Proposal for the policy period of 7-1-89 to 7-1-90. He gave brief explanation of some of the changes in the coverage. He stated that last year the city had \$109,000 coverage on Blanket building and contents. This year this has increased to \$114,300. This is just your basic cost increase for rising values. The policy premium for this policy period is \$ 2,740.53 which is only \$8 more than last period.

The insurance coverage for this policy period is, however, broader than the previous policy period.

ACTION B. Petersdorf moved that the city council accept the insurance proposal presented by Read Insurance for the policy period of July 1, 1989 to July 1 1990. E. Landwehr seconded and the motion carried.

VII. CORRESPONDENCE

1. City Recorder K. Aitken, stated that the city received a written request from Jack Freeland to withdraw his request for one of his Conditional Use Permits.

2. The mayor wrote a letter to Mr. Vermilyea regarding his plastics business that resently burnt. This was discussed at the last council meeting, so it has been taken care of. There has been no response to the mayor's letter.

3. State Highway, Department of Transportation did send a response to the cities letter asking for some signs to be placed along Hwy 101 showing Siltcoos Lake. K. Aitken read this letter. The funds will be allocated for next fiscal year.

III. CITIZENS INPUT ON UNSCHEDULED ITEMS

Marilyn Miller, member of the West Lane Planning Commission, asked that Dunes City would send a letter to Lane County Commissions opposing the disbanding of the West Lane Planning Commission. The City of Florence has already sent a letter.

The council had no objection to this and the letter will be written by the City Recorder and signed by the Mayor.

Gladys Miller, Green Gate Rd, in Dunes City expressed some frustration as to the maintenance of Green Gate Rd.. The road has been constantly maintained by them personally with no cooperation by the city. Mrs. Miller stated that she had contacted Mr. Watson of the Road Committee but received no response. She and her husband are requesting of the city, to be reimbursed for the last 2 loads of gravel they put on Green Gate Rd.. This adds up to \$234.66. They are not asking for all of the previous years that they have maintained this road. At one point she stated that she was told that Green Gate Rd. was not a city road.

The city council discussed whether or not Green Gate is a city road and it was found, that it was. The discussion found that they could not set a precedent to start paying for maintenance provided by citizens on their own accord. They need to first ask the city for the required maintenance. The mayor stated that he would put Mrs. Miller's letter in the Road Committee's file for consideration. It may or may not adhere to Dune City's specs on road maintenance.

V. PUBLIC HEARINGS- Continued

D. Conditional Use Permit - Donald Miller

The Public Hearing for Donald Miller, Condiitonal Use Permit to

place a Mobile Home on a lot in a residential area of Buckskin Bob, was opened at 9:24 P.M.

Ceil Turner, 5370 Buckskin Bob, was present to state that he is a neighbor of the Miller's and approved of the Mobile Home being placed on the property.

Mrs. Ceil Turner, 5370 Buckskin Bob, was present and stated that they have known the Miller's for years and have no objection to the mobile being place on the property. She stated that since the lot has been vacant, there has been alot of vandalism. She felt that when a residence is placed on the property, this will most likely stop.

Mr. Miller was present and stated that they have owned this property since 1965. They have used it as a summer lot for years for their family. They now would like to have it for their retirement vacation home.

There were no citizens present, against the Conditional Use Permit.

The Public Hearing was closed at 9:29 P.M.

ACTION

A motion was made by B. Petersdorf to approve the Conditional Use Permit for Donald Miller to place a mobile home on a lot in a residenial area of Buckskin Bob, accepting the Findings of Fact and Conclusions of Law found by the planning commision, with the conditions listed by the planning commission. R. DePiero seconded and the motion carried.

E. VARIANCE -THOMAS BALL

The Public Hearing for Thomas Ball was opened at 9:38 P.M. Mr. Ball is asking for a variance to encroach five feet into the 10 foot rear yard setback to build a 28' X 40' carport/garage/boat shed. The lot is located in the Tsiltcoos Lake Club Plat as tax lot 800 on map no. 19-12-27-4.

The city council had before them the recommendation of the planning commission, which was to deny the request for a variance, to Thomas Ball, based on the Findings of Fact and Conclusions of Law. The council also had before them, a list of 8 neighboring property owners that DID NOT object to the issuance of this variance.

Mrs. Ball was present and stated that they had already started the building and then they were stopped by the building inspector. The old building that was on the property had fallen down and they were only replacing the building. However, they did not have a building permit.

Elmer Petersen was present to speak in favor of the Ball's variance. He stated that he felt there would be a real hardship if they were forced to remove all of the construction that had already taken place. He felt that the variance would cause no one any harm.

Citizen against the variance, Marilyn Miller, Dunes City

Planning Commission Chairman. M. Miller stated that the planning commission worked very long and hard on this decision and felt that if this was issued, the city would be setting a precedent for others. People would decide that they could go ahead and start a building and then the city would not make them tear it down. People are aware that building permits are required. M. Miller stated that the planning commission looked at it as not replacing the old building, because it is larger than the other building and they had to look at it as a whole new building. The planning commission felt that if this variance were issued, the city would definitely be setting a precedent for others.

B. Petersdorf felt that this would not fall under the Grandfather clause since the new building was larger than the old one.

Mrs. Ball stated that they were not trying to avoid a building permit. They were just replacing the building. It would be awful if they had to tear this building down.

The council went on to discuss whether this would or would not be setting a precedent or whether they could issue the variance with additional conditions.

The public hearing was closed at 9:58 P.M.

H. Hodson stated that he did visit with the neighbors and found that there was no objection from any of them.

B. Petersdorf stated that he would like to abstain from this vote since his heart told him that this would be an awful hardship on these folks to remove the building and move it over, however, he felt that the planning commission followed the laws of Dunes City and made a very wise recommendation. Mr. Gerber stated that by abstaining, this would be like a NO vote. These folks need 3 yes votes to approve the variance. Mr. Gerber stated that he felt that the council should take a short break. He had an idea he would like to discuss with M. Miller.

The council took a break from 10:13 P.M. to 10:20 P.M.

Attorney Gerber's suggestion to the city council was to go ahead and give this back to the planning commission to add a couple more conditions.

1. Issue with conditions.
2. The Ball's could remove any additions that did not comply with city code.

The council discussed this further. They did decide that, even though it would be a hardship for Mr. & Mrs. Ball to remove the building, they did indeed create the hardship and this does not fall under unnecessary hardships. There was also discussion on the fact that there should possibly be a penalty law in DC to take care of such matters as this. At the present, DC has no such law.

The council discussed the conditions and options that Attorney Gerber suggested to them. Then they asked Mr. & Mrs. Ball directly if they would agree to having the council send this

back to the planning commission to discuss the conditions and options that had been discussed tonight. The Mayor further explained to Mr. & Mrs. Ball, that if they decided that they did not want to go before the planning commission on June 21st, again, the council would have to make a decision tonight and whatever that decision may be, would be final.

The city council decided to go ahead and refer this back to the planning commission so they may make a decision on whether or not they would agree to recommend the issuing of this variance with the condition that, if at any time anyone would want to build beside the Ball's where the garage is encroaching, within 20' of them, they would have to move the structure from the trespass area. The council did feel that it would be highly unlikely that this would occur, since the area beside them is a drainfield area for the connecting property.

Mr. & Mrs. Ball decided to go ahead and agree to having the planning commission review the city council's discussion and decide on it at their June 21 regular meeting and then this would be referred back to the city council at their regular meeting of July 13th.

IX. REPORTS

A. PLANNING COMMISSIONS RECOMMENDATION ON FOREST PRACTICE

RULES - The council discussed briefly the planning commissions recommendation before them on the Forest Practice rules. M. Miller, Chairman of the planning commission stated that there were some changes in the recommendation that she would like to bring to the city council's attention. Page 2, item #4 the language, " or water supply" needed to be added to the end of the paragraph. Also item #5, last sentence, should read, " the site inspection and to check the site **prior to and** at the completion of the logging." Item #6 should read as follows; (last sentence) "**list of all roads in DC limits used for access to and from** and any damages incurred."

Other corrections included, page 3, item #5, last sentence, should read, " In addition , a base penalty of \$500 will be assessed **to the property owner** in addition to **and payment for** damages incurred. Item #7, first sentence, should read, "Any damages **caused** by the operation....". Also it was suggested that the rules include an item stating that slash piles should not be allowed to remain .

ACTION

R. DePiero moved to table the discussion and decision of the Forest Practice rules until the next city council meeting.
H. Hodson seconded and the motion carried.

C. OTHER REPORTS - H. Hodson reported that the city needed to have more brochures printed. He did not feel that they were going to have enough.

Al Miller Report - Mr. Gerber suggested to the council that if any of them should visit the site, to go in two's so they would have witnesses as to anything that may occur.

The council decided that there needed to be an abatement letter written regarding Al Miller and his violations.

ACTION R. DePiero moved that with any further violations on Al Miller's part, that the city serve him with an abatement letter. H. Hodson seconded and the motion carried.

B. Petersdorf left the meeting at 10:35 P.M.

X. UNFINISHED BUSINESS

A. JACK FREELAND - CONDITIONAL USE PERMIT - Withdrawn

B. BUILDING AND PLUMBING INSPECTION AGREEMENT- It was discussed that the building inspector, E. Mortier, does not agree with our agreement. He would like to have the Hold Harmless Clause removed. He will not sign it until this takes place.

ACTION H. Hodson moved that the city council go ahead and delete the Hold Harmless Clause from the Building and Plumbing Inspection Agreement. With this deletion, to approve the agreement. R. DePiero seconded and the motion carried unanimously.

C. RICHARD ANDERSON - VEGETATION REMOVAL- The council did discuss the fact that R. Anderson does intend to plant his excavated area in Rhododendrons. The possibility of those needing fertilizer is great. They did feel that this was too close to the lake for fertilizer to be placed. There was also some discussion on whether or not the Rhody's fall under natural vegetation. Mayor Eastman stated that R. Anderson did say that he would be planting the area in salal.

ACTION E. Landwehr moved that the city council accept Dr. Anderson's Vegetation Plan. H. Hodson seconded and the motion carried. R. Depiero abstain, claiming a conflict of interest.

D. LEAVITT LOOP - The mayor stated that nothing was done at the last meeting on this and it was to be discussed tonight. After the road committee report, it was felt that nothing should be done at this time on this.

ACTION E. Landwehr moved that nothing be done about the issue of Leavitt Loop at this time. H. Hodson seconded and the motion carried.

E. FINAL APPROVAL OF PHIL TOUT'S CUP - The City Recorder can go ahead and issue the final order.

F. SOUTH SHORE FENCE - PLANNING COMMISSION RECOMMENDATION- There was a decision made by the planning commission. That decision has not been appealed so the decision stands. There will be no building permits issued on any unsold lots as of May 1, 1989. Attorney Gerber stated that this will show on the title report while in escrow.

G. FINAL ORDER FOR RICHARD ANDERSON MAJOR PARTITION-

Attorney Gerber stated that all that has to be done on this is to go ahead and issue the final order in the next few days unless either legal council advises not to do this.

Mayor Eastman asked for a motion to continue on to New Business since it is after 11:00 P.M.

ACTION

E. Landwehr moved to continue the meeting to finish up the two remaining items on the agenda, under New Business.
H. Hodson seconded and the motion carried. R. DePiero voted no.

XI. NEW BUSINESS

A. Resolution 6-8-89B - Adopting June 87-88 Audit report-

ACTION

R. DePiero moved to adopt Resolution 6-8-89B : Adopting the 87-88 Audit Report. E. Landwehr seconded and the motion carried.

B. Resolution 6-8-89C- Special City Allotment- The Council discussed this briefly. This is to obtain monies to repair Huckleberry Lane. They have the papers filled out to apply for the money. There was discussion on whether or not they should put a number for truck usage on Huckleberry. It was decided that 5 per day would be an acceptable figure.


ACTION

R. DePiero moved to accept Resolution 6-8-89C, as amended adding the figure , 5 Trucks. H. Hodson seconded and the motion carried.

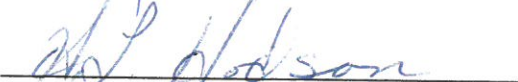
XIII. ADJOURNED - 11:15 P.M.



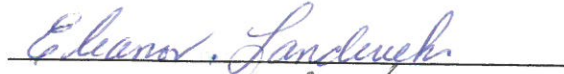
MAYOR D. EASTMAN



ACTING SECRETARY: D. STINGER



H. HODSON



E. LANDWEHR



R. DE PIERO



B. PETERSDORF