

DUNES CITY COUNCIL

REGULAR MEETING
January 12, 1989

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF DECEMBER 8, 1988
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. REPORTS
- VII. UNFINISHED BUSINESS
 - A. Hazardous Materials Emergency Response Plan
 - *B. Booth Island Open Space Overlay
- VIII. EXECUTIVE SESSION (a) Litigation, (b) Personnel,
(c) Negotiations
- IX. OATHS OF OFFICE AND SEATING OF NEW COUNCIL AND MAYOR
- X. CITIZEN INPUT ON UNSCHEDULED ITEMS
- XI. PUBLIC HEARINGS
 - *A. Variance - Jim Archer, applicant
 - *B. Variance - John Pickett, applicant
- XII. NEW BUSINESS
 - *A. Planning Commission Recommendation on No. of Consecutive Terms
- XIII. EXECUTIVE SESSION (a) Litigation, (b) Personnel,
(c) Negotiations
- XIV. ADJOURNMENT

NOTE: Items with an * beside them have related information in packet

DUNES CITY COUNCIL

REGULAR MEETING January 12, 1989

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Nancy LM Johnson.

PRESENT: D. Eastman, R. Forest, R. Petersdorf, E. Fillman, R. De Piero, R. Parent, City Recorder K. Aitken, Attorney Ron Gerber, and secretary K. Bacon.

There was one representative of the press and 15 citizens in the audience.

II. APPROVAL OF MINUTES OF DECEMBER 8, 1988

ACTION A motion was made by R. Petersdorf and seconded by R. Forest to approve the minutes of the December 8 meetings. The voting was unanimous, and the motion carried.

III. BILLS AGAINST THE CITY

ACTION A motion was made by E. Fillman and seconded by D. Eastman to approve the bills against the City in the amount of \$7,268.49.

IV. RECEIPTS FOR THE SESSION - \$9,584.98

V. ANNOUNCEMENTS AND CORRESPONDENCE

- A. **Florence Futures Meeting.** K. Aitken announced that the next meeting of the Florence Futures group will be January 16 at 6:30 p.m. at Driftwood Shores. If anyone has anything to add to the agenda or plans to attend the meeting, they should notify K. Aitken by January 13.
- B. **City of Florence Banquet.** K. Aitken announced that the City had received an invitation to attend a banquet to honor the out-going Florence mayor and city council members. The dinner will be January 18 at 6 p.m. at the Elks Lodge. Anyone interested in attending was advised to contact the City of Florence.
- C. **Newly-Elected Officials Workshop.** K. Aitken announced that the League of Oregon Cities is sponsoring a workshop for newly-elected officials. The workshop is in North Bend January 20. The registration is \$20 and includes lunch. Anyone interested in attending was advised to notify K. Aitken by January 13. It was decided to discuss it further under New Business after the new council members had been seated.

- D. City Ordinance Book #10. K. Aitken announced that the City's Ordinance Book #10 is missing from the City office. She asked everyone present to please check to see if they might have it.

VI. REPORTS

- A. Safe Drinking Water Act. R. DePiero announced that he and D. Eastman had attended a meeting in Albany on January 10. They had attended to find out how the Safe Drinking Water Act would affect the small systems in operation within the city. It presently will have no affect. They learned that it will be four years before enforceable action will be taken against the small systems. They learned that there are some expensive water tests that will be required, and he wanted to alert the small systems that they should "gear up for it so that it won't be dropped in their lap".
- B. Road Committee Report. The city council members received copies of the road committee minutes. The committee recommended, among other things, that the traveled portion of the road be at least 20 feet wide to allow enough room for two cars to pass. They also requested that the City develop some road standards for minimum rock base, final surface, etc. as well as the width for the traveled portion.
- C. K. Aitken's Follow-Up Actions. Mrs. Aitken reported on the status of some items she had been directed at last month's city council meeting to handle.

She had notified Ruth Wood, with copies to Dr. Jeremy Orcutt and his attorneys, that the City had accepted the settlement on Salal Road in principle but requested that the radius be surveyed by a competent surveyor or engineer.

She reported that Dr. Richard Anderson had submitted his application for a Conditional Use Permit to have livestock and fowl on his property.

Ordinance #106 will be discussed at the February city council meeting because it had not been advertised in time for discussion at this meeting.

D. Eastman requested that the city council keep the information it was given on the Mary Watts abatement so that it can be discussed at the February city council meeting.

Attorney Gerber suggested that Mrs. Watts be sent another letter since it appears, from the letter she sent to the City, that she still does not understand what the problem is. The mayor suggested that the City contact Mrs. Watts.

K. Aitken said that she and R. DePiero had talked with Chief Libby of the Siuslaw Rural Fire District about the Hazardous Material Emergency Response Plan. Chief Libby "is going to meetings regularly," De Piero said, "and setting up the chain of command that is necessary to have a response plan." When the Hazardous Materials plan is ready, the fire district will contact the City and let us know what they need from the City.

VII. UNFINISHED BUSINESS

- A. Booth Island Open Space Overlay. The city council had been given information and a recommendation from the planning commission on the open space overlay for Booth Island. The commission, at the city council's request, had taken Findings of Fact and made Conclusions of Law as to whether or not the City should continue to have an Open Space overlay on Booth Island.

Attorney Gerber said that when the City was doing the Comprehensive Plan, there was concern that the state would not approve the Comprehensive Plan since the City had not addressed the issue of eagles on Booth Island. Gerber said that rather than take time to work up the studies and information on eagles, the City imposed an Open Space overlay on the unplatted portion of the island.

Attorney Gerber had a conflict of interest in advising the City on Booth Island since he represents Bob Jenkins, the owner of the unplatted portion of the island on which the Open Space overlay exists.

Gerber had referred the City to Paula Bechtold, attorney for the City of Coos Bay, who was going to advise the City on what action to take about the Open Space overlay. The City had not yet received the report from Ms. Bechtold. As a result, the item will be carried over for discussion at the February city council meeting.

VIII. OATHS OF OFFICE

Mayor Nancy LM Johnson presented plaques to Attorney Gerber, Betty Stocking and Richard Parent thanking them for their help during her administration. The mayor had earlier presented plaques to the remainder of the council members and

staff at a banquet held the previous Friday evening. The mayor said that she would like to continue to participate in what goes on in the City and will be available to help if needed. She wished the new council and mayor the best during the next two years.

K. Aitken then administered the Oath of Office to the council members Eleanor Landwehr, Harold Hodson and Chuck Ellis and to mayor-elect Darryl Eastman.

Following the administration of the Oath of Office, R. Forest, R. Parent and Nancy Johnson stepped down and took seats with the audience; and the new mayor and council took their places. K. Aitken called the roll.

PRESENT: H. Hodson, E. Landwehr, R. DePiero, Mayor D. Eastman, E. Fillman, C. Ellis and R. Petersdorf.

IX. ELECTION OF COUNCIL PRESIDENT

ACTION

A motion was made by E. Fillman and seconded by R. Petersdorf to nominate R. DePiero for Council President. There were no other nominations. The council voted by ballot. There were five votes in favor and one abstaining vote. R. DePiero was elected as council president.

X. CITIZEN INPUT ON UNSCHEDULED ITEMS

- A. Presentation. Former mayor James Baumeister presented the City with beautiful plaque on behalf of the former mayors. The plaque was attached to a large, finished myrtle burl slab and listed the names of the former mayors who had been appointed by the city councils and the names of those who had been elected by the voters. The new plaque will be hung inside the building and will replace a former listing of mayors that hung just outside the entrance to the building.
- B. Bass Classic. Corine Gehlke of the Northwest Bass Club requested the use of the Community Center for this year's Northwest Bass Classic. The dates will be March 17 - 19, she said. K. Aitken made note of the dates.
- C. Central Oregon Coast Board of Realtors. Ron Edelman, of Coast Real Estate and president of the Central Oregon Coast Board of Realtors, expressed appreciation for the efforts of the city council and staff. He said that the council and staff "preside over some of the most precious properties in the whole world". He said that realtors are treated courteously by the staff and builders appreciate the minimum amount of red tape required while at the same time recognizing that the City is protecting the quality of life.

- D. John Carlson - Westlake. John Carlson said that the day of this meeting the highway department had changed the sign at the intersection of Highway 101 and Pacific to read "Westlake" rather than two words as it has been in the past.

Carlson also said that he inquired of the State Department of Fish and Wildlife to see if there had been any studies done on the lakes, the fish and the weeds. He showed a thick ring binder of studies that he had acquired. He said that the studies date back to 1897. He had a list of 20 studies, and eight of them were in the ring binder he displayed. A study done in 1974 was concerned only with aquatic weeds, Carlson said, as well as five of the others.

He said that, even if OSU is not interested in doing a study, he would try to put something together from the information contained in previous studies to see if there is something that can be done without spending a vast amount of money.

XI. RECESS

Mayor Eastman called a recess at 8:25 p.m. The meeting was reconvened at 8:35 p.m.

XII. REPORTS - Continued.

A. Newly-Elected Officials Workshop.

ACTION

A motion was made by R. DePiero and seconded by R. Petersdorf to authorize the City to expend the \$20 registration fee for any new council members to attend the workshop for newly-elected officials. The voting was unanimous, and the motion carried. Any new council member interested in attending was asked to notify K. Aitken by 2 p.m. on January 13.

- B. Road Committee Recommendations. Phil Tout, Road Committee Chairman, requested city council authorization to routinely repair the roads and maintain them in their present condition; i.e., rock, grade and patch as necessary without coming before the city council each time.

Beyond this, the road committee would make a "laundry list" of roads that it feels should be upgraded or re-surfaced.

ACTION

A motion was made by R. DePiero and seconded by E. Fillman to allow the City to proceed with these repairs in conjunction with any major contracts; and when the next road repair contract comes up for bid, these repairs are to be included in that contract so that the City may take advantage of any mobilization fee. The voting was unanimous, and the motion carried. The list of proposed work had been presented to the city council in the road report.

P. Tout asked the city council, with the assistance of Attorney Gerber, to approve the Eastman-Watson road list with any corrections as being acceptable for road expenditures. The list was attached with the minutes of the January 4, 1989, road committee minutes. This was a list of roads that were City roads "as best as we know", Tout said.

H. Hodson said that there seems to be a discrepancy in the length of the roads between the figures supplied by LCOG, those acquired by physically measuring the roads (as Eastman and Watson did), and those acquired by measuring on the new maps of the City supplied by the Lane County surveyor's office. Mayor Eastman explained that the physical measurement was only taken on the portion of the road that you could physically drive.

Mayor Eastman suggested that the city council wait to make a decision on whether or not to accept the list until the February meeting. He asked the council to save the information for discussion then. In the meantime, he said that he, Keith Watson and Chuck Ellis would research the City's files to try to determine ownership prior to the February city council meeting.

- C. Planning Commission Report. The planning commission secretary had submitted a written report of the commission's activities for 1988. The mayor said that he found it very enlightening to attend a planning commission meeting and thought the new council members would, too. He said that the commission works very hard, saves the council a lot of time, and "I, for one, appreciate it".

XIII. PUBLIC HEARINGS

- A. Variance - James Archer, applicant. The public hearing was opened at 9:03 p.m. by Mayor Eastman. The mayor distributed a sheet to all city council members that suggested the wording to use for making a motion in a land use request. He asked that they keep it handy.

The mayor explained that the language was necessary to meet a challenge should a case be appealed. He further explained to the council what ex parte contact is and that it should be declared at the start of a public hearing.

R. Petersdorf stated that he had visited the applicant's site with Mayor Eastman on January 11. He said that he had seen the ditches that had been dug for the water and sewer lines and the erosion. Chuck Ellis said that he had visited the site on January 10 and had walked over the property to see the "lay of the land". R. DePiero said that he had visited the property January 12, and he declared that he had a direct conflict of interest. H. Hodson said that he had visited the site January 12. E. Fillman said that he had not visited the site in the last six months but had seen it previously. E. Landwehr had not visited the property.

James Archer said that he plans to excavate the top of the site closest to Russell Drive to bring the level down to the level of the adjacent lot to the south. He said that he would remove the dirt from the lot rather than push it toward the lake. He will leave some for fill around the house. He estimated that he would be removing about 25 feet. The house would be built on tax lot 118, and tax lot 103 would be used for a redundant septic system.

R. Petersdorf asked the applicant what the present slope of the lot is. Archer responded that the northwest corner of the lot drops about 20%.

There were no further questions from the audience or city council concerning the siting of the house and the five-foot setback encroachment, and the applicant explained the need for a bulkhead on the property shoreline.

Archer said that under previous ownership, a contractor had excavated 50 feet from the lake, and caused some erosion, and tried to control it by scattering straw on the surface. Archer wanted to build a bulkhead to control the erosion.

The applicant had indicated on his plans that he planned to use cedar 4 x 4's in the construction of the bulkhead. There was considerable discussion as to whether or not they would withstand the weight of the dirt behind them and whether or not they would rot.

Archer said that he had not planned to use pressure treated posts because the compound used in the pressure treatment is an organic arsenic which could leach into the water. He said that if the council preferred that he use pressure-treated lumber, he had no problem with that. However, he thought that they would prefer that he didn't because of the organic arsenic

There was a discussion of what could be used for support. Archer said that a concrete retaining wall would begin to crack within a short time if there was any movement at all.

Archer said that he wants to build the bulkhead four feet high with filter cloth behind to prevent the fill from washing out. He noted that the base of the bulkhead would normally be above the high water mark on Woahink Lake.

R. DePiero said that he thinks a bulkhead is a better idea than leaving it the way it is. He said that he thinks it would offer a certain amount of control, but he added that the applicant should contain the ends of the bulkhead so that water cannot come around behind and wash the fill out from behind.

It was stated that there is quite an overhang on the embankment on the shoreline. There was a discussion of what Mr. Archer would do with the overhang and how he would build the bulkhead in relation to the embankment and the overhang. He said that he planned to build the bulkhead against the embankment and cut off the overhang to use for fill behind the bulkhead.

Betty Stocking, who lives on Russell Drive, said that she has no objection to the proposal.

John Carlson said that if the City is going to grant a building permit at all it should grant the variance because, without it, it would make a "very awkward" house. He said that he thinks the septic system is good. "It puts the drainfield farther away from the lake than almost any other house on Russell Drive," he said.

Carlson said that since Russell Drive is developed only to the applicant's property, and the City has no standards on what a developer must do to open a road he suggested that the City, as part of this permit process, set a standard for what the developer is required to do with Russell Drive in order to use it.

Carlson said that the applicant had the right to remove the tree; but it is picturesque, he said, and part of what makes Dunes City unique. The fir tree is big, crooked and leaning, he said; but he added that he doubted the ditching had been deep enough to cut many of the roots and, since most of the branches have already been broken off thereby reducing the wind resistance, he doubted that the tree would blow down.

Carlson suggested the applicant use concrete posts reinforced with 3/8" rebar. He said it would not be toxic and would last a long time. He thinks the overhang on the embankment should be left to fall of its own accord and thinks that the bulkhead should not be built at all.

The applicant was given the opportunity for rebuttal but chose not to rebut.

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

H. Hodson asked to be shown on the plot plan the location of the large fir tree under discussion. Archer pointed out the location.

The council asked the applicant if it would be a problem for him to use larger posts than the 4 x 4 cedar posts stated in the application. He said that it would not be a problem.

R. Petersdorf said that he thinks that, if allowed, the bulkhead should be built prior to beginning construction on the house to help prevent erosion during the excavation. R. DePiero asked the applicant if it would be a burden to build the bulkhead first, and the applicant responded that it would not.

The mayor stressed that, if there is an additional fee for inspecting the bulkhead separate from the inspection on the home, the applicant would be billed by the City for the additional fee.

R. DePiero asked the applicant if, at the time of excavation for the home, he would have a problem in extending Russell Drive at least to his driveway area. Archer replied that it would not be a problem since they planned to excavate a turn-around area beyond the driveway as well.

The mayor asked the applicant if he would mind working with the Director of Roads in developing Russell Drive to meet his needs. If he is unable to work things out to the Director of Roads satisfaction, he may come before the February city council meeting to resolve any problems.

Attorney Gerber offered to summarize the discussion. The mayor gratefully accepted his offer. He said that it appeared from the discussion that the council was ready to accept the planning commission's Findings of Fact and Conclusions of Law with some changes and impose some conditions. He outlined the following changes:

1. They will adopt the suggested Findings of Fact in Ms. Bacon's memo of December 29, 1988.

2. As to the Findings of Fact on page 1 #9, the council will make the previously discussed change so that it will read: "The base of the wall in the wintertime may be in the lake (Woahink Lake) at normal high water."

3. In Finding of Fact #13, the reference to 4 x 4's will be struck and it will read: "The posts will be cedar."

4. Finding #15 will be changed to read: "The applicant would like to remove one tree that is dying and could be a hazard to the neighbor's home as well as to the home to be built."

5. Add an additional Finding of Fact which would read: "Because of the irregular shape of the lot and the slope, particularly its steep slope, the proposed location is the only place the house would fit."

6. Add the following conclusion: "A literal interpretation of the Zoning Ordinance would create two unnecessary hardships for the applicant. First of all, the active erosion problem necessitates a bulkhead. Second of all, the configuration and slope of the lot results in a situation in which the applicant can only situate the house in one location, i.e., within the setback."

He said that the council would continue with the rest of the proposed conclusions and approve the variance subject to the following conditions:

1. That the bulkhead be built prior to any grading or any other construction commencing on the property.
2. That the plans for the bulkhead, including the materials and the strength of the materials, be submitted to and be approved by the building inspector as being structurally sound.
3. That the city building inspector will review the soil, slope issue and determine whether or not it fits within the scope of Section 5.2 of the Zoning Ordinance. And if it does fall within that section, he will inspect the soils to determine whether or not it is necessary for the City to receive some soil engineering assurance that the soils will be stable. A report will be submitted to him that is acceptable to him.
4. That the applicant will remove the overhang back to and no further back than the perpendicular face of the embankment, and he may use that material to back fill.
5. That the applicant remove the large fir tree that has been discussed during this public hearing.
6. That the applicant will extend Russell Drive up to his driveway turnaround in a manner that is agreeable to himself and the Director of Roads.
7. Any extra expenses incurred by the City, will be billed back to the applicant; and he will pay those expenses.
8. If the applicant and the Director of Roads or the applicant and Mr. Mortier cannot reach agreement on these various things, the applicant may appear at the next city council meeting; and the council will resolve the issues.

ACTION

A motion was made by R. Petersdorf and seconded by E. Fillman to approve the request of Jim Archer for a variance to encroach five feet into the ten-foot setback from the north property line of his property to build a residence and to build a retaining bulkhead along the shoreline of his property because I find by the weight of the evidence and the Findings of Fact and Conclusions of law adopted by the planning commission, with omissions and corrections outlined by Ms. Bacon and Attorney Gerber in his summary are true and I move to adopt those Findings of Fact and Conclusions of Law in total with the conditions outlined by Attorney Gerber.

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

NAYE: None
ABSTAIN: R. DePiero

The motion carried, and the variance was approved.

B. Variance - John H. Pickett, applicant. The mayor opened the public hearing at 10:45 p.m. Mr. Pickett had requested a variance to encroach into the setbacks for Lake Boulevard and Cherry Streets to build a detached garage. R. Petersdorf stated that he had visited the site January 11. C. Ellis stated that he had visited the site January 10. E. Fillman visited the site but had not had any contact with the applicant. R. DePiero visited the site January 12 and had talked with the applicant. E. Landwehr and H. Hodson had not visited the site. The mayor declared that he had had several contacts with the applicant both on the site and in the City office.

Bill Riesenhuber, whose property abuts the applicant's property on two sides, said that he does not object to the proposal. Evelyn Strenke said that she thinks the applicant should be allowed to build the garage as long as it is a detached garage.

The mayor asked the applicant if he had any information he would like to add that was not in the packet of information the city council had received. The applicant responded that he did not.

The public hearing was closed at 10:52 p.m.

ACTION

A motion was made by R. DePiero and seconded by R. Petersdorf to approve the variance request of John H. Pickett to encroach into the setbacks for Lake Boulevard and Cherry Streets to build a detached garage "because I find by the weight of the evidence and the Findings of Fact and Conclusions of Law adopted by the planning commission are true, and I move to adopt those Findings of Fact and Conclusions of Law in total with the additions presented to us by Kay Bacon in their entirety."

Mayor Eastman said that he had visited the site with R. Petersdorf and had determined that it is 11 feet in elevation from the street level to the bottom of the garage.

ACTION R. De Piero amended his motion to include the above information about elevation as an additional Finding of Fact. C. Ellis seconded the amendment to the motion.

The voting was unanimous, and the motion carried.

ACTION A motion was made by E. Fillman and seconded by C. Ellis to continue with new business beyond the 11 p.m. deadline.

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

NAYE: R. DePiero

The motion carried.

XIV. NEW BUSINESS

A. Term of Office for Planning Commission Chairman and Vice-Chairman. The planning commission secretary had sent the city council a memo conveying the wishes of the planning commission to change the resolution of February, 1972. The resolution limited the term of office for the chair and vice-chair to two consecutive one-year terms. The commission requested that it be amended to allow them to serve longer if re-elected by the commission.

Mayor Eastman pointed out that in 1986 the resolution became an ordinance. To amend it now would require publishing proper legal notice.

ACTION A motion was made by R. DePiero and seconded by E. Fillman to direct staff to prepare an amendment to the ordinance, to publish proper legal notice, and to have a first and second reading and declare an emergency on the amendment at the February city council meeting. The voting was unanimous, and the motion carried.

Attorney Gerber advised that in the interim the planning commission may appoint a temporary chairman.

B. Commission Appointments. Mayor Eastman had prepared a list of commission appointments on which he would like city council members to serve. That list is attached with these minutes.

ACTION A motion was made by R. Petersdorf and seconded by C. Ellis to approve the list of commission appointments as submitted by Mayor Eastman. The voting was unanimous, and the motion carried.

COMMISSIONS FOR THE PERIOD 1/89 THROUGH 1/91

Bob Petersdorf -----	Master Road Plan Police L.C.O.G. Meetings	997-8076
Ed Fillman -----	Community Center Parks & Recreation	997-6310
Ron DePiero -----	Cable TV Sanitation P. U. D.	997-9344
Harold Hodson -----	Fire Water Tourism	997-2246
Chuck Ellis -----	Roads Budget Grants & Projects	997-6710
Eleanor Landwehr -----	C.C.I. Energy Soil & Erosion	997-2768
Darryl Eastman -----	9-1-1 Meetings Planning Commission	997-3798

Nancy Johnson said that she and her husband, Larry, would continue to serve on the Parks and Recreation Commission if the mayor would like.

XV. ADJOURNMENT

The meeting was adjourned at 11:10 p.m.

Darryl R. Eastman
MAYOR D. EASTMAN

K Bacon
SECRETARY K. BACON

H Hodson
H. HODSON

E. Landwehr
E. LANDWEHR

Ronald A. DePiero
R. DE PIERO

Ed Fillman
E. FILLMAN

C Ellis
C. ELLIS

R. Petersdorf
R. PETERSDORF

DUNES CITY COUNCIL

WORK SESSION

JANUARY 26, 1989

AGENDA

- I. CITY GOALS
- II. SITE REVIEW COMMITTEE
- III. SITE REVIEWS FOR PLANNING DECISIONS
 - A. Ex-Parte Contact
- IV. HOUSING SURVEY SUB-COMMITTEE
 - A. COMP PLAN Up-Date
 - 1. Stick-built, mobile, vacant land
- V. NEWS RELEASES
 - A. Weekly
 - B. Monthly
- VI. FINAL ORDERS - LAND USE DECISIONS
- VII. COMMITTEE FOR TOURISM/ADVERTISEMENT
 - A. "Siltcoos" Signs on 101
- VIII. PLANNING COMMISSION VACANCY
- IX. BUDGET PREPARATION 1989-90
- X. AMEND ZONING ORDINANCE
 - A. Remove "Nursing Home"
 - B. Review Section 10-IV-A (Expansion of non-conforming structures)
 - 1. Referendum Vote
- XI. REVIEW COMP PLAN
 - A. Discuss Anti-Growth Attitude

- XII. BUILDING RENTAL POLICY
- XIII. REVIEW CITY CHARTER
 - A. Council Members running for additional offices while still on Council
 - B. Set up "Purchasing Agent"
 - 1. This would raise the spending limit from \$2000.00 to \$5000.00
- XIV. INVENTORY OF REAL PROPERTY BELONGING TO THE CITY
- XV. ADOPTING A SET OF STANDARDS FOR ROADS
 - A. Road Committee meetings 1st Wed. every month 1900 hrs.
- XVI. STREAMLINING CITY COUNCIL MEETINGS
 - A. Be Informed - Everything will go more smoothly
- XVII. SOME LATITUDE IN SPENDING
 - A. Seminars (May have only a few days to send back an answer)
- XVIII. TIMELINESS IN RESPONDING TO CORRESPONDENCE
 - A. Time factor can make it difficult to run it by the Council for input.
- XIX. WE TRY TO KEEP AN INFORMED CITIZENRY
 - A. Things do go on that sometimes make it difficult to notify everyone prior to City action
 - 1. You can't "Spoon Feed" everyone
- XX. L.C.D.C. "FUNDING FOR SPECIAL COASTAL PROJECTS."
 - A. Study Septic in Westlake
 - B. Study Weed Problem in Siltcoos
- XXI. COPY MACHINE
- XXII. L.C.O.G. MISC.
- XXIII. BOOTH ISLAND INFO FROM DOUGLAS COUNTY
- XIV. WESTLAKE RESOLUTION

1989

DUNES CITY COUNCIL

WORK SESSION
January 26, 1989

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:32 p.m. by Mayor D. Eastman.

PRESENT: H. Hodson, E. Landwehr, R. Petersdorf, Mayor Eastman, R. DePiero, E. Fillman, C. Ellis, City Recorder K. Aitken, and secretary K. Bacon. There were five (5) citizens present in the audience.

II. SITE REVIEW COMMITTEE

Mayor Eastman said that he would like council members to be thinking of the names of citizens who could be appointed to the Site Review Committee. He would like to have the names of at least three residents by the February city council meeting.

III. SITE REVIEW FOR PLANNING DECISIONS

Mayor Eastman said that he hoped the city council members realized how important it is to visit the sites of upcoming city council land use decisions so that they can make informed decisions.

IV. HOUSING SURVEY SUB-COMMITTEE

Mayor Eastman mentioned that before the next Comp Plan update, the City needs to complete a housing survey. He asked for the names of residents who would be willing to do the survey. He said that once the survey is completed, it can be kept current through the building permits.

V. NEWS RELEASES

E. Landwehr had suggested to the mayor that the City keep the residents informed through news releases. He thought it was a good idea and asked Landwehr if she would be willing to be responsible for the news releases. E. Landwehr said that she would not and suggested that the office staff be responsible. K. Aitken said that the problem with the staff doing a news release following city council meeting is that the day after the meeting is extremely busy for both staff members. K. Aitken said that she would be willing to write the news release if the council had a particular item it considered a high priority. The mayor said that he was reluctant to assign any more tasks to the office staff.

VI. FINAL ORDERS

Prior to this meeting the secretary had sent copies to the city council members of the Final Orders for the James Archer and John Pickett hearings. The mayor had asked that this be done so that the council members could be certain that the orders reflected the intent of what was discussed at the hearing. However, he pointed out at this work session that council members cannot add something to the orders that was not done at the meeting. R. DePiero said that he was concerned about generating a "paper blizzard". Since the council is already given so much information to read, he suggested that the policy be altered so that only those council members who wanted to check the final order could be sent a copy or come to the office to read it. However, Mayor Eastman thought it would be best if each council member received a copy and could decide whether or not to read it.

VII. COMMITTEE FOR TOURISM AND ADVERTISING

H. Hodson had been appointed by the mayor to head the Tourism and Advertising Committee. He asked that he begin forming his committee. He also asked that Harold and his committee reach a consensus before summer of how best to spend the room tax money that has been designated for advertising.

VIII. PLANNING COMMISSION VACANCY

Again, the mayor solicited the names of residents who would be willing to serve if appointed to fill the vacancy on the planning commission.

IX. BUDGET PREPARATION 1989-90

Mayor Eastman said that the first budget session will be held no later than April. He requested suggestions for a re-vamped financial statement format. He said that the council will hold at least two meetings on the budget.

X. AMENDING ZONING ORDINANCE

The mayor said he would like the city council members to consider removing the language from the Zoning Ordinance which prohibits altering a non-conforming structure. He said that many of the current businesses in the Westlake area are in what would be considered non-conforming structures, and the current language would prohibit them from upgrading

them. He said that the matter will be discussed at the February city council meeting, and he would like the council to be considering whether or not the Zoning Ordinance should be amended.

The mayor said that the planning commission secretary had asked that the reference to Nursing Homes be removed from the Zoning Ordinance. The secretary asked if she had asked him to remove a reference to them or add them to the Zoning Ordinance. The mayor said that she had asked that it be removed. He wanted the council to be considering this item for discussion, also.

XI. REVIEW COMP PLAN

Mayor Eastman said that when the nonconforming structure matter is discussed, it will also lead to discussion of the "anti-growth" attitude of the Comp Plan. He said that he hopes the council will be able to ascertain whether or not the residents wish to continue with a small community attitude or whether they want it to expand. R. Petersdorf said that he considers the attitude of the Comp Plan not to be "anti-growth" but to be "controlled growth".

XII. BUILDING RENTAL POLICY

The mayor discussed the current building rental policy with the council. He said that the rental policy seems to be inconsistent. The council discussed leaving it up to the staff to decide, and to allow public service organizations to use the building without paying a rental fee but by paying a refundable cleaning deposit. The discussion which followed showed how difficult it would be for the staff to decide whether or not a group was a public service organization. This matter will be discussed further at the February city council meeting.

XIII. CHARTER

The mayor said that the present City Charter does not prohibit holding more than one seat on the city council nor from running for a vacancy on the council while holding a seat on the council. R. DePiero said that it would probably be a good idea to clarify and change that language.

The mayor said that the Charter does not designate the city council as a contract review board. He said that it may be that the City would have to use the county's review board.

The mayor said that it is the opinion of the Attorney Ron Gerber that the City should have an ordinance designating the city council to act as a contract review board. Attorney Gerber is requesting that the League of Oregon Cities send a copy to the City of a standard ordinance establishing the city council as a contract review board.

The mayor would also like the City to establish a Purchasing Agent "much like the City of Florence has". Having a purchasing agent, he said, allows the City a little more latitude in how it lets a contract.

XIV. INVENTORY OF REAL PROPERTY

The mayor and city recorder had earlier done an inventory of City-owned property and office equipment within the Dunes City Community Center. The mayor said he thinks the City needs to "come up with a list" of all City-owned property. He said that he would like anyone who knows, or thinks they know, of any City-owned property to write down its location so that the staff can research the deed for that property.

R. DePiero suggested that this might be a good item to advertize a request for public input. Those present agreed.

XV. ADOPTING A SET OF STANDARDS FOR ROADS

The mayor and C. Ellis suggested that the City needs to adopt a set of road standards. The mayor said that the City had tentatively agreed to adopt the county's road standards. But it has been felt by the Director of Roads and the Road Committee that those standards are more comprehensive than the City needs to have. The mayor said he would like it to be a City goal to develop a set of road standards. He added that the city council members would gain an insight to the road problems and the direction the City should go by attending a road committee meeting.

XVI. STREAMLINING CITY COUNCIL MEETINGS

The mayor said that he thinks the meetings can be streamlined if all the council members come informed.

XVII. SOME LATITUDE IN SPENDING

The mayor pointed out that many times the City receives notices of upcoming seminars with short response deadlines. He said he would like the city council to consider allowing

the mayor and staff some latitude in responding to these without awaiting city council approval. He said that the budget contains money for travel and training.

E. Landwehr said that the report of whatever seminars are attended might be something that would be of interest to the public. She suggested that the report be made available to the public.

XVIII. TIMELINESS IN RESPONDING TO CORRESPONDENCE

Here again, the mayor pointed out that the time factor involved in responding to correspondence can make it difficult to "run it by" the city council for input.

XIX. WE TRY TO KEEP AN INFORMED CITIZENRY

The mayor said he has heard complaints that the citizens do not feel they are being kept informed. He said he feels that members of the audience have a right to know what is going on, but he added that the city council cannot "spoon feed" them. He said that the complimentary packets are available at the office at the time the city council packets are assembled. If the public wants to inform themselves, the information is available well before the city council meeting, and the packets are available for use during the meeting.

XX. L.C.D.C. FUNDING FOR SPECIAL COASTAL PROJECTS

The mayor and secretary told those present about the request the City had received from L.C.D.C for funding of special coastal projects. The City had requested funding for the research, legal services and clerical time to develop regulations and determine the jurisdiction for enforcement of a shoreland zone. That request had not been funded. The mayor requested suggestions from those present for projects they would like to see funded. He said that if anyone had some suggestions, he would like them to notify the staff by noon on Monday, January 30. He and the secretary suggested that two possible projects could be the study of a possible septic system in the Westlake area and funding of a study of the weed problem in Siltcoos Lake.

XXI. COPY MACHINE

The mayor said that when the City purchased a new copier, the company had given the City a trade-in allowance for the old copier and had left the old copier for the City to dispose of.

The mayor wondered how the group would like to dispose of the old copier. R. DePiero suggested having Bill Free of Western Auctioneering auction it off. He said that Free charges 10% of the auctioned price as a fee. The staff said that it would be potentially cheaper to have it auctioned than to pay for a legal ad in the Siuslaw News. R. Petersdorf suggested that it be advertised in the classified section of the paper. The mayor said that the City's attorney was of the opinion that it had to be advertised. R. DePiero said that it could be advertised as being available at auction through Western Auctioneering. The mayor said that he will check with the attorney to see if that would satisfy the law.

XXII. L.C.O.G. MISCELLANEOUS

There was a discussion of the upcoming cable tv meeting sponsored by L.C.O.G. in Cottage Grove. The mayor said that he will call and find out the time of the meeting. He asked if either R. DePiero or Robert Forest could attend the meeting. (R. Forest was a former council member who had had extensive experience in working on the cable tv franchise.) R. DePiero asked the mayor to let him know the time of the meeting so that he could decide whether or not he could attend. The mayor asked permission to have the City pay mileage and meals (if there would be any involved). R. DePiero requested a copy of the franchise agreement. K. Aitken said that she would make a copy for him.

K. Aitken was asked to come up with a list of all the contributions in services that L.C.O.G. makes for the City to justify the dues it assesses the City.

XXIII. BOOTH ISLAND

The mayor distributed to the group a letter the City had received from Douglas County about the zoning they have imposed on the portion of Booth Island that lies within Douglas County. The City is awaiting word from the North Bend City Attorney on whether or not the City should leave the open space overlay zone in place.

XIV. WESTLAKE RESOLUTION

The mayor distributed a new resolution that was recently adopted by the Westlake Community Committee. The Committee requested that the city council adopt the resolution and reaffirm it every odd-numbered year. There were 16 items mentioned on the proposed resolution. The previously approved resolution had only four items. The mayor said that the earlier-adopted resolution will be read at the

February city council meeting. He said that this new resolution will also be brought up. He asked the group to save the copy they had been given at this meeting for discussion at the February city council meeting.

The mayor also distributed the Watts order and asked that it be saved for the February council meeting.

R. Petersdorf said that he hopes to have recommendations for the Master Road Plan finished within a couple of months. He said that his group is presently dividing the City into quadrants to make it easier to discuss and work with.

XV. MAYORS' ASSOCIATION

The mayor asked R. Petersdorf, a former Dunes City mayor, if it was worthwhile to join the Oregon Mayors' Association. R. Petersdorf said that he thinks that it is.

XVI. GOAL SETTING SESSION

The mayor said that the city council will set a date at the February city council meeting for a goal setting session.

XVII. ADJOURNMENT

ACTION

A motion was made by R. DePiero and seconded by R. Petersdorf to adjourn, and the meeting was adjourned at 9:28 p.m.

Daryl R. Eastman
MAYOR D. EASTMAN

K Bacon
SECRETARY K. BACON

H. Hodson
H. HODSON

E. Landwehr
E. LANDWEHR

Ronald A. De Piero
R. DE PIERO

E. Fillman
E. FILLMAN

C. Ellis
C. ELLIS

R. Petersdorf
R. PETERSDORF

MINUTES & NOTICE OF BOARD ACTION

LANE COUNTY BOARD OF COMMISSIONERS

APPROVED _____



This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

December 13, 1988
10:00 a.m.

JOINT MEETING
BOARD OF COMMISSIONERS
DUNES CITY CITY COUNCIL

Dunes City
Community Center

Chair Ellie Dumdi presided with John Ball, Steve Cornacchia and Bill Rogers present. Gerald Rust excused. Judy Haldeman, Recording Secretary. Ed Fillman, Ron Depiero, Bob Forest and Dick Parent were present from the Dunes City City Council. Mayor Darryl Eastman and Kathleen Aitken, Recorder, were also present.

1. PUBLIC COMMENT

John Carlson, Box 126, Westlake; Maxine Riesenhuber, Box 32, Westlake; and Dick Parent, Box 148, Westlake; testified against the introduction of carp into Siltcoos Lake.

2. DISCUSSION/Siltcoos Lake-Chinese Carp

Eastman stated that, while the grass carp were not the only solution, other options for dealing with the situation in Siltcoos Lake were highly expensive and prohibitive. Eastman commented that he may contact Oregon State University rather than the University of Washington to do a final analysis in 1991. He commented that his concern was that time not be wasted, and as much done in the interim as possible. Eastman stated that the lake was not within the city limits, but was within the boundaries of Lane and Douglas Counties. He suggested that the two counties and the city consider joining together to reach a solution on the weed problem in Siltcoos Lake.

Evelyn Strenke commented that she had spoken with Robert Brown and Glenn Miller of the Department of Agriculture. Miller checked the lake and told Strenke that it would qualify and that the City of Dunes City would be eligible for a grant of up to \$150,000. The fish could not be introduced into the lake before 1991. Four local resort owners commented that the weed problem comes and goes with the weather and the seasons. The majority felt it was not feasible to try to control the weeds.

JAN 13 1989

Harry Youngquist, Public Health Engineer for Lane County, stated that lakefront residents could cause problems by trying to control the weeds with chemicals. He commented that a study by a competent fresh water biologist needs to be done and the weeds can be controlled but not totally eliminated. The group concurred that a study needs to be done first. Bob Bodine commented that lakes are dying due to the increased use of septic tanks in their vicinity.

3. DISCUSSION/Education Regarding Disease-Carrying Parasites in Woahink Lake

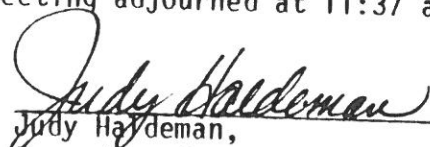
Depiero commented that he had heard that there had been a giardia case on the lake and stated that people need to know that this is a problem for those who are drawing water directly from the lake. Youngquist commented that he had not heard of an increased number of cases of giardiasis. He recommended that a filter as fine as one micron be used to assure safety and suggested that it be combined with chlorine. Youngquist suggested that the County could require a safe and sanitary water supply as a condition for issuing a building permit.

4. DISCUSSION/Hazardous Material Emergency Response Plan

Depiero commented that the city had received a letter from the state asking that they form a plan for dealing with hazardous materials or adopt the County's plan. John Clague, Lieutenant, stated that the County had attempted to develop an umbrella plan within which local communities can develop their own plans to respond. The rural volunteer fire district needs to be involved with the plan as they will typically be the ones to respond in an emergency. The plan will need to identify what the fire district will do, spell out who is in command and decide how the County will be notified. The Department of Environmental Quality will then review the plan. The Eugene Hazardous Materials team has agreed to be the regional team and to respond to any incidents within the County. Johnson recommended that the fire chief contact other chiefs in the County to get information on what they are doing to address this issue. Clague recommended they contact Skip Smith from the Rural Fire Defense Board in Santa Clara.

Rogers commended the City Council of Dunes City for the great turnout of citizens and the many items of interest on this agenda today. He stated that they had done the best job this year and last year.

There being no further business, this meeting adjourned at 11:37 a.m.


Judy Haldeman,
Recording Secretary

DUNES CITY COUNCIL

REGULAR MEETING
February 9, 1989

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF January 12 and January 26 MEETINGS
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
 - A. Cable TV Sale - Ordinance 116
 - B. C.C.I. Monthly meetings
 - C. City Inventory of REal Property
- VI. ANNOUNCEMENTS AND CORRESPONDENCE
- VII. PUBLIC HEARINGS
 - A. Ordiannce 106
 - B. Ordinance 98
- VIII. REPORTS
 - A. Special City allotment Program
 - B. Reading of Westlake Resolution 10-13-88
 - C. LCDC Grant suggestions for Survey
 - D. Report - H. Hodson re. Committee for Tourism and Advertising
- IX. UNFINISHED BUSINESS
 - *A. Road Length Adoption
 - *B. Booth Island
 - *C. Mary Watts
 - *D. James Archer variance (please bring the final order you were sent)
- X. NEW BUSINESS
 - A. Planning Commission Vacancy
 - B. Selling Copier
 - C. Site Review Committee - Ordinance #59
 - D. Review Zoning Ordinance re non-conforming structures
 - E. Comp Plan Review re. growth policy
 - F. Building Rental Policy
 - G. Oregon Mayors' Association
 - H. Set Date for Goal Setting Session

Agenda - Cont.
February 9, 1989

- I. Housing Survey sub-Committee
- J. Contract Review Board
 - A. Purchasing Agent
- K. Road Standards
- L. New W.C.C. REsolution
- XI. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- XII. ADJOURNMENT

Items with a * beside them indicate items where you were earlier given information pertaining to this.

DUNES CITY COUNCIL

REGULAR MEETING February 9, 1989

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor D. Eastman.

PRESENT: H. Hodson, E. Landwehr, R. Petersdorf, Mayor Eastman, R. DePiero, E. Fillman, C. Ellis, Attorney Ron Gerber, City Recorder K. Aitken, and secretary K. Bacon.

There were 13 members of the public present in the audience and one representative of the press.

II. APPROVAL OF MINUTES OF JANUARY 12 and JANUARY 26 MEETINGS

ACTION A motion was made by R. Petersdorf and seconded by C. Ellis to approve both the minutes of the January 12 and the January 26, 1989, city council meetings. The voting was unanimous, and the motion carried.

III. BILLS AGAINST THE CITY

ACTION A motion was made by E. Fillman and seconded by E. Landwehr to pay the bills against the City in the amount of \$3,678.30. The voting was unanimous, and the motion carried.

IV. RECEIPTS OF THE SESSION - \$7,663.39

V. ANNOUNCEMENTS AND CORRESPONDENCE

A. Cable TV Meeting. The mayor announced that the cable tv meeting scheduled in Cottage Grove on January 11 was so sparsely attended because of the bad weather that it will be re-scheduled. The five scheduled to attend from Dunes City had been unable to attend the January 11 meeting, but will try to attend the meeting when it is re-scheduled. He asked the council members to keep the information they had been given.

B. C.C.I. Committee. The mayor said that he would like E. Landwehr to schedule monthly C.C.I. meetings to discuss a number of items that were to be brought up later in this meeting as well as to provide a public forum for citizen concerns. E. Landwehr said that she is trying to form the committee at this time.

- B. Ordinance Amending Ordinance #98. This ordinance amendment would delete the language limiting the terms of office of the chairman and vice-chairman of the planning commission.

The public hearing was opened at 8:25 p.m. It was announced that this ordinance would be Ordinance #122. The mayor explained the proposed ordinance.

Galen Chapman said that he was against changing the ordinance because, if changed, it would allow a hierarchy to develop and suggested that rotating the chairmanship among the various commission members would eliminate that possibility.

The mayor explained that Chairperson Miller's term of office had expired and that no one remaining on the commission was willing to accept the position.

The public hearing was closed at 8:29 p.m.

ACTION

A motion was made by R. Petersdorf and seconded by C. Ellis to have the first reading of Ordinance #122 by short title only. The voting was unanimous, and Attorney Gerber read the proposed ordinance by short title as follows:

"An Ordinance continuing a planning commission for the City of Dunes City; amending Ordinance No. 98".

ACTION

A motion was made by E. Fillman and seconded by R. Petersdorf to accept the first reading of Ordinance #122.

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

NAYE: None

The motion carried.

ACTION

A motion was made by E. Fillman and seconded by C. Ellis to have the second reading of Ordinance #122 by short title only and to declare an emergency. The voting was unanimous, and Attorney Gerber read the ordinance by short title as above.

ACTION

A motion was made by R. DePiero and seconded by C. Ellis to accept the second reading of Ordinance #122 and to declare an emergency.

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

NAYE: None

The motion carried.

Mayor Eastman told the council that this ordinance amendment would change the ordinance in the codified ordinances on page 8-6 Section 4 subsection (3).

P. Tout questioned what constitutes an emergency. Attorney Gerber responded that an emergency is whatever the City determines it to be. In the case of Ordinance #122, the emergency existed because the vice-chair had resigned and the present chairperson had exceeded her allowed term and no one else on the commission was willing to assume the position.

VIII. REPORTS

- A. Special City Allotment Program. The mayor said that he would like the Road Committee to submit the names of roads for which it would like the City to apply for funding under the Special Cities Allotment program. The deadline for submitting proposals is July 1.
- B. Westlake Resolution 10-13-88. The mayor explained the history of how Resolution 10-13-88 evolved and followed by reading the resolution.
- C. LCDC Grant. K. Aitken reported that the City had requested ideas from city council members for funding under an LCDC grant. She had talked with LCDC representatives about the proposed ideas. The discussion with LCDC had resulted in trimming the list to three ideas which were listed and sent to be included with other ideas submitted from other cities. All suggestions will be ranked for priority.

The three ideas submitted by Dunes City were:

1. Shoreland Zone Enforcement. K. Aitken read the description of what this would entail.
2. Sewer System Feasibility Study for the Woahink Lake area of Dunes City.
3. Sewer System Feasibility Study for the Westlake area of Dunes City.

K. Aitken said that LCDC had indicated that the last two items would probably be low on the list.

- C. City Inventory of Real Property. K. Aitken said that she will advertise prior to the March city council meeting and request information on property that the City may own.
- D. Nameplates. The City staff had obtained cost estimates from Emile's Engraving for making engraved nameplates for the mayor and city council members. The council discussed the proposed costs and declined to authorize funds to purchase nameplates.
- E. L.C.O.G. K. Aitken announced that the LCOG meetings will be held on the fourth Thursday of each month.
- F. Missing Books. K. Aitken mentioned to the group that one new Comp Plan and Ordinance Compilation Book #10 are missing from the City office. She asked those present to please check to see if they may have either of those.

VI. CITIZEN INPUT ON UNSCHEDULED ITEMS

- A. Office Expansion. John Carlson thanked the council for the work that had been done on Ocean Boulevard before the City had run out of rock. He said some of the citizens had added additional rock. Mayor Eastman said that they should bill the City for the cost of the rock they used. Mr. Carlson indicated that they would consider it a donation. Carlson presented a sketch for an expansion of the Dunes City office space. The mayor said that he wished it would be possible for the City to expand its office space. However, he said, the City is limited to the present space by its agreement with the Sportsman Club.

VII. PUBLIC HEARINGS

Before the public hearings began, R. Petersdorf questioned the format of the two proposed ordinance changes the city council members had received in their packets. Each had a line indicating the mayor's signature following approval with the words "Approved by the mayor". Petersdorf asked if that was necessary when the ordinances were actually approved by the city council. Attorney Gerber explained that the mayor is approving that the document before him is, in fact, what was approved by the city council.

- A. Ordinance Amending Ordinance #106. The mayor opened the public hearing at 7:45 p.m. The mayor asked if it is necessary to draft an entirely new ordinance to change one word in an existing ordinance. Attorney Gerber responded that, if the one word to be changed is a typographical error, it may be changed by resolution.

However, if the one word being changed substantially alters the meaning of the ordinance, then it must be changed by ordinance, Gerber said.

Ordinance #106 regulates the use of streets. A road permit is presently not required if excavation of the road is done in conjunction with a building permit. John Carlson said that he thinks excavation of the road should be forbidden in any case. R. Petersdorf had proposed a change to the ordinance to prevent freshly paved or up-graded roads from being excavated without city council knowledge and permission.

The public hearing was closed at 7:51 p.m. The council discussed the proposed change to the ordinance. R. DePiero expressed the opinion that the best way to lay pipe or conduit under a road is to drive it under the road rather than to tunnel under or to cut the road surface.

John Carlson had suggested that a bond be required of anyone cutting the road surface. He suggested that the bond be held by the City for at least six months to allow the road time to settle after being repaired to be certain that the repairs would be adequate. C. Ellis thought that requiring a bond would be a good idea. R. DePiero said that he thinks a bond should be required for 12 months so that the road can weather through a rainy season and to have adequate time to show damage.

ACTION

A motion was made by R. DePiero and seconded by C. Ellis to re-open the public hearing to allow the public input on the proposed inclusion of the additional language. The voting was unanimous, and the public hearing was re-opened at 8:03 p.m.

Galen Chapman, a contractor, expressed the opinion that if the bond and time limit is imposed, a contractor may have to come back every year to repair chuckholes at each end of a road cut. R. DePiero said that it is not the City's intent to penalize professionals but to ensure that amateurs are not cutting the road and inadequately repairing it.

The public hearing was closed at 8:12 p.m.

There was considerable council discussion of the proposed additional language.

R. DePiero said that a professional has an attachable bond in force that an amateur would not have.

R. DePiero thought Ordinance #121, amending Ordinance #106, should be tabled so that the staff could re-write the proposed ordinance including the proposed language about requiring a bond for a certain time period. He thought this should be done before the city council voted on the proposed ordinance change.

There was considerable discussion of the pros and cons of driving a pipe under the road.

Attorney Gerber had been taking notes during the council discussion and read the following tentative language:

"A bond must be posted which is acceptable (amended in further discussion to \$1,000). Said bond to remain for a period of one (1) year. The bond should be for the purpose of ensuring that the street is restored to a level surface and remains level for a period of one year. The City will give the applicant notice of any violations and a ten-day opportunity to repair the defect. If the applicant does not correct the deficiency within ten days or within a longer time period, if allowed by the City, the City will then be entitled to repair the street and move against the bond."

ACTION

A motion was made by E. Fillman and seconded by R. DePiero to table action on Ordinance #121 until the March city council meeting and to continue the public hearing at that meeting.

There was discussion prior to the vote being taken. It was suggested that the ordinance and amendments be referred to the Road Committee before the next city council meeting. Phil Tout, chairman of the Road Committee, said that he thought the Road Committee was not qualified to draft language; and he thought that the legal verbalization should be done by Attorney Gerber.

Attorney Gerber said he thought the language should be reviewed by the Road Committee prior to the next city council meeting. He said that he usually gives Kathleen Aitken first opportunity to draft language if she feels comfortable doing it. K. Aitken said that she would try drafting the language change and asked Attorney Gerber to please leave his notes with her.

The vote was taken on the motion to table. The voting was unanimous, and the motion carried.

- D. Tourism and Advertising. H. Hodson, Chairman of the Tourism and Advertising Committee, presented the council with a written report outlining several suggestions for promoting Dunes City with cost estimates and deadlines for taking action on the suggestions. He said that he does not presently have a committee because he does not talk on the telephone and had not wanted to drive following the recent heavy snowfall and icy conditions.

He reviewed each item in his report with the council.

The mayor thanked Hodson for the excellent work he had done in gathering the information and preparing the report, but he added that he thought the information should be brought before the Tourism Committee for approval. Mayor Eastman thought that it was especially important that the businesses in Dunes City have a say in how the motel tax money is spent since it has been earmarked for advertising.

There was a discussion of advertising in the Oregon Coast Magazine. The deadline for receiving copy for the April-May issue was February 25. The cost of a quarter-page ad in this magazine runs \$315. per issue. The council was reluctant to authorize the expenditure without knowing whether or not it would meet with the approval of the Tourism Committee. There was a discussion of advertising in a later issue, but it was felt that the April-May issue receives wider circulation and attracts tourists for the beginning of the peak tourist season.

R. DePiero said that he was reluctant to authorize the full expenditure of the \$2200. earmarked in the budget for advertising without knowing how it was going to be spent. He said that he would like to see how the committee intends spending it before granting authorization.

Dusty Ambrosio of Darlings Resort said that he did not like Dunes City to have authority over how the money is spent. R. DePiero explained that Dunes City has the authority because it is tax money and the city council is responsible to see that it is well spent.

ACTION

A motion was made by R. DePiero and seconded by E. Fillman to authorize the expenditure of \$315. to advertise in the April-May issue of the Oregon Coast Magazine if the majority of the businesses and committee members chooses to do so.

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

The motion carried.

- E. Financial Statement. The council had received in their packets a revised financial statement. A new column entitled "Received Over Budget" had been added to page 6 of the financial statement.

The mayor had also prepared another sheet showing where the City's money is banked and how much it is earning in interest. One of the City's certificates of deposit was due to mature the week following this meeting. The mayor had checked interest rates from local institutions as well as with Shearson in Eugene. He found that if the City had deposited its money with Shearson it would have earned \$2,831. more than it earned locally. The mayor said that when the certificate of deposit matured the following week he was considering depositing the money out of town if it could earn a higher rate of interest and still be fully insured.

R. Petersdorf said that he is against doing that. Mayor Eastman said that he thinks the City is obligated to handle the money in the best way possible for the citizens whereas individuals may deposit their money wherever they want.

E. Fillman said that he thinks the City's money should be invested in the neighborhood, and C. Ellis agreed. R. Petersdorf said that he thinks local banks have done a good job for the City, and he thinks the money should be left locally.

John Carlson said that U.S. Treasury bonds pay the highest returns and are insured by the U.S. Government.

R. DePiero pointed out that only two banks in Florence are actually "local" banks since the rest are branches of banks with headquarters elsewhere. His statement was later amended when it was pointed out that Siuslaw Bank actually has its headquarters elsewhere.

R. DePiero said that he feels the city council, in this instance, is in the position of being "damned if you do and damned if you don't".

ACTION

A motion was made by R. Petersdorf to continue to deposit the money in the three Florence banks. He excluded Family Federal Savings and Loan from his motion. The motion died for lack of a second.

P. Tout commented that, in his opinion, it does not matter whether the bank's headquarters are here or elsewhere. As long as the bank is maintaining a branch here and hiring employees out of this community, "the funds that are being generated through profits are coming back to the community through the employees and their expenditures, etc."

Attorney Gerber said that he does not think O.R.S. spells out where the City must deposit its money, but he said that, as members of the city council, they are "fiduciaries" obliged to manage the City's money in a prudent, businesslike fashion. He said that, as a city council, one of the considerations should be what effect the City's banking practices will have on the local economy. Leaving the money in local banks may help local business, on one hand; but on the other hand, the council may decide that its \$100,000 may not have much effect and may deposit it out of town because it earns considerably more interest. He advised that, in his opinion, the City could make either decision and be considered prudent. He further advised that the City must be sure that the money is deposited where it is insured by F.D.I.C. or F.S.L.I.C. He further advised that if the City decides to invest with Shearson it should direct staff to check with the State Treasury Department to be certain that would be an acceptable investment and if that is the sort of direction "they" would take.

ACTION

A motion was made by E. Fillman and seconded by R. Petersdorf to keep the City's money in one of the local financial institutions and to research which of the local institutions will give the highest yield. The voting was unanimous, and the motion carried.

- F. **LCOG Dues.** The City's secretary had prepared a list of services LCOG has provided to Dunes City and others it could provide to the City if there was a need. K. Aitken read the list to the audience. That list is attached with these minutes. The staff had been directed to prepare the list so that the council could decide whether or not to continue paying dues to LCOG.
- G. **Road Committee.** P. Tout, Road Committee Chairman, said that the committee had worked on a set of road standards. The committee listed four (4) classes of roads and designated them as Class A through Class D with recommendations for each. Those recommendations are available in the minutes of the Road Committee and are on file in the City office. The committee stressed that on Class B roads in subdivisions it would like to see the City require adding 8 feet of width to each side of the right-of-way. This would bring the total required right-of-way to 66 feet.

The suggestion for a 66-foot wide right-of-way was for situations where on-street parking was contemplated.

The mayor said that he would like the council to have more time to review the recommendations of the Road Committee and, perhaps, have some public hearings before making a decision on the recommendations.

Attorney Gerber said that at some time the City will have to amend the Subdivision Ordinance and maybe the Zoning Ordinance to incorporate the suggestions of the Road Committee. At that time it will be necessary for the City to have public hearings; but for now, the Road Committee is working through the City's road problems one step at a time. Gerber said that once the council has considered each suggestion presented and reached a consensus then the City will do one ordinance amendment, one public hearing, and incorporate all of the approved changes.

The mayor suggested that the city council postpone making a decision on the amended road right-of-way width until the March city council meeting. E. Fillman said that he will not be at the March city council meeting and wanted to comment now that he thinks the Road Committee has done an excellent job, but he questions the 66-foot width.

- H. Committee Meetings. R. Petersdorf said that he will begin going to the LCOG meetings again. And he said he would begin holding Master Road Plan meetings again the week following this meeting.

Mayor Eastman reminded committee heads to check with the staff before scheduling their meetings so that they can coordinate the use of the building.

- I. Lane County Commissioners. Mayor Eastman asked city council members to be thinking of items they would like to discuss with the Lane County Commissioners the next time the commissioners meet with Dunes City. The last time the commissioners met with the City, they commented later that Dunes City has the largest turn-out and the most input of any city they have visited in the county.
- J. Zoning Ordinances. The mayor said that the City is out of copies of Zoning Ordinances and is going to check to see if it would be cheaper to run the copies on the City's copier or have them printed.

- K. **Nursing Homes.** The staff had pointed out that the City has a definition of a nursing home in its Zoning Ordinance, but the City makes no allowances for them either as a permitted or conditional use. The mayor asked the city council what its consensus would be for handling the question of nursing homes.

R. DePiero said that he thinks the City should drop the definition of a nursing home from its Zoning Ordinance since it is not allowed either outright or as a conditional use. Since a nursing home is a commercial use and since the Comp Plan indicates that the City will have no further commercial development, he thought the definition should be dropped.

H. Hodson, E. Fillman and R. DePiero said that they thought the definition should be dropped from the Zoning Ordinance. Since the mayor also agreed that it should be dropped, the majority opinion was to direct staff to begin "whatever paperwork is necessary to implement the changes".

- L. **Florence Futures.** The mayor has been attending the Florence Futures meetings and thought that the last meeting where an all-event center was discussed for the community was a fantastic meeting. He encouraged anyone who was interested in the community to attend those meetings when they are scheduled.

IX. UNFINISHED BUSINESS

- A. **Road Length.** The mayor explained that the Road Committee had requested that the city council adopt the proposed road lengths as presented and prepared by the mayor and Keith Watson.

ACTION

A motion was made by R. Petersdorf and seconded by E. Landwehr to adopt the Findings of the Road Committee and to adopt the road length information attached with the January Road Committee minutes. Since the list is hand-written, R. Petersdorf further moved that the list be typed duplicating the information as it is presented.

Before the vote was called for, P. Tout asked that the City's attorney review the documentation to be certain that City streets are, in fact, City streets. P. Tout said that he thinks the City should have deeds to verify that the City does own certain streets.

The mayor said that he would prefer to pay a title company \$35 an hour to research the title to the streets than to pay the attorney \$60 an hour to do the same thing.

Attorney Gerber said that the motion made to approve the road length list is step 1. He thinks step 2 would be to open a file on each street with documentation for each street included in that file.

The vote was called for, the voting was unanimous, and the motion carried.

- B. **Booth Island.** The planning commission had recommended that the Open Space overlay on the unplatted portion of Booth Island be retained. Attorney Gerber represents Robert Jenkins, the owner of the unplatted portion, and he had suggested that the City refer the matter to Paula Bechtold of Bechtold and Laird, attorneys at law, of Coos Bay.

The city council members had received copies of Ms. Bechtold's opinion in their city council packets. It was Ms. Bechtold's opinion that, since Robert Jenkins had recorded his deed to the property two days after the Open Space overlay zone had been imposed on the property, the City would not incur any civil liability by retaining the Open Space overlay zone on the property.

Mayor Eastman asked the attorney if there was any action the City needed to take to retain the Open Space overlay zone since it is already in place. Gerber responded that no action was necessary. The mayor said that the Open Space overlay zone would be retained and the information filed in the Booth Island file.

- C. **Mary Watts.** Attorney Gerber had written a memo to the city council concerning the property of Mary Watts - specifically the travel trailer on the property. Attorney Gerber advised that there is, apparently, no septic system or septic approval for the travel trailer. Therefore, it was not a legal use when it was installed in 1967 and is not a grandfathered structure.

There was discussion of asking Mrs. Watts to remove the travel trailer. R. Petersdorf pointed out that property owners are allowed to keep RV's on their property; they just aren't allowed to live in them.

ACTION A motion was made by C. Ellis to do nothing regarding the travel trailer on the property of Mary Watts. The motion died for lack of a second.

ACTION A motion was made by R. Petersdorf and seconded by E. Fillman to write a letter to Mrs. Watts informing her that she may keep the travel trailer on her property but that it cannot be lived in or rented out. However, she may keep the travel trailer as a travel trailer as defined in the Zoning Ordinance. The voting was unanimous, and the motion carried.

D. James Archer Variance Request. The mayor pointed out that when the motion of approval was made for the variance for James Archer a condition that the spoils (dirt created by the excavation of the home site) be carried off site. It had been discussed during the public hearing, and the mayor wondered if it was the council's intent to include it as a condition so that it will not end up being pushed into the lake.

The secretary said that she had notified Mr. Archer that the spoils from the excavation would be discussed at this meeting and possibly made a condition of approval that they be carried off site. Mr. Archer said that he would have no objection to that, but he added that during the discussion he had mentioned that he would like to use some of the dirt for backfill around the house.

Attorney Gerber advised that if the council decides to amend the original motion to include an additional condition, the person who made the original motion should make the motion to amend the motion to include the additional condition.

ACTION A motion was made by R. Petersdorf and seconded by E. Fillman to amend his original motion approving a variance for James Archer to include as a condition that the spoils created by excavation be carried off site except for that portion that is necessary for backfill around the house. The voting was unanimous, and the motion carried.

E. Recess. The mayor called for a recess at 10:42 p.m. The meeting was reconvened at 10:47 p.m.

X. NEW BUSINESS

- A. **Planning Commission Applications.** The mayor announced that the City had received six applications for the planning commission seat vacated by the resignation of Julie Olson. It had been suggested that a committee review the applications and interview the applicants.

The city council consensus was to appoint a committee to interview the applicants and select no more than three finalists for the council to review before making the final selection. The mayor asked for volunteers from the council. E. Landwehr, R. DePiero and C. Ellis volunteered to serve on the committee. M. Miller from the planning commission was to be asked to serve along with one other planning commissioner. K. Bacon and K. Aitken also volunteered to serve on the committee.

An interview session was scheduled for Monday, February 13 at 7:30 p.m. K. Aitken said that she would notify the applicants.

ACTION

A motion was made by C. Ellis and seconded by H. Hodson to extend New Business beyond 11 p.m.

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

The motion carried, and the meeting continued.

- B. **Copier.** It was announced that Western Auctioneering would charge 15% to auction the City's retired copier. It was further reported that the City does not have to advertise the copier. The city council agreed to have Western Auctioneering auction the copier.
- C. **Site Review Committee.** The mayor asked if the city council had thought of anyone to appoint to the Site Review Committee. He pointed out that the Site Review Committee is required as part of the Soil Erosion and Vegetation Ordinance #59. He said that the matter will be discussed at the March city council meeting.
- D. **Zoning Ordinance Re: Non-Conforming Structures and Comp Plan Growth Policy.** The mayor said that he would like E. Landwehr to schedule a C.C.I. meeting to discuss perhaps amending the Zoning Ordinance section regarding non-conforming structures and to review the growth policy of the Comp Plan.

- E. **Building Rental.** K. Aitken presented the council with a proposed fee schedule for building rentals. Corine Gehlke asked about the words "Residents of Dunes City" following "non-profit organizations". After discussion, it was decided to delete those words. Mrs. Gehlke also reminded those present that Dunes City signed an agreement with the Sportsmans Club to charge an additional \$5 rental to any group that wanted to use the kitchen. This additional charge was to be placed into a fund to purchase new equipment for the kitchen as the old equipment wore out. It was pointed out that whether or not the City charges the additional \$5 fee, the City will be responsible to replace the stove or refrigerator in the kitchen when it wears out. R. DePiero said that replacing equipment could be paid for from the rental the City already charges.

Mrs. Gehlke said she also thinks the cleaning deposit should be increased. She thinks that a \$25 fee is inadequate to cover a broken window or plugged toilet. R. DePiero said that increasing the refundable cleaning deposit to \$50 would still not cover all the things that could go wrong.

The mayor polled the council, and the consensus was that the present refundable \$25 cleaning deposit was adequate. The mayor directed the staff to begin implementing the new building rental fee schedule that has been proposed.

F. **Mayors' Association.**

ACTION

A motion was made by R. DePiero and seconded by E. Landwehr to authorize paying the \$50 dues for Mayor Eastman to join the Oregon Mayors' Association. The voting was unanimous, and the motion carried.

- G. **Goal Setting Session.** February 21 at 7:30 p.m. was set as the date for the council's goal-setting session.

- H. **Housing Survey.** The discussion of the housing survey was postponed until the March city council meeting.

- I. **Contract Review Board.** The model ordinance prepared by the League of Oregon Cities, according to Attorney Gerber, should be adequate to cover the City's needs. He added that, if the City ever gets into a big building project, it may need to adopt something more

elaborate.

The mayor asked Attorney Gerber to advise the city council as to what it is allowed to do within the parameters of the City Charter. The mayor said that his preference would be to establish a purchasing agent. It was the consensus of the city council to have Attorney Gerber review the City Charter and advise what the City may do.

- J. **New W.C.C. Resolution.** The mayor opened discussion of this item by saying that the earlier Westlake Community Committee (W.C.C.) resolution had been returned to the city council from the committee that had included members of the community, staff and city council. And the city council had approved the recommendation of that committee and had not arbitrarily changed the proposed resolution.

R. DePiero said that he had served on the earlier committee when the first W.C.C. resolution had been proposed. He said that it is his opinion that, if the W.C.C. now wants to have another resolution read on a biennial basis, members of the committee should have it scheduled on the agenda and could read it in its entirety; but he was not in favor of the city council adopting another resolution.

C. Ellis suggested that the C.C.I. committee discuss the W.C.C. proposal; and, if the committee wants to make a recommendation for action on a particular item included in the proposed resolution, it can make a recommendation to the city council.

John Carlson wanted the city council to accept the proposed resolution without change. He said that if it was changed, the W.C.C. would not accept it as its resolution.

A heated discussion arose as John Carlson again brought up the issue of the Westlake Post Office which R. DePiero said the city council considers a dead issue and long ago dropped the idea of pursuing it. The U. S. Postal Service has informed the City that the city council would not have any say in changing the name.

MEMO TO: City Council Members

FROM: Kay

DATE: February 9, 1989

SUBJECT: L-COG

Following is a list of things that LCOG has or could provide for the City:

1. LCOG mails to us, at our request, a computer print-out of the property owner information that we use in sending out public hearing notices.
2. LCOG is currently working with the Master Road Plan committee in providing technical assistance and guidance.
3. LCOG worked with the City of Eugene in preparing a report for wetland protection and mitigation. They could also provide the same assistance for Dunes City, if requested to do so.
4. LCOG provides hearing official services for the City of Eugene, Lane County, and currently three small cities within Lane County. If needed, the City could also request hearings official assistance.
5. LCOG provided needed technical assistance and guidance during the City's most-recent periodic review and update of the Comprehensive Plan. LCOG also was responsible, under contract, for the final printing of the Comp Plan. We were unhappy with the length of time it took for the printing, but we were very happy with the help they gave with the periodic review and update.
6. LCOG provides a variety of professional services to the Lane County Local Government Boundary Commission. The City indirectly benefited from this during the Westlake withdrawal request.

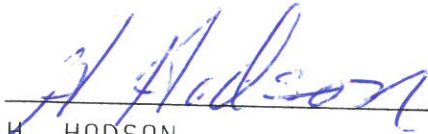
LCOG has sent several booklets to the City that outline the services that are available. These booklets are available at the City office to anyone who would like to review them further. I have given only a brief overview based on our past experience.

XI. ADJOURNMENT

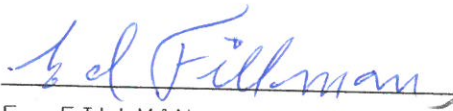
ACTION A motion was made by E. Fillman and seconded by R. DePiero to adjourn the meeting, and the meeting was adjourned at 12:10 p.m.



MAYOR D. R. EASTMAN


SECRETARY K. BACON

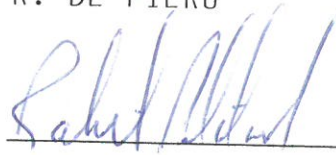

H. HODSON


E. LANDWEHR


E. FILLMAN


R. DE PIERO


C. ELLIS


R. PETERSDORF

DUNES CITY COUNCIL

GOAL SETTING SESSION

February 21, 1989

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Darryl R. Eastman.

PRESENT: H. Hodson, E. Landwehr, R. DePiero, Mayor Eastman, R. Petersdorf, C. Ellis and secretary K. Bacon.

ABSENT: E. Fillman was absent.

II. GOAL SETTING

The mayor asked R. DePiero to begin by suggesting the goals he would like to see the City pursue. Before listing his goals, DePiero explained to the new council members and those in the audience how past goals had been established and accomplished.

R. DePiero:

1. He said that he still finds the idea of a City business license appealing. He thinks it would benefit the entire City, the monetary contribution would be small, and there would be a measurable benefit to the community.
2. Communication between the community and council.

R. Petersdorf:

Petersdorf prefaced his goals by stating that the goals the council selected at this session would "not be set in concrete". He said that citizen input would determine whether the goals should be pursued.

1. Master Road Plan for the city.
2. Weed problem in the lake.
3. Communication with all facets of Dunes City.

C. Ellis:

Ellis asked if, once suggestions are finalized, the council sets dates projected for accomplishment. It was pointed out that some of the goals are on-going items without a specific date required for accomplishment.

Ellis said that he would like to see the list of suggestions prioritized. R. DePiero said that he would like to see the council list the suggestions, publish the list and ask for additions to the list of goals that the City could strive for.

Chuck listed the following suggested goals:

1. Complete a minimum set of road standards for all new and old roads.
2. Complete a plan to expend all budgeted road funds on road improvements.
3. Review and update all City ordinances.
4. Set up a purchasing agent and/or contract review board for the City.
5. Form citizen budget committee.

H. Hodson:

1. Hodson would like to see the City join the Florence Area Chamber of Commerce. He said that the dues are \$50 per year. Mayor Eastman said that by joining the Chamber of Commerce, the City would be entitled to display brochures about the City and businesses within the City at the Visitor Information Bureau in Florence.
2. Better communication
3. Road improvements.

E. Landwehr:

1. She said she would like to see the City clear up "back logs". She gave the examples of the Mary Watts and Al Miller situations.
2. Shorter meetings. She said that it makes it very difficult, too, to receive things that must be read when they arrive before the meeting begins. She asked if that could be eliminated.

There was a discussion of how to shorten meetings. R. DePiero said that if the council ends the meeting before covering everything on the agenda, it only adds to the backlog of things that must be taken care of.

Landwehr asked if Attorney Gerber could get his information to the City sooner so that it could be included in the packet. The mayor explained that very often the attorney reviews his packet and then sees a need for the memos he sends.

R. Petersdorf suggested that any time information is distributed just prior to a meeting that relates to an agenda item, he thinks that item should be tabled.

3. Road maintenance. Landwehr said that she would like to see better upkeep of the roads. Mayor Eastman said that, since the City does not have its own equipment, it must rely on doing the major work as the equipment can be mobilized in the area. Otherwise, it must rely on the Director of Roads and what he can handle from his own pickup truck (in the way to distributing rock).
4. Proper lighting in residential areas. Landwehr said that there are some areas of the City "that are totally black". DePiero and the mayor explained that in the past whenever a citizen wanted a street light in a certain area, they only needed to ask the city council and the City has, with only one exception, requested a light from P.U.D. for that area. They asked Landwehr to let them know the areas in question that needed more lighting. She said that she would check into it further.
5. Weed problem in Siltcoos Lake. She said that, apparently, weed harvesting was tried in the past. She said that her information was that the State had wanted half the profits from the operation and the operation was dropped. She wondered if the City should consider harvesting as a solution to the weed problem.

Mayor Eastman said that there are those in the Westlake area who do not think there is a weed problem, and there are those who think that there is. He has left the problem with Evelyn Strenke to try to work with the two opposing views on the issue.

D. Eastman:

1. Road standards
2. Master Road Plan.

3. Community Involvement

He stated that if the City gets into having a business license, he does not want to see the City pursue it as a money-making venture. R. DePiero said that he would be against a business license, too, if it is established solely as a money maker.

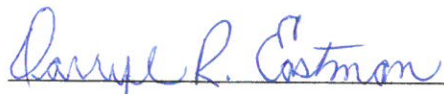
The mayor reviewed C. Ellis's suggestion for forming a budget committee. He said that he learned recently at a budget workshop that the City is required by law to form a committee that consists of the council, a lay group in a number equal to the number of council members, and a budget officer. The members are appointed for a three-year term, and the terms are staggered.

The suggestions were reviewed, and the following are the final suggestions and the priority they were assigned:

1. Communication/ Community Involvement
2. Road Standards
3. Master Road Plan
4. Shorter Meetings
5. Business License. There was further discussion, and it was determined that R. DePiero would draft what he would like to see in a business license after which he would have his work reviewed by the city attorney before it is submitted to the city council. The general idea was that it would be to regulate trades people who do business within Dunes City.
6. Review city ordinances
7. Establish a purchasing agent.
8. Improved Road Maintenance
 - A. Day-to-day basis
 - B. Scheduled improvements


III. ADJOURNMENT


The meeting was adjourned at 9:40 p.m.


MAYOR D. R. EASTMAN


SECRETARY K. BACON


E. LANDWEHR


H. HODSON


R. DE PIERO


R. PETERSDORF


C. ELLIS

DUNES CITY COUNCIL

REGULAR MEETING
March 9, 1989

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF February 9 and February 21 MEETINGS
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VII. PUBLIC HEARINGS
 - *A. Conditional Use Permit - Lyle Larson, applicant
 - *B. Conditional Use Permit - Richard Anderson, applicant
- VIII. REPORTS
 - *A. C.C.I. - Changing Zoning Ordinance
 - *B. Miller Variances - Attorney Gerber
 - *C. Kiechle Arm Road - Road Committee
 - *D. Ordinance #106 - Road Committee
 - *E. Paralegal Services
 - F. Annual Financial Report FY 87-88
 - G. Pending Legislation - Telephone Franchise
- IX. UNFINISHED BUSINESS
 - *A. Phil Tout Conditional Use Permit Conditions
 - *B. Appointment of Planning Commissioner
 - C. Extension of Johnson Rock Contract
 - D. Site Review Committee
- X. NEW BUSINESS
 - A. Appointment of Budget Officer and Committee
- XI. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- XII. ADJOURNMENT

NOTE: Items with an * beside them indicate that there is related printed material in your packet

DUNES CITY COUNCIL

REGULAR MEETING

March 9, 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. De Piero, Mayor Eastman, C. Ellis, R. Petersdorf, Attorney Ron Gerber, City Recorder K. Aitken, and secretary K. Bacon. There were 16 citizens present in the audience and no representative from the press.

ABSENT AND EXCUSED: E. Fillman

II. APPROVAL OF MINUTES OF FEBRUARY 9 and FEBRUARY 21 MEETINGS

It was mentioned that the minutes of February 9, page 4, should be amended to note that the motion tabling discussion of Ordinance 106 also stated that the public hearing would be continued at the March 9 city council meeting.

ACTION

A motion was made by C. Ellis and seconded by E. Landwehr to approve the minutes of February 9 and February 21 as corrected. The voting was unanimous, and the motion carried.

III. BILLS AGAINST THE CITY

ACTION

A motion was made by R. Petersdorf and seconded by C. Ellis to pay the bills against the City in the amount of \$4,252.53. The voting was unanimous, and the motion carried.

IV. RECEIPTS OF THE SESSION - \$7,137.33

V. ANNOUNCEMENTS AND CORRESPONDENCE

There were no announcements nor correspondence.

VI. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

VII. PUBLIC HEARINGS

A. Conditional Use Permit - Lyle Larson, applicant. The mayor opened the public hearing at 7:41 p.m. C. Ellis declared that he had attended the planning commission meeting. R. DePiero declared that he is a neighbor of the applicant and had discussed the request with him.

R. Petersdorf and Mayor Eastman said that they had each visited the site.

Although the applicant lives in Canada and was unable to attend, his contractor, Allyn Wilson, was present. Mr. Wilson said that, contrary to the information given in testimony at the planning commission hearing, pressure treated plywood is available. E. Landwehr asked if pressure-treated plywood is treated with chemicals which could leach into the lake. Mr. Wilson responded that yes it could leach into the lake. He was asked if there was anything else he could use that would work as well. He replied that he did not know of anything else. He said that this plywood is similar to an all-weather plywood that is used for foundations.

R. DePiero said that the point of chemical-treated lumber has come up before, and there is concern about long-term effects of those chemicals on water quality. DePiero said that he is particularly interested since he draws his water from the lake right beside the applicant's dock. The applicant also draws his water there. DePiero asked if there was a cedar or redwood or other lumber that could be used that would accomplish the same thing without the chemicals.

Wilson responded that you could not use cedar for posts since it is not meant for structural support. However, they plan to use cedar for the decking.

There was a memo in the packets from Attorney Gerber regarding issuing building permits for docks and boathouses. Although the Comprehensive Plan recommends that the City should issue building permits for docks and boathouses, the building inspector advised the City that he has no authority to issue building permits for structures in the public way. The lakes are defined by the state to be public ways. Attorney Gerber advised that the City may amend the Comp Plan by changing the reference to "building permit" to "conditional use permit".

The secretary had written to the Waterland Management Section of the Division of State Lands requesting clarification on what the state requires for a dock or boathouse.

The mayor also asked the secretary to telephone the day of this meeting so that the council could have a response prior to this discussion. She reported that

the state had told her that if a dock or boathouse exceeds 1,000 square feet, the state requires the owner to obtain a lease from the state. The state has no interest in docks or boathouse under 1,000 square feet unless they impede navigation.

There was considerable discussion of the City's right of jurisdiction. Attorney Gerber said that docks and boathouses are handled as conditional use permits so that the City can place conditions on the permit that the council feels are reasonable, "and it is left to the council to determine what is reasonable -- subject to abuse", Mr. Gerber said. Attorney Gerber replied in response to a query from the audience that the materials themselves can be subject to the conditions of a conditional use permit.

Phil Tout suggested that the applicant use pre-formed concrete posts. He asked Mr. Wilson if he would consider that alternative. Mr. Wilson said that it would probably be more expensive than the pressure-treated posts. Mr. Tout said that the expense did not particularly concern him when he was drinking the water.

The public hearing was closed at 8:03 p.m.

The council discussed the hazards of chemicals from pressure treating leaching into the lake.

Attorney Gerber advised that the applicant would have to build to conform with the plans approved by the city council. The City's ability to check for conformance was questioned since it was agreed that the City does not issue a building permit. R. DePiero asked if the City could make it a condition that the building inspector will inspect to make certain that it conforms to what was allowed and the City could pay him for the extra inspection.

It was suggested that it be made a condition for approval that the applicant reimburse the City for the cost of having the building inspector inspect for conformance.

It was also suggested that it be made a condition for approval that the applicant be prohibited from using pressure treated posts or plywood.

ACTION A motion was made by R. DePiero and seconded by R. Petersdorf to approve the Conditional Use Permit request of Lyle Larson to build a dock/boathouse adjacent to an existing dock he owns on Woahink Lake "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 move to adopt those Findings of Fact and Conclusions of Law in total with the following conditions and exceptions:

Planning Commission condition #1 would be excepted (removed), planning commission conditions numbers 2 through 5 are accepted, and the following conditions are added:

1. That no pressure-treating will be used in the posts or plywood.
2. That the applicant will agree to re-imburse the City for any inspection fees incurred by the City to ensure that the structure will be built in compliance with the proposed plan.

The voting was unanimous, and the motion carried.

B. Conditional Use Permit - Richard Anderson, applicant.

The public hearing was opened at 8:20 p.m. R. DePiero declared a conflict of interest and excused himself from discussion or voting. C. Ellis and Mayor Eastman declared that they had visited the property. R. Petersdorf said that he had looked at the property from a hill in South Shore subdivision.

The secretary displayed a transparency on an overhead projector of the plot plan of the property showing the location of the ponds, creek and pastures. R. Anderson indicated on the screen the pasture that is being used at this time. Dr. Anderson had requested a Conditional Use Permit to have 20 assorted livestock and 20 fowl. He said that he currently has five cows, 2 wiener pigs and one horse in addition to assorted fowl.

Anderson mentioned that the pigs had recently been acquired when a friend dropped by with the pigs, and Anderson had said that he would take them. He said that the pigs would be kept in an enclosure rather than pastured.

Anderson indicated that the livestock have been pastured in a pasture that is fenced on three sides but is not fenced on the west side. He has relied on brush on the west side to keep the animals contained. He said that he would fence all four sides of the pasture if the City requires it. He said that they have had cattle on the property for three years.

When asked how many fowl he currently has on the property, he replied that there are probably close to 20 fowl on the property at this time. Mayor Eastman said that he had counted 24 on the property when he had visited it the date of this meeting.

C. Ellis asked the applicant why he wanted to keep livestock. The applicant responded that he and his wife have kids and think that raising kids around animals is a great experience for them.

The applicant estimated that the area of the proposed pasture would be about 10 acres.

Herb Gunderson said that he thought it would be fine to allow the request since the applicant "obviously wants to keep the property looking nice".

John Carlson said that a topography map shows a definite slope to the lake from the north pasture. It was his opinion that the chemical and biological character of the lake would be changed by this conditional use permit. But, he added, that he would rather see farm use on the property rather than houses which he thought would have a greater impact on the area.

Karrie Mealy testified that the Dunes City Comp Plan states that wetlands will be preserved, and the Comp Plan shows that a lot of Dr. Anderson's property is wetlands. She added that there are others in the City who had been denied a similar use.

Donald Miller testified that Dr. Anderson's property is zoned residential rather than farm use; and it was his opinion that if this use is allowed, the City would have to allow the same use for others.

In his rebuttal, Dr. Anderson said that each application is reviewed on its own merits, and granting this application would not obligate the City to approve future similar applications.

The public hearing was closed at 8:56 p.m.

Attorney Gerber advised the council, if it intended to grant the permit, to require Dr. Anderson to map the boundaries of the wetlands on his property and fence uphill from those wetlands.

Attorney Gerber further advised the council not to specify the type of fence the applicant uses. He said that if the council requires the applicant to adequately fence the pasture to contain the animals, it will be up to the applicant to choose an adequate fence. However, if the council specifies a type of fence that does not adequately contain the animals then problems could result. He advised that the permit could be revoked if the applicant does not meet the conditions stipulated for approval.

The mayor polled the council for a consensus on the number of animals to be allowed. H. Hodson, E. Landwehr and C. Ellis thought that 20 head of livestock were too many. R. Petersdorf did not think 20 head of livestock were too many if the applicant plans to "dry feed"; he thought 20 head would be too many if he plans to pasture them.

It was stated that the City had received letters from W.O. Sherman, Mike Sherman and Darryl Helmuth each objecting to the application. At the planning commission public hearing, there had been three citizens testify against the application and a letter from Goodren Gallo opposing the request and one from Arnold Mentzer with no objection.

There was a further discussion of mapping the wetlands. Attorney Gerber suggested that the applicant have a professional whose credentials are acceptable to the City map the wetlands. The city recorder and secretary both said that this time of year is not the right time of year to map wetlands; it should be done in May or June when more of the land, with the exception of wetlands, has dried out.

Further discussion of desired numbers ensued. H. Hodson and E. Landwehr thought the applicant should be allowed 10 head of livestock excluding the pigs. C. Ellis thought the applicant should be allowed 10 head of livestock including the pigs. R. Petersdorf thought the applicant should be allowed 20 head of livestock excluding the pigs.

E. Landwehr said that she would like to table the discussion until the April meeting so that she would have time to review the conditions before granting approval. Mayor Eastman pointed out that there were already some suggested conditions before the council that had been recommended by the planning commission. If there are others that the council would like to add, they can be added to those recommended by the planning commission.

The council discussed the additional conditions they would like to add. They stipulated conditions for fencing, mapping the wetlands and limiting the numbers of animals which would include disposing of the young that might be born.

ACTION

A motion was made by R. Petersdorf and seconded by E. Landwehr to approve the request of Richard Anderson for a conditional use permit to have 20 assorted fowl and 10 head of livestock and two pigs because "I find by the weight of the evidence, the Findings of Fact and Conclusions of Law as adopted by the planning commission; and I move to adopt those findings and conclusions in full with the following conditions: "

1. That no livestock will be allowed to come within 100 feet of Woahink Creek, Woahink Lake, the wetlands on the property or the easterly property line.
2. That any erosion caused by defoliation by the animals will be corrected or the cause will be removed.
3. That any nuisance that arises as a result of this conditional use will be immediately abated.
4. That the applicant will fence the pasture on all sides to adequately contain the animals.
5. That the applicant will have a professional, whose credentials are acceptable to the City, map the wetlands and show where the fences will be in relation to the wetlands.
6. That the applicant will be limited to 10 head of mixed livestock plus two pigs (which will be penned separately). The applicant may have 60 days following their birth to dispose of any young.

The voting was unanimous, and the motion carried.

VIII. RECESS

The mayor declared a recess at 9:50 p.m. and reconvened the meeting at 9:55 p.m.

IX. REPORTS

- A. C.C.I. Committee Meeting. The council discussed the three alternative changes to Section 10 of the Zoning Ordinance that resulted from the C.C.I. meeting. The alternatives concern altering non-conforming structures.

It was explained that the first alternative is the way the building inspector is currently interpreting Section 10. R. DePiero explained that he had proposed the third alternative which would require someone with a non-conforming structure to apply for a variance if he wanted to remodel it in any way. DePiero said that he thinks this would give applicants the possibility of being able to expand or alter based upon its merits, but it would remove expansions of non-conforming structures from the discretion of the building inspector.

The City staff was asked to prepare a draft ordinance incorporating the three proposals for presentation to the planning commission at its March meeting. The council said that it would like the planning commission to make a recommendation to the council.

- B. Ann Miller Variances. Gerber asked permission to advise the Millers of the pending change in the language of Section 10 and the possibility that they may be allowed to proceed. The consensus of the council was that, since three of the councilors are new, changing the language regarding non-conforming structures in Section 10 of the Zoning Ordinance would merely make it possible for the Millers to re-apply for a variance.

Gerber suggested that it be handled as a remand rather than as a new application. He added that the City would not have to re-notify property owners -- just advertise and open the public hearing to consider any new material as it relates to the changes in the ordinance and then close the public hearing.

Attorney Gerber said that he would notify the Millers that the City is considering changing the language regarding non-conforming structures.

- C. **Road Report.** The council had been prepared to discuss repairs to Kiechle Arm Road in light of a proposed agreement on the part of the property owners on Kiechle Arm Road. However, just before this meeting was convened John Carlson had notified the council and staff that the owners had withdrawn their proposed agreement without comment. The council declined to proceed further.

It was suggested that Huckleberry Lane be submitted for re-vamping for \$25,000 from the Small Cities Allotment funds. Although it doesn't make a loop, "it does go someplace", stated Phil Tout, chairman of the Road Committee. Director of Roads Keith Watson was directed to work with the Road Committee in submitting an application for the Small Cities Allotment funds.

There was discussion of some changes to Ordinance 121 amending Ordinance 106. The attorney suggested the following changes to paragraph (3): "The applicant's licensed contractor must hold a surety bond in the amount of \$1,000 or a bond must be posted in the amount of \$1,000. . "(the rest of the language was the same). The mayor said that this would be discussed under the public hearing before the second reading.

- D. **Paralegal Services.** Attorney Gerber had requested authorization to use paralegal services and to bill the City at a lesser rate than his own for those services. There was discussion, and R. DePiero suggested that the City could try the arrangement, and if it didn't work, the City could discontinue the arrangement. However, it would save the City money as long as the paralegal Mr. Gerber uses can do the work in the same amount of time that it would have taken Mr. Gerber and as long as Mr. Gerber does not charge the City, too, for consulting with her.

ACTION

A motion was made by R. DePiero and seconded by C. Ellis to try the paralegal services offered by Attorney Ron Gerber on a 90-day trial basis to begin as of this date. The voting was unanimous, and the motion carried.

- E. **Audit.** K. Aitken announced that the audit is available in the City office for the fiscal year 87-88. The mayor told city councilors that they could stop by the office and pick one up if they wanted one.
- F. **Telephone Franchise Fees.** It was announced that there is legislation pending before congress which would significantly reduce the City's telephone franchise fees. The League of Oregon Cities is mounting a grass roots movement and lobbying to fight passage of the legislation.

ACTION

A motion was made by H. Hodson and seconded by C. Ellis to direct staff to write our congressional representatives stating the City's opposition to the pending legislation. The letter was to be signed, however, by the mayor. The voting was unanimous, and the motion carried.

- G. Census. The census will be taken in 1990. K. Aitken said that the City has been asked by the U.S. Department of Commerce to develop a Count Committee of volunteers. It occurred to the mayor and city recorder that the Count Committee could also include a housing survey at the same time. She suggested that the request be sent to the C.C.I. Committee for discussion and to find some volunteers.
- H. House Numbering. It had been suggested at the informal community forum held March 2 that the City consider instituting a system of house numbering on posts for easier identification during fires and other emergencies. H. Hodson, as fire commissioner, was asked to meet with Keith Watson and "Butch" Libby and discuss how the plan might work and make a report to the city council.
- I. Contract Review Board. The city council had received in its packets a proposed ordinance and resolution for implementing a Contract Review Board for the City. R. Petersdorf said that he would like to see the reference in the proposed ordinance to ORS 279.055 spelled out since most people reading the ordinance would not have access to Oregon Revised Statutes. Gerber said that he would leave a copy of that for the staff. R. Petersdorf also said that implementing this ordinance would require amending the City Charter.

The ordinance will be advertised for the first reading at the April city council meeting.

X. UNFINISHED BUSINESS

- A. Phil Tout's Conditional Use Permit. The city recorder had received a phone call from Mr. Tom Cherones. ~~he~~ is working toward fulfilling his part of the conditions for approval in having his deeds recorded.

ACTION

A motion was made by R. DePiero and seconded by C. Ellis to allow the applicant(s) an additional 45 days from today to fulfill the conditions. The voting was unanimous, and the motion carried.

- B. Planning Commission Appointment. The interview committee had selected as finalists Mr. Herb Gunderson and Mr. Dennis Klosterman and had recommended that one of them be appointed to fill the vacancy on the planning commission.

Each finalist was given the opportunity to address the city council. Following their statements, the council voted by signed ballot, and Dennis Klosterman was selected.

- C. Extension of Johnson Rock Contract. When the contract was let to Johnson Rock, it was stated that the contract be completed by January 31, 1989. It had not been completed, and the mayor said that the City would have to either cancel the contract or grant an extension.

ACTION

A motion was made by C. Ellis and seconded by R. DePiero to extend the contract of Johnson Rock for 120 days from January 31, 1989. The voting was unanimous, and the motion carried.

- D. Complaint on Cars at Canary Road. R. Petersdorf reported that he had checked on the cars at a lot on Canary Road within the City. He said that there are an abundance of cars on the lot. However, they are all owned by the owner of the lot, they all run, and they all have good tires on them.

- E. Soil Erosion Complaint. E. Landwehr reported that she had checked on the lot in South Shore Subdivision where the building is going on, and she had not seen any dumping of sand. She said she had been asked to check on the dumping of sand at the site, but Mayor Eastman said that she had been asked to check of clearing within the shoreland zone in violation of the Soil Erosion Ordinance.

The mayor asked that she review Ordinance 59 - the Soil Erosion Ordinance and visit the site again to check for violations through clearing in violation. He also asked that she check with Goodren Gallo who had called the violation to the City's attention.

R. Petersdorf suggested that Duke Wells be called to see if he would like to continue to be on the Site Review Committee.

F. Ordinance #106 Amendment. The Road Committee had recommended changing some of the words in the proposed Ordinance 121 that had been sent to them. They recommended removing the word "However" from paragraph (2) and changing the word "should" to "shall" in the third line of paragraph (3) of this ordinance. The council agreed with these changes as well as with the changes earlier suggested by Attorney Gerber regarding the surety bond.

ACTION A motion was made by R. Petersdorf and seconded by H. Hodson to have the second reading of Ordinance 121 amending Ordinance 106 by short title only. The voting was unanimous, and the attorney read the ordinance as follows:

"An ordinance amending Ordinance No. 106, regulating the use of City streets."

ACTION A motion was made by R. Petersdorf and seconded by C. Ellis to accept the second reading of Ordinance #121.

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

XI. NEW BUSINESS

ACTION A motion was made by C. Ellis and seconded by E. Landwehr to extend the meeting beyond the 11 p.m. deadline so that the council could consider New Business.

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

A. Appointment of Budget Officer and Committee. The mayor announced that there would be no more than two meetings for the budget committee to develop the budget for the new fiscal year.

ACTION A motion was made by R. DePiero and seconded by C. Ellis to appoint K. Aitken as the City's budget officer. The voting was unanimous, and the motion carried.

The mayor distributed to the council a proposed list of 17 names from which the City hoped to select seven (7) lay people to serve on the budget committee with the seven (7) council members.

ACTION A motion was made by R. DePiero and seconded by C. Ellis to direct staff to send letters to the suggested list of potential budget committee members asking if they would be willing to serve on the budget committee. The voting was unanimous, and the motion carried.

Name

Address

Allyn Wilson

1387 W. 20th

John Carlson

P.O. Box 126 Westlake, Ca 97493

Herb Canderson

Kari Mealy

5275 Kellogg, Davis City

Dennis

Klosterman

Dennis Klosterman

DENNIS KLOSTERMAN

Canderson
K. Mealy

Paul (Paul)

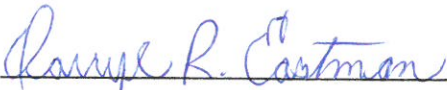
Dennis Klosterman


Ronald A. De Piero

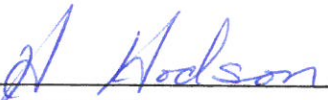
The mayor asked the councilors to retain their information on the Mary Watts situation and to bring it to the April city council meeting.

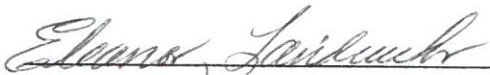
XI. ADJOURNMENT

The meeting was adjourned at 11:25 p.m.

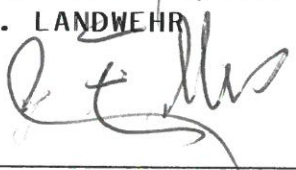

MAYOR D. R. EASTMAN


SECRETARY K. BACON


H. HODSON


E. LANDWEHR


R. DE PIERO


C. ELLIS


R. PETERSDORF

DUNES CITY COUNCIL

REGULAR MEETING
April 13, 1989

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. *APPROVAL OF MINUTES OF March 9th MEETING
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VII. PUBLIC HEARINGS
 - *A. First reading of Ordinance 123
 - *B. Variance - Robert McGuire, applicant
 - *C. Conditional Use Permit - Jack Freeland, applicant
 - *D. Conditional Use Permit - Jack Freeland, applicant
- VIII. REPORTS
 - A. Vegetation removal - Eleanor Landwehr
 - B. Vehicles, Canary Rd. & Greengate - Bob Petersdorf
 - C. Police Powers (the right to inspect property) - Ron Gerber
- IX. UNFINISHED BUSINESS
 - *A. South Shore Sub-Division fence (Ord. 99)
 - B. Appointment of Budget Committee
 - *C. Lyle Larson - Conditional Use Permit
 - D. City road miles
 - E. Approval of Tourism Committee expenditure
 - *F. Mary Watts - Abatement
- X. NEW BUSINESS
 - *A. Renewal Agreement - Bldg., & Plumbing Inspection
 - B. Cable TV Franchise Fees (Ord. 80)
 - C. Forest Practice Rules - Logging
- XI. ADJOURNMENT

NOTE: Items with * indicate related printed
material in packet