

DUNES CITY COUNCIL

REGULAR MEETING  
JANUARY 8, 1987

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF DECEMBER 11, 1986
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. REPORTS
  - A. McCaw Cablevision - Mayor
  - B. Any other reports council members may have
- VII. PUBLIC HEARINGS
  - A. The following ordinances: #110, #111, #112, #113, #114 and Resolution 1-8-87
- VIII. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- IX. UNFINISHED BUSINESS
  - A. Howard Brusseau - Revocation of Conditional Use Permit
  - B. Installation of New Council Members
- X. NEW BUSINESS
  - A. Master Road Plan
  - B. Diane Wagner/Mike Anderson - Quick Response Ambulance Team for Westlake
  - C. Letter of Credit for South Shore Subdivision - Bob Hartshorne
  - D. Planning Commission Appointments -
- XI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- XII. ADJOURNMENT

## DUNES CITY COUNCIL

### REGULAR MEETING January 8, 1987

#### I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 PM by Mayor James Baumeister.

PRESENT: D. Eastman, N. Johnson, R. Petersdorf, Mayor Baumeister, E. Fillman, R. De Piero, R. Donaghey, Attorney Ron Gerber, City Recorder Betty Stocking, and secretary K. Bacon. There were two representatives from the press and 7 citizens present in the audience.

#### II. APPROVAL OF MINUTES OF DECEMBER 17, 1986

**ACTION** The minutes were approved without corrections.

#### III. BILLS AGAINST THE CITY

There was a discussion of Attorney Gerber's bill. N. Johnson asked if Mr. Gerber would add a column to his bill where he could show a description of the subject discussed in the phone calls for which the City is billed. Attorney Gerber said that it is sometimes difficult with computer billing to add additional columns, but he said that he would try. Attorney Gerber said that he had discussed some matters with Bob Merz concerning Mr. Merz' proposed minor partition. Mr. Merz had agreed to re-imburse the City for Mr. Gerber's time. The charges came to \$72. The City will bill Mr. Merz for the amount.

**ACTION** A motion was made by R. Petersdorf and seconded by R. De Piero to approve the bills against the City in the amount of \$4,336.45. The voting was unanimous and the motion carried.

#### IV. RECEIPTS OF THE SESSION - \$4,674.04

#### V. ANNOUNCEMENTS AND CORRESPONDENCE

A. **Periodic Review Order.** The City had received a letter drafted by Gary Darnielle to James Ross of the Department of Land Conservation and Development. The letter was to request an extension of the Periodic Review order. The letter needed to be signed by newly-elected Mayor Nancy Johnson.

- B. **Lane County Notice.** The City had received a notice from Lane County concerning a temporary permit for Gary Foglio to have a portable chipper three weeks per year for five years within a Light Industrial zone. The hearing will be at 7 PM February 5 in the Lane County Florence Annex.
- C. **Ordinance Compilation.** The City had received a copy of a letter Attorney Gerber had sent to the Bureau of Governmental Research enclosing copies of Ordinances 96 through 109 to be included in the compilation.

## VI. REPORTS

- A. **McCaw Cablevision.** The City had received notice from McCaw's representative of McCaw's intent to sell the entire system. The City will receive official notice when the company is sold, Mayor Baumeister was told.

Attorney Gerber suggested that the City Council might want to schedule its tri-annual review of the cable franchise for March to give the new council members time to familiarize themselves with the franchise and give McCaw time to finalize any sale of the company.

Nancy Johnson said that she had had a call from Barbara Kelly of McCaw. N. Johnson said that she had told Ms. Kelly there was considerable dissatisfaction with McCaw in Dunes City. Ms. Kelly had wanted to meet with the citizens to learn of their dissatisfactions. It was thought that it would be helpful to have such a meeting where the citizens could air their complaints.

In response to a question from R. Petersdorf, Attorney Gerber explained how McCaw would be able to sell the company without Dunes City approval. Attorney Gerber said that he is waiting to review federal legislation to see if it nullifies the City's ordinances governing cable tv. R. Petersdorf said that he thought the City still had control over the level of service known as "Tier 1". Attorney Gerber said he was uncertain without reviewing the legislation.

- B. **Boundary Commission.** Mayor Baumeister announced that he had been contacted by Anna Morrison of the Siuslaw Parks and Recreation Commission. Mrs. Morrison has been seeking support for a proposal to dissolve the Lane County Boundary Commission's jurisdiction over western Lane County. She announced that State Senator John Brenneman would be holding a meeting later in

January to consider the proposal. Ms. Morrison would like to see as many people in support of the proposal at the meeting as possible. She will notify the City of the date of the meeting as soon as she learns when it will be.

## VII. PUBLIC HEARINGS

A. Ordinance #110. The mayor opened the public hearing on Ordinance #110 at 7:50 PM. There was no public discussion.

**ACTION** A motion was made by R. Donaghey and seconded by R. Petersdorf to have the first reading of Ordinance #110. The voting was unanimous, and Attorney Gerber read Ordinance #110 by its substantive language as follows:

"Therefore, the City Council does ordain as follows:

The City shall increase public access to Siltcoos Lake by developing City-owned property, recently acquired, located adjacent to the Westlake Boat Landing into a park suitable for picnicking."

**ACTION** A motion was made by E. Fillman and seconded by N. Johnson to accept the first reading of Ordinance #110.

AYE: D. Eastman, N. Johnson, R. Petersdorf, E. Fillman, R. DePiero, and R. Donaghey

NAYE: There were no naye votes.

Motion carried.

**ACTION** A motion was made by R. Donaghey and seconded by R. Petersdorf to have the second reading of Ordinance #110 by substantive language and declare an emergency. The voting was unanimous and the motion carried.

"Therefore, the City Council does ordain as follows:

the City shall increase public access to Siltcoos Lake by developing City-owned property, recently acquired, located adjacent to the Westlake Boat Landing into a park suitable for picnicking."

**ACTION** A motion was made by E. Fillman and seconded by N. Johnson to accept the second reading of Ordinance #110 and declare and emergency.

AYE: D. Eastman, N. Johnson, R. Petersdorf, E. Fillman, R. DePiero, and R. Donaghey.

NAYE: There were no naye votes.

Motion carried.



B. **Ordinance #111.** It was announced that Ordinance #111 will be ready for first and second readings at the February council meeting.

C. **Ordinance #112.** The mayor opened the public hearing at 7:56 PM. The ordinance will address the front and side yard setbacks. There was no public discussion, and the public hearing was closed at 7:57 PM.

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to have the first reading of Ordinance #112 by short title. The voting was unanimous, and Attorney Gerber read the ordinance by short title:

"An Amendment to Ordinance #50 clarifying setback requirements for front yards."

**ACTION** A motion was made by E. Fillman and seconded by D. Eastman to accept the first reading of Ordinance #112.

AYE: D. Eastman, N. Johnson, R. Petersdorf, E. Fillman, R. De Piero and R. Donaghey.

NAYE: There were no naye votes.

Motion carried.

**ACTION** A motion was made by R. Donaghey and seconded by N. Johnson to have the second reading of Ordinance #112 by short title and to declare an emergency. The voting was unanimous, and Attorney Gerber read Ordinance #112 as follows:

"An Amendment to Ordinance #50 clarifying setback requirements for front yards."

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to accept the second reading of Ordinance #112 by short title and to declare an emergency.

AYE: D. Eastman, N. Johnson, R. Petersdorf, E. Fillman, R. De Piero and R. Donaghey.

NAYE. There were no naye votes.

The motion carried, and the public hearing was closed at 7:59 PM.

D. **Ordinance #113.** The public hearing was opened at 8 PM on Ordinance #113 regulating the number of small animals and fowl that can be allowed without a Conditional Use Permit.

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to have the first reading of Ordinance #113 by short title. The voting was unanimous, and Attorney Gerber read the ordinance as follows:

"An ordinance amending Ordinance No. 50, granting the City Council authority to waive Conditional Use Permit requirements regarding chickens, ducks, rabbits and other fowl."

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to accept the first reading of Ordinance #113 by short title.

AYE: D. Eastman, N. Johnson, R. Petersdorf, E. Fillman, R. De Piero and R. Donaghey.

NAYE: There were no naye votes.

The motion carried.

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to have the second reading of Ordinance #113 by short title and to declare an emergency. The voting was unanimous and Attorney Gerber read the following:

"An ordinance amending Ordinance No. 50, granting the City Council authority to waive Conditional Use Permit requirements regarding chickens, ducks, rabbits and other fowl."

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to accept the second reading of Ordinance #113 by short title and to declare an emergency.

AYE: D. Eastman, N. Johnson, R. Petersdorf, E. Fillman, R. De Piero and R. Donaghey.

NAYE: There were no naye votes.

The motion carried.

**ACTION** A motion was made by R. Donaghey and seconded by R. De Piero to pass Resolution 1-8-87 with the numbers 14 listed in the blanks for the number of animals allowed in Ordinance #113 without a Conditional Use Permit.

AYE: D. Eastman, R. Petersdorf, E. Fillman, R. De Piero, and R. Donaghey.

NAYE: N. Johnson

The motion carried.

There was discussion of some wording errors in Ordinance #113. The ordinance was corrected regarding small animals and fowls. The ordinance as approved referred to "small

fowl animals". Attorney Gerber corrected the ordinance and re-read it. Attorney Gerber will have the corrected page retyped and send it to the City. It was decided that the Ordinance would have to be re-approved.

The public hearing on Ordinance #113 was opened at 8:14 PM.

**ACTION** A motion was made by R. Donaghey and seconded by E. Fillman to have the first reading of Ordinance #113 as amended. The voting was unanimous, and Attorney Gerber read the ordinance by short title. The amendments did not affect the wording of the title.

**ACTION** A motion was made by R. Petersdorf and seconded by E. Fillman to accept the first reading of Ordinance #113 as amended and to declare an emergency.

AYE: D. Eastman, N. Johnson, R. Petersdorf, E. Fillman, R. De Piero, and R. Donaghey.

NAYE: There were no naye votes.

The motion carried.

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to have the second reading of Ordinance #113 as amended and to declare an emergency. The voting was unanimous, and Attorney Gerber read the ordinance by short title.

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to accept the second reading of Ordinance #113 as amended and to declare an emergency.

AYE: D. Eastman, N. Johnson, R. Petersdorf, R. De Piero and R. Donaghey.

NAYE: There were no naye votes.

The motion carried.

**ACTION** A motion was made by R. Donaghey and seconded by R. De Piero to approve Resolution 1-8-87A with corrections.

AYE: D. Eastman, R. Petersdorf, R. De Piero, and R. Donaghey.

NAYE: N. Johnson and E. Fillman.

The motion carried.

- E. Ordinance #114. The public hearing was opened at 8:25 PM on Ordinance #114. R. De Piero had been asked at the December council meeting to gather information on axle weight limits to be used for determination of weight limits in Ordinance #114. He reported that he had checked with the state police. The state police officer did not have the tandem axle weight limits for concrete and gravel trucks readily available, but he told R. De Piero that the state allows 34,000 pounds per tandem axle for logging trucks on the open road, 12,000 pounds for the front axle for logging trucks and 80,000 pounds is the total gross weight allowed for logging trucks without a special permit.

R. De Piero also gave the GVW formula the state police uses to determine the weight of the load allowed on unrated vehicles.

The council discussed having the ordinance written so that the Director of Roads could review road use and have the authority to stop the use and require the user to apply for a road permit if it was thought that the use would damage the road. The council also discussed having the ordinance written so that a citizen could ask the council to review a heavy industrial use. There was considerable discussion on the variables involved and the best way to write the ordinance to accomplish the goal of ensuring that the road would be repaired if damaged by a heavy road user.

N. Johnson suggested that it might be best to have a committee of council members appointed to review the ordinance and draft what they thought would be appropriate language for consideration by the council at its February 12 council meeting.

**ACTION** A motion was made by R. Petersdorf and seconded by N. Johnson to table further consideration of Ordinance #114 until the February city council meeting. The voting was unanimous and the ordinance was tabled.

**X. NEW BUSINESS**

**A. Quick-Response Ambulance Team for Dunes City.** The mayor moved the agenda ahead to New Business to accommodate two citizens in the audience from the Western Lane Hospital ambulance service.

Mike Anderson, supervisor of ambulance service for Western Lane Hospital, introduced EMT Diane Wagner who has recently moved to Westlake. He said that since Mrs. Anderson will be living in the Dunes City area, she will often be the first one to respond to a call for help through the 911 number. They are hoping to make her acquainted to the citizens in the area so that they will recognize her if they call 911 in the middle of the night and she should be the first one on the scene since she will be arriving in an unmarked vehicle. They also said that Mrs. Wagner has a pager which allows the dispatcher to page her, but Mrs. Wagner does not have a two-way radio that would allow her to talk to the dispatcher from the scene. They were requesting the City to consider budgeting some funds, if possible, to help with the purchase of a radio for Mrs. Wagner. R. Petersdorf said that the City receives funds quarterly from 9-1-1 which it returns to the City of Florence. Mr. Petersdorf thought that those funds might be a good source to help purchase a radio. The council asked Mr. Anderson how much would be required for purchasing a radio. He replied that one brand would be \$750 and another brand would be \$1,500. He said the difference in price was basically the difference between the names. The consensus of the council was that the request was valid and should be considered. Mayor Baumeister asked Attorney Gerber to research the 9-1-1 agreement with the City of Florence to see if there would be a possibility to fund this request with those funds.

R. Petersdorf asked what would happen to the radio if Mrs. Wagner ever moved from the Dunes City area. Mr. Anderson replied that it would be earmarked in the records as having been purchased by Dunes City; and if another EMT moved to Dunes City, the radio would be assigned to that person.

## **IX. UNFINISHED BUSINESS**

- A. **Howard Brusseau - Conditional Use Permit.** K. Bacon, the Planning Commission secretary, announced that Mr. Brusseau had not met the conditions of his Conditional Use Permit, and the Building Inspector Emile Mortier had posted the property with a stop work order. The council discussed beginning abatement proceedings. Attorney Gerber advised that the mobile home can be pulled off the lot and stored and the charges assessed as a lien against the property if Mr. Brusseau is the owner of the property. There was a question as to whether Mr. Brusseau is the owner of the mobile home. It was decided that it would be possible to run a check through the Motor Vehicles Department from the numbers

on the mobile home to determine ownership of the mobile home. A preliminary title search would determine the ownership of the lot.

**ACTION**

A motion was made by D. Eastman and seconded by E. Fillman to begin abatement proceedings against Mr. Howard Brusseau for failure to comply with the conditions of his Conditional Use Permit and for moving a mobile home onto a lot in a residential area without a Conditional use Permit. The voting was unanimous, and the motion carried.

D. Eastman volunteered to go by the mobile home and check fore registration numbers. He will give the numbers to Attorney Gerber who will have them checked to determine ownership.

- B. Installation of New Council Members and Mayor.** Mayor Baumeister presented plaques to council members N. Johnson, D. Eastman, R. De Piero and R. Donaghey. Councilman B. Pitts had moved, and his plaque will be shipped to him. The mayor also presented plaques to the office staff.

Following the presentation of plaques, Mayor Baumeister administered the Oath of Office to mayor-elect Nancy Johnson. City Recorder B. Stocking administered the Oath of Office to the new city council members: D. Eastman, R. Forest, R. Petersdorf, E. Fillman, R. DePiero and R. Parent.

N. Johnson presented a plaque and pen to Mayor Baumeister.

**X. NEW BUSINESS**

- A. Election of Council President.**

**ACTION**

A motion was made by D. Eastman and seconded by R. Petersdorf to elect R. De Piero as council president. The voting was unanimous, and the motion carried.

- B. Committee Appointments.** N. Johnson announced the committee appointments she had made among city council members. The list is on file in the City office.

- C. Goal Setting Session.** Mayor Johnson had scheduled a goal-setting session for Saturday, January 31, at 9 AM. All council members, office staff, planning commissioners, road chairman and president of Neighborhood Watch were invited to attend.

- D. **Master Road Plan.** Mayor Johnson had established a new committee entitled "Master Road Plan". She had assigned that committee to R. Petersdorf. She announced that Mr. Petersdorf will set up his own committee and hopefully they will develop a Master Road Plan for Dunes City within the next two years. Mr. Petersdorf will contact Mr. Gary Darnielle of LCOG about the possibility of funding.
- E. **South Shore Subdivision - Letter of Credit.** R. Hartshorne submitted a bid from Johnson Rock Products to finish paving the roads in the South Shore Subdivision. The bid was for \$24,000 and was the highest of the two bids Mr. Hartshorne said he had received. He was requesting that his \$36,000 Irrevocable Letter of Credit be reduced to the \$24,000 amount. The council in its final order of approval had stipulated that Mr. Hartshorne might request the letter of credit to be reduced as work was completed on the subdivision. R. De Piero said that he had gone over the roads the day of this meeting, and he said that the roads look excellent. Mr. Hartshorne said that they had graded and gravelled the roads wider than the 16 foot width required by the council.

**ACTION**

A motion was made by D. Eastman and seconded by R. Petersdorf to reduce the required letter of credit for South Shore Subdivision from \$36,000 to \$24,000. The voting was unanimous, and the motion carried.

- F. **Planning Commission Appointments.** The council was advised by the Planning Commission secretary, K. Bacon, that the terms of Mr. Elmore Petersen and Mr. Harold Young had expired December 31, 1986. Both men had indicated a willingness to serve another 3-year term if appointed. In addition, the secretary had advertised the vacancy and had received no applications. She had contacted the two remaining applicants who had applied for Mr. Phil Nichols unexpired term, and had not heard from either of those two. The Planning Commission had recommended when Mr. Harold Young was appointed to fill the unexpired term of Mr. Phil Nichols that he be appointed to an additional three-year term. They had not made a recommendation concerning Mr. Petersen, but the secretary advised the council that in the past the planning commission had not normally made recommendations for filling vacancies.

**ACTION**

A motion was made by E. Fillman and seconded by R. Petersdorf to appoint Mr. Harold Young and Mr. Elmore Petersen to the planning commission for a three-year term each. The voting was unanimous, and the motion carried.

B. Stocking administered the Oath of Office to Mr. Harold Young. Mr. Petersen is out of town until February.

G. **Dunes NRA.** Mayor Johnson asked B. Stocking to write to the new Dunes NRA ranger, Conny Frisch, and invite her to the February council meeting. Mayor Johnson said that Ms. Frisch would be early on the agenda. She would like the meeting announced in the paper and on the cable tv to alert citizens so that they can be at the meeting to talk about the dunes, noise levels, etc.

H. **Dunes City Fire Insurance Settlement.** Attorney Gerber said that he had gotten a call from American States Insurance Company. The representative had told him that the company expects the insurance problems from the Dunes City Community Center fire to be resolved within 30 days which Mr. Gerber had estimated would be January 15.

I. Audit Resolution.

**ACTION**

A motion was made by R. Petersdorf and seconded by D. Eastman to accept the Audit Resolution 1-8-87B. The voting was unanimous, and the motion carried.

**XI. CITIZEN INPUT ON UNSCHEDULED ITEMS**


A. **Leash Law.** Dr. Sam Marinesi was in the audience and asked if the City has a leash law or if the council was interested in considering a leash law. He said that he has neighbors who are afraid to go to their mailbox because another neighbor's Doberman Pinschers chase them.

D. Eastman replied that he was aware of the dogs and the neighbor who is having problems with them. He said that he had advised the neighbor, Mr. Don Miller, that the City can abate dogs as a nuisance under a recently-enacted ordinance; but the City requires a written complaint to begin the process. Mr. Eastman said that he did not think a leash law would be more effective than the ordinance now in effect which is effective if the complainant files a written complaint.

**XII. ADJOURNMENT**

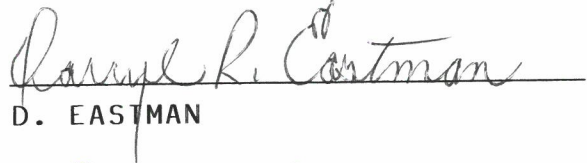
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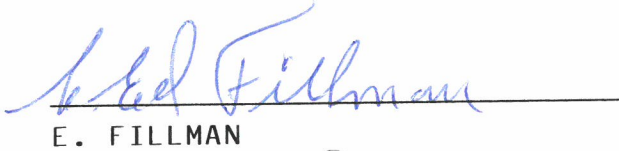


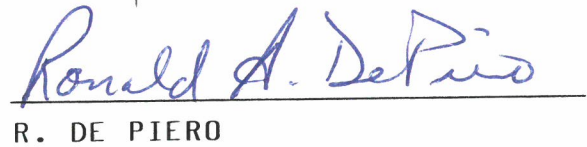
  
MAYOR JAMES BAUMEISTER

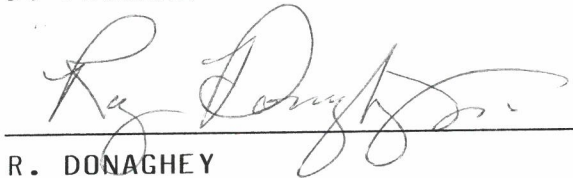
  
MAYOR NANCY JOHNSON

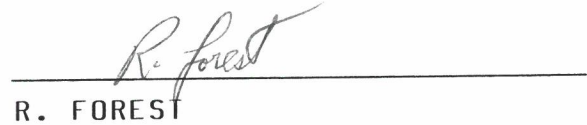
  
R. PETERSDORF

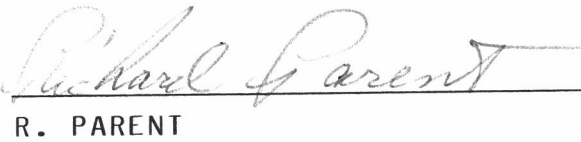
  
D. EASTMAN

  
E. FILLMAN

  
R. DE PIERO

  
R. DONAGHEY

  
R. FOREST

  
R. PARENT

  
SECRETARY K. BACON

DUNES CITY COUNCIL  
GOAL-SETTING SESSION  
JANUARY 31, 1987

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:10 AM by Mayor Nancy Johnson.

PRESENT: D. Eastman, R. Forest, R. Petersdorf, Mayor Johnson, E. Fillman, R. DePiero, R. Parent, City Recorder B. Stocking, and secretary K. Bacon. Attorney Gerber entered the meeting at 9:15 AM. M. Miller, B. Knight and H. Young were present from the planning commission. And Road Chairman Keith Watson was present. There was one citizen in the audience.

II. GOAL SETTING

Mayor Johnson had prepared an agenda with spaces for each council member and planning commissioner to list their top three goals for the next three years. The following are the ideas that were suggested:

Mayor Johnson: 1) Encourage neighborhood cleanup of eyesores. 2) Strive to make Dunes City recognized as a city. 3) Strive for greater communication with the citizens and encourage them to attend council meetings by perhaps shortening the meetings.

Ron DePiero: 1) Improved communication with the citizens, 2) Involve more of the citizens, 3) Enact business licenses.

Ed Fillman: 1) Change the name of the Westlake Post Office to Dunes City, 2) Cleaning up City parks and making them more visible.

Robert Petersdorf: 1) Work with Lane County to get a road built connecting Clear Lake Road and the Westlake area without going onto Highway 101.

Darryl Eastman: 1) More citizen involvement in city council meetings. He also added that Steven Ford did a survey in 1964 that is still on file that showed a road between Clear Lake and the Westlake area.

Richard Parent: 1) More citizen involvement in city council meetings.

City Recorder Betty Stocking: 1) More time, more space, more help or all three for improving the office. The council discussed computerizing and storing the hard copy of City records elsewhere. Suggested that a second phone for the office would really help. R. DePiero offered the loan of a telephone he has, and D. Eastman offered the wire to install it.

Ed Fillman, Vice President of Neighborhood Watch: He said that Neighborhood Watch had discussed a request for a radio for the EMT living in Westlake. The proposal had been presented to the council at a previous meeting by the EMT's. Neighborhood Watch will be willing to purchase the radio if the City does not have the funds to purchase it through 911 money, Mr. Fillman said. Keith Martin, the attorney for Florence, has said that our contract with Florence does not allow us to use the 911 money. Attorney Gerber advised that Dunes City might want to withdraw from that contract.

Marilyn Miller, Planning Commission Chairman: 1) Adopt an ordinance requiring residents on private roads to maintain the roads in a safe condition and prevent them from deliberately keeping the road in an unsafe condition. 2) Improved communication with the public. She suggested a direct mail notification of meetings or a festival to bring the people together. 3) A letter of commendation to those who have done an outstanding job of improving their property.

Betty Knight: 1) Improve the safety of the corner of Pacific and Ocean Boulevard. She suggested that a guardrail at the corner is set into the road right-of-way too close. 2) Improved communications with the public. 3) Community festival.

Harold Young: 1) Improve the recognition of the City by using the City's name in advertising the Bass Classic. 2) Have controversial items on the agenda to attract people to the city council meetings. This was said in jest.

Road Committee Chairman Keith Watson: Mayor Johnson said she would like the road committee to have a meeting at least every quarter. She would like one person responsible for each section of the City, and she would like that person to report on the condition of his/her road at that meeting. She would like the report forwarded then to the city council.

Planning Commission secretary Kay Bacon: 1) Master Road Plan.

The following are the goals that were agreed upon for the next two years:

1. Master Road Plan
2. Improved communication with the citizens
3. Parks
4. Petition to have the name of the Westlake Post Office changed to Dunes City

5. 25th Anniversary Celebration of Dunes City in 1988
6. Neighborhood Cleanup
7. Business License
8. Develop private road standards
9. Office improvements. Discussed re-negotiating the contract with the Sportsman Club.
10. Citizen recognition

### III. NEW BUSINESS

- A. Mayor's Corner. R. Petersdorf suggested that the mayor begin writing a column for the Siuslaw News outlining happenings in Dunes City. It was suggested that might be a way of making people aware of the name "Dunes City". Mayor Johnson was going to check into doing it.
- B. Commission duties. Mayor Johnson gave the council members the duties of commissioners. The City office staff will be preparing new job descriptions for their own jobs.
- C. Master Road Plan. The following people have agreed to be on the Master Road Plan committee: R. Petersdorf, chairman; M. Miller; James Baumeister; R. Forest and D. Eastman. Director of Roads Keith Watson will also be on the committee.
- D. Parks Committee. The following have agreed to be on the Park Committee: Larry Johnson, Bob Jackson, Ed Fillman and Betty Knight.
- E. Budget Committee. It was announced that all city council members are part of the Budget Committee.
- F. Bi-Centennial. Ideas were suggested for the state's bi-centennial celebration. It was suggested that a city park be dedicated either September 17 or during the 25th Anniversary Celebration.
- G. Ellie Dumdi. Mayor Johnson announced that Ellie Dumdi, the newly-elected county commissioner for this area, will be at the Florence County Annex every Monday morning at 9 AM throughout the month of February.
- H. Cable TV Franchise. Attorney Gerber had checked on the federal regulations concerning cable tv franchises. He said the federal government may regulate all but fees and channels. Gerber thinks that with the new conservative Congress we will have a more pragmatic than doctrinaire congress. "Off-air competition" was mentioned often in the discussion as a reason for de-regulation.

The price paid for the cable tv system may be factored into the charges assessed consumers even if the price paid for the system is too high, according to Gerber. Mr. Gerber recommended that the City review the transfer of the system to the new buyer and bring the existing cable tv franchise "into line with reality". Mr. Gerber said that the City is overdue for a review of the franchise. He thinks the City should review the franchise at least quarterly. He advised the City to retain a consultant and suggested that the franchise fee be raised from 3% to 5%. He said that each percentile represents about \$800, and there are 17 years remaining in the agreement.

Attorney Gerber advised that the City has 120 days to act from the date of January 20, 1987. If the City does nothing, it is presumed to have ratified the transfer.

He advised that the City is allowed to assess a reasonable transfer fee, and the cost of hiring a consultant could be paid out of the transfer fee. Gerber recommended that Dunes City work in concert with the City of Florence. He advised that the cable tv committee appointed to review the transfer be kept small (three people). He suggested that minutes be kept of the committee meetings to be distributed to the city council members and reduce the amount of time taken by the council in deliberation.

Gerber outlined the following steps he thinks the City should take:

**Step 1:** The City should send a letter to McCaw Cablevision stating that the City would be happy to review the transfer and outline the information the City would need: the financial "nuts and bolts" of the transfer, a representation of the upgrade of the system, what the new company plans to do about subscriber fees, etc. Mr. Gerber said that the City may want to have a financial expert review the financial records to see if they make sense. The list of information the City requests of McCaw could be taken from the second memorandum Gerber sent the City on the subject. The City should tell McCaw that it will not approve the transfer without more information. D. Eastman asked Mr. Gerber how the City would know what a fair price for the system would be. Attorney Gerber assured him that there are ways of assessing such information. He advised that if it is determined that the new buyers of the system paid more than the system was worth, the City can refuse to transfer the franchise or can write the contract in such a way that the overpayment cannot be passed on to consumers.

Step 2. Attorney Gerber advised that the City appoint a committee to review the information that will be supplied by McCaw. In the meantime, the City will determine what action the City of Florence will take.

To ensure that the money will be there to pay the consultant and the secretary that will be hired to take the minutes, Attorney Gerber said that the transfer fee will be paid before the process begins..

Attorney Gerber will write the letter for Mayor Johnson's signature. Mayor Johnson will call Mr. Ruske on Monday, February 2, and tell him that the City will be sending a letter requesting more information. Attorney Gerber will call a cable tv expert in Portland that he is aware of to see who he would recommend for a consultant and what the cost will be.

The council discussed whether to go the same direction as the City of Florence. It was decided that the Dunes City council is willing to go with Florence as long as Florence is negotiating in the direction Dunes City wants to go.

Ron DePiero, chairman of the cable tv committee, will pick two or three names for his committee and bring them to the next city council meeting in February for council approval.

Attorney Gerber will write the letter to McCaw and hand-deliver it to Mayor Johnson and R. De Piero. They will give their response to Gerber on Tuesday after reading the letter.

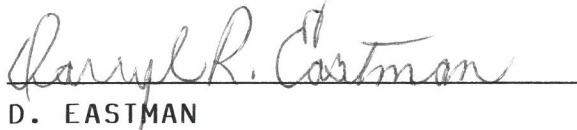
I. City Office. Mayor Johnson said that she has seen several  
Corrected at certificates that have been awarded to the City laying  
Feb. city in the office. She thinks those certificates should be  
council meet- framed and hung in the City office. She also suggested  
ing to say that that the City purchase a small black and white tv and  
R. Forest place it in the City office so that the staff can  
suggested an monitor public service announcements and have quiet  
American flag background music since there is a cable hookup available  
be displayed in the office. She would also like to have an American  
at all flag on display at the city council meetings.  
council mtngs.

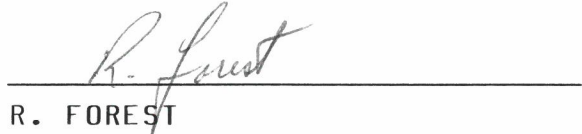
#### IV. ADJOURNMENT

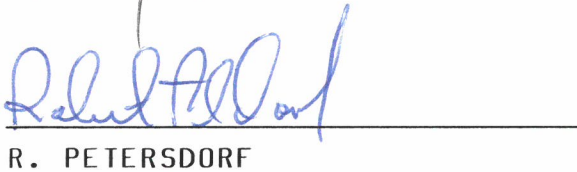
The meeting was adjourned at 11:40 AM.

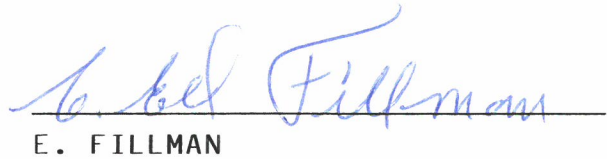
  
MAYOR JOHNSON

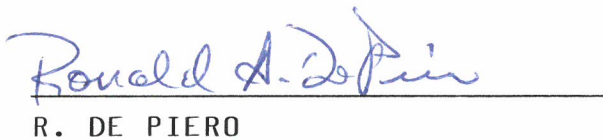
  
SECRETARY K. BACON

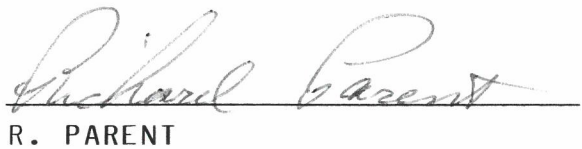
  
D. EASTMAN

  
R. FOREST

  
R. PETERSDORF

  
E. FILLMAN

  
R. DE PIERO

  
R. PARENT

DUNES CITY COUNCIL

REGULAR MEETING  
FEBRUARY 12, 1987

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF JANUARY 8 and JANUARY 31, 1987
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. REPORTS
  - A. Commission Switch
  - B. Commission Reports
- VII. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VIII. PUBLIC HEARINGS
  - A. Ordinance #111
  - B. Ordinance #112
  - C. Ordinance #114
  - D. Minor Partition - Bob Rogina
  - E. Minor Partition - Bob Merz
- IX. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- X. UNFINISHED BUSINESS
  - A. Salal Road Permit - Ruth J. Wood
  - B. Dog Complaint hearing
  - C. Howard Brusseau -abatement
- XI. NEW BUSINESS
  - A. Garbaage Rates - Chris Fender of Siuslaw Disposal
  - B. Conditional Use Permit Review - Gary Foglio
  - C. Suggested amendment to Subdivision Ordinance - Pg. 6,  
regarding application submission dates
  - D. Second phone and tv for office
  - E. Bus Shed - Malcolm Wright
- XII. ADJOURNMENT



## DUNES CITY COUNCIL

### REGULAR MEETING FEBRUARY 12, 1987

#### I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 PM by Mayor Nancy Johnson.

PRESENT: Mayor Johnson, D. Eastman, E. Fillman, R. Petersdorf, R. Forest, R. DePiero, R. Parent, Attorney Ron Gerber, City Recorder B. Stocking and secretary K. Bacon. There was one representative of the press and several students and citizens in the audience.

#### II. APPROVAL OF MINUTES OF JANUARY 8 and JANUARY 31, 1987

The minutes of the January 8 and January 31, 1987, city council meetings were approved as presented with corrections on Pages 3 and 5. Mayor Johnson would like a volunteer from the council to check into writing the Mayor's Corner - Page 3 and on Page 5 Robert Forest suggested that the City should display a flag at city council meetings.

#### III. BILLS AGAINST THE CITY

D. Eastman requested that Attorney Gerber designate in his billing time spent on cable tv so that it can be funded from the cable tv transfer fee.

**ACTION** A motion was made by D. Eastman and seconded by R. Petersdorf to pay the bills against the City in the amount of \$4,390.96. Motion carried.

#### IV. RECEIPTS OF THE SESSION - \$7,870.74

#### V. ANNOUNCEMENTS AND CORRESPONDENCE

A. **Letter to Dunes N.R.A.** The City had written a letter to Dunes Ranger Conny Frisch inviting her to attend this city council meeting. She had been unable to attend this meeting because of a conflict in her schedule. However, she plans to attend the March city council meeting.

B. **P.T.A. Celebration.** The Siuslaw PTA had extended an invitation to attend a celebration in honor of the 90th birthday celebration of the national P.T.A. The celebration was planned for February 16, 1987, at 7 PM in the Siuslaw High School lecture room.

- C. **Oregon Coalition for Homeless and Hungry.** B. Stocking read a proposed proclamation naming February 25th as a day dedicated to concern for the homeless and hungry. Anyone interested in donating food to be distributed by the Manna Ministries and the Adult and Family Services may bring the food to the Dunes City Community Center. B. Stocking will see that the food collected is given to those two groups to distribute.

**ACTION**

A motion was made by E. Fillman and seconded by R. Petersdorf to approve the Proclamation designating February 25, 1987, as a day of special concern for the hungry and homeless among us. The voting was unanimous, and the motion carried.

**VI. REPORTS**

- A. **Commission Switch.** Mayor Johnson announced that she had switched the commission appointments of two city council members. R. Forest will be assigned Fire Commissioner, and R. Parent will be assigned as Water Commissioner.
- B. **Commission Reports.** R. DePiero announced that he had selected members to serve on the cable tv committee if the council approved. Those selected are Jack Garrison, Phil Tout and Mr. DePiero. He announced that the City had sent a request to McCaw Cablevision requesting additional information concerning the transfer of the system, and the City is awaiting a reply from McCaw. Attorney Gerber recommended that a fee of \$5,000 be established as a transfer fee to help pay any "out-of-pocket" expenses the City may incur. The fee should be paid before the process begins.

Police. R. Petersdorf reported that he had investigated a bus shed (built to shelter school children awaiting their school bus) at the corner of Hemlock and Pacific. The City had received a request from Malcolm Wright on Hemlock to remove the shed because it is in bad shape.

Mr. Petersdorf agreed that the bus shed is in bad shape. He said the shed is located half on City property and half on Mr. Wright's property.

The council discussed the sad shape of many of the bus sheds. R. Parent asked if anything could be salvaged from them. It was suggested that the Director of Roads should supervise the repair or demolition of the worst ones. The council asked the Director of Roads to inspect all the bus sheds and to make a list of the location and condition of each one. In the meantime, the council asked him to remove the shed at the corner of Hemlock and Pacific.

R. Petersdorf reported that he had been investigating reports that West Lane Disposal is picking up garbage in Dunes City in violation of the City's exclusive franchise with Siuslaw Disposal. That exclusive franchise is in effect until August, 1987. Mr. Petersdorf found at least one resident on Ford Way that said he has his garbage picked up by West Lane Disposal. The council directed Attorney Gerber to write a letter to West Lane Disposal telling them to cease and desist.

Master Road Plan. R. Petersdorf announced that Gary Darnielle from LCOG would be meeting with the City's Master Road Plan committee Tuesday, February 17, at Dunes City Community Center and would be bringing a staff member from LCOG with him. R. Petersdorf said that he had attended a Lane County meeting in Eugene with former mayor James Baumeister. At that meeting they had requested funds for Dunes City as per Lane County's agreement. Lane County will send some staff to help the City develop a Master Road Plan.

Cable TV. Mr. Ken Reske, District Manager for McCaw Cablevision, was in the audience. He introduced himself and gave some background information on the prospective buyer of the McCaw Cablevision. Mr. Reske said that McCaw is presently gathering the information requested by Dunes City. The Mayor gave members of the audience a chance to ask Mr. Reske questions if they had any. However, no one chose to do so.

**ACTION** A motion was made by E. Fillman and seconded by R. Petersdorf to accept Resolution 2-12-87A (which formed a cable tv committee). The voting was unanimous, and the motion carried.

**ACTION** A motion was made by E. Fillman and seconded by R. DePiero to approve Resolution 2-12-87B - establishing a \$5,000 transfer fee. The voting was unanimous, and the motion carried. The City will deduct its reasonable expenses from this fee, and the unused portion (if any) will be returned to the transferee. Attorney Gerber had given the council members copies of an Agreement he had drafted. It was for the council's inspection only, and the council did not act upon it at this meeting.

Roads. Wally Johnson was in the audience, and asked that the City repair Buckskin Bob. The Director of Roads will look into what needs to be done.

Commissioner Dumdi. Mayor Johnson announced that she had attended an early-morning meeting conducted by newly-elected County Commissioner Ellie Dumdi on

February 2nd at 7:30 AM. At this meeting there was discussion of combining the Lane County Planning Commission and the West Lane Planning Commission. The public input at the meeting was opposed to the move and thought that western Lane County would be losing a much-needed voice in this area. Mrs. Dumdi will be holding meetings of this nature in the Florence area the first Monday of each month at 7:30 AM.

#### VII. CITIZEN INPUT ON UNSCHEDULED ITEMS

There were several citizens in the audience who were interested in the change of the Westlake Post Office name. The council had discussed petitioning to have it changed as one of the council's goals for the next two years. Bill Riesenhuber said that he objected to the change of the name. Bob Jackson also stood and spoke in opposition of the name change. Ruth Wood testified that Dunes City was formed to keep the area from being incorporated into the Dunes National Recreation Area when they were considering making the area into a national park.

Mayor Johnson, when asked by the audience, said that the first step in making the name change was a check with Mr. Alva Bradford, the MSC Manager/postmaster in Eugene. He had stated flatly that it couldn't be done. In the meantime, Representative Peter DeFazio had called the City to offer his help in changing the name. Mayor Johnson said that the next step would be to meet with Mr. DeFazio to see how he can help.

However, R. DePiero said that he is opposed to changing the name; and he is not sure all the city council is in favor of the name change. He said changing the name had been discussed as a way to make the name of Dunes City more recognizable to the public.

A member of the audience suggested that a petition might be circulated among residents of the Westlake area regarding their preference for the post office name. R. Petersdorf said that in order for the petition to be a democratic sampling it should be circulated among the entire Dunes City area.

#### VIII. PUBLIC HEARINGS

The public hearing was opened at 8:27 PM on Ordinance #111. The Planning Commission had sent a memo to the city council requesting that the council delay passage of Ordinance #111 until further study could be made of the definition of a lot, required frontage, panhandle lots and access to streets and private easements.

**ACTION** A motion was made by R. Petersdorf and seconded by R. Forest to send Ordinance #111 back to the Planning Commission for input. B. Stocking reminded the council that the planning commission had already given the council its input, and the City needed to get the ordinances finished so that they could be submitted for compilation.

AYE: R. DePiero

NAYE: D. Eastman, R. Petersdorf, E. Fillman, R. Forest, R. Parent

**ACTION** A motion was made by D. Eastman and seconded by R. DePiero to strike the references to panhandle lots and private easements from Appendix A in Ordinance #111 and send those two items back to the planning commission for further study.

The voting was unanimous and the motion carried.

**ACTION** A motion was made by E. Fillman and seconded by R. Petersdorf to have the first reading of Ordinance #111 with the proposed changes concerning panhandle lots and private easements by short title. The voting was unanimous, and Attorney Gerber read the ordinance by short title:

"An ordinance amending Ordinance #60, the Dunes City Subdivision Ordinance, providing ingress, egress, driveway and access point requirements for future development ordinances in Dunes City."

**ACTION** A motion was made by E. Fillman and seconded by R. Petersdorf to accept the first reading of Ordinance #111 by short title and to declare an emergency.

AYE: D. Eastman, R. Forest, R. Petersdorf, E. Fillman, R. DePiero and R. Parent.

NAYE: None

The motion carried.

**ACTION** A motion was made by E. Fillman and seconded by R. Petersdorf to have the second reading of Ordinance #111 with the changes noted above by short title and to declare an emergency. Attorney Gerber read the ordinance by short title:

"An ordinance amending Ordinance #60, the Dunes City Subdivision Ordinance, providing ingress, egress, driveway and access point requirements for future development ordinances in Dunes City."

**ACTION** A motion was made by E. Fillman and seconded by R. Petersdorf to accept the second reading of Ordinance #111 by short title and to declare an emergency.

AYE: D. Eastman, R. Forest, R. Petersdorf, E. Fillman, R. DePiero, and R. Parent  
NAYE: None

The motion carried.

**Ordinance #112.** The public hearing was opened at 8:43 PM on Ordinance #112. Ordinance #112 had been approved at the January, 1987, meeting. However, after passage some errors were discovered. In Section 1. of the ordinance, third line, Section 1-I-A should read: Section 6-I-A. In Section 3. of the ordinance, clarifying language will be added in the first line. The words "bordering streets" will be inserted following. . .for side yards.

The public hearing was closed at 8:43 PM.

**ACTION** A motion was made by D. Eastman and seconded by R. Petersdorf to have the first reading of Ordinance #112 with the changes noted above by short title. The voting was unanimous, and Attorney Gerber read the ordinance by short title:

"An amendment to Ordinance #50 clarifying setback requirements for front yards."

**ACTION** A motion was made by E. Fillman and seconded by D. Eastman to accept the first reading of Ordinance #112 with changes by short title.

AYE: D. Eastman, R. Forest, R. Petersdorf, E. Fillman, R. DePiero, and R. Parent  
NAYE: None

The motion carried.

**ACTION** A motion was made by D. Eastman and seconded by R. Petersdorf to have the second reading of Ordinance #112 with the changes noted by short title only. The voting was unanimous, and Attorney Gerber read the ordinance by short title:

An amendment to Ordinance 50 clarifying setback requirements for front yards."

**ACTION** A motion was made by E. Fillman and seconded by R. Forest to accept the second reading of Ordinance #112 by short title with the changes noted and to declare an emergency.

AYE: D. Eastman, R. Forest, R. Petersdorf, E. Fillman, R. DePiero and R. Parent  
NAYE: None

The motion carried.

**Ordinance #114.** There was council discussion of this ordinance which would regulate heavy industrial use of City streets. It was decided to remove the number #114 from this ordinance so that it could be used for a future ordinance.

**ACTION**

A motion was made by R. Petersdorf and seconded by R. Parent to table Ordinance #114 amending Ordinances 72 and 82 regulating heavy industrial use of City streets and to remove the number 114 from it so that the number could be used for another ordinance.

The voting was unanimous, and the motion carried.

The meeting was recessed at 8:50 PM and reconvened at 9 PM.

Mayor Johnson then moved the agenda to Unfinished Business to accommodate a couple who needed to return to Eugene that night.

**IX. UNFINISHED BUSINESS**

A. **Dog Complaint.** R. Petersdorf gave the background information on the dog complaint the City had received. The City had received a written complaint from Mr. Donald Miller on Russell Drive about two large dogs (Dobermans) that are allowed to run at large. Mr. Petersdorf had talked to Mr. Tom Camp, the owner of the dogs. Mr. Petersdorf did not see the dogs actually running at large. He posted an abatement notice and notified the owner of the property, Mr. Gordon Zehrung, and the renter, Mr. Camp.

Mr. Miller testified that he had been charged by the Dobermans. He further testified that deer used to frequent the area but have disappeared since the dogs came.

Mr. Camp testified that his dogs are not mean. Mr. Miller had stated that he knew of a case where a little girl had been attacked without provocation by a Doberman and seriously injured. Mr. Camp said that Mr. Miller's impression of his dogs has been influenced by other Dobermans.

Mr. Zehrung, the owner of the property, said that he does not think he should be included and named in the nuisance abatement complaint since the dogs are not his. He thinks the parties involved should work it out without involving the City.

D. Eastman said that he thought the complaint was not specific enough to qualify as a nuisance -- an annoyance yes; a nuisance, no.

R. Petersdorf said that whenever he has been out in the area, the dogs have not bothered him.

R. DePiero said that if it is a fact that the dogs are chasing deer, they should be shot. If they are being taken care of and not chasing deer, he suggested that Mr. Camp introduce the dogs to Mr. Miller and let them get acquainted so that the Millers can walk freely.

Attorney Gerber advised the legal positions the City could pursue. He said the council needed to decide to its reasonable satisfaction that a violation of the ordinance had occurred -- a. the dogs are alarming and annoying people, or b. the dogs are chasing game. If the council feels it has sufficient evidence to proceed on that, the council is entitled to decide a nuisance exists.

D. Eastman asked what would define a dangerous animal. Attorney Gerber advised that the City does not need to establish a criteria for establishing what constitutes a dangerous animal. In a jury trial, he said, a jury would be instructed to determine whether a reasonable person would feel threatened by whatever facts the jury finds did occur. He said the council would have to apply a common sense definition of what is likely to annoy or alarm people.

#### ACTION

A motion was made by D. Eastman and seconded by R. DePiero to find that a nuisance does exist, but at this time the council will take no further action in the hopes that Mr. Miller, Mr. Camp and Mr. Freeland (another neighbor) can try to work out the problem among themselves. Should that fail, the council reserves the right to take further action at the regular March city council meeting to take any further action that it would deem necessary as far as abating the nuisance.

AYE: D. Eastman, R. Forest, E. Fillman, R. De Piero

NAYE: R. Parent, R. Petersdorf

The motion carried.

B. Stocking announced that, although Mr. Zehrung wants to remove himself from the abatement, he is a party in the abatement as the property owner since any fines that are assessed are assessed as liens against the property.



Attorney Gerber said he would not advise them on how to fix the problem since the solution was unacceptable to Mr. Camp. He suggested that he think about it further and that "solution would be readily apparent to you". Mr. Zehrung should understand that if the condition should continue to exist there is the possibility that the City may assess fines in this situation, and those fines will become a lien against the property. He said that he would not tell them how to solve the situation since they were all smart enough to be able to figure out how to solve it without a lawyer telling them how to do it.

#### VIII PUBLIC HEARINGS - Continued

**Minor Partition - Bob Rogina.** The mayor opened the public hearing at 9:42 PM. Mr. Eugene Wobbe was present to represent Mr. Rogina. Mr. Rogina had applied for a Minor Partition to partition an existing 17.5-acre parcel into three parcels (two 1-acre parcels and one 15.5-acre parcel) fronting on Clear Lake Road. The council discussed the 60-foot frontage of parcel 3 as a future roadway if parcel 3 is further divided. R. Petersdorf reminded the council that when the parcel just south of this proposed partition had been subdivided by Closen Christian, a Future Drive had been platted to connect with the Rogina property.

Mr. Wobbe said that they have applied for all three facility permits to access onto Clear Lake Road as stipulated by the planning commission as a condition for approval. However, the applicant had not yet received the permits from Lane County by the time of this hearing.

The public hearing was closed at 10 PM.

#### ACTION

A motion was made by R. Petersdorf and seconded by D. Eastman to approve the request of Bob Rogina for a Minor Partition for Tax Lot 307 located on Map No.19-12-23-3, accepting the planning commission's Findings of Fact, Conclusions of Law and all conditions with the exception of condition 2. and requiring as condition 2., instead, that parcels 1 and 2 will be accessed by an easement off parcel 3 and adding as an additional condition that any further development of Parcel 3 will require that the road will be platted to connect with Future Drive in the Closen Christian subdivision.

The motion carried.

**Minor Partition - Bob Merz.** The mayor opened the public hearing at 10:05 PM. R. Petersdorf, E. Fillman and D. Eastman declared that they had prior knowledge concerning the minor partition, but they did not feel that it would affect their ability to act impartially.

Bob Merz was present to state what he planned to do and to answer any questions the council might have. The council discussed the water line easement from Woahink Lake with him.

**ACTION** A motion was made by E. Fillman and seconded by R. Petersdorf to grant the minor partition request to Mr. Bob Merz to partition existing tax lot #200 on map no. 19-12-23-1 into two parcels containing approximately 4.5 acres in one and 13.5 acres in the remaining parcel. The motion further accepted the planning commission's Findings of Fact, Conclusions of Law but amended the proposed condition to read that it was subject to obtaining septic approval only on the small (4.5-acre) portion that would be partitioned off.

The voting was unanimous, and the motion carried.

**IX. UNFINISHED BUSINESS - Continued**

**A. Salal Road Permit.** Salal Road Permit was on the agenda because when the motion had been made to grant the permit the council had failed to adopt the planning commissions Findings of Fact, Conclusions of Law and to issue an order.

**ACTION** A motion was made by R. DePiero and seconded by D. Eastman to grant a permit to Mrs. Ruth Wood to extend 400 feet of Salal Road from its present terminus at Dr. Orcutt's property line to Mrs. Wood's property line subject to Mrs. Wood delivering to the city council for its inspection and approval a valid court order which in essence determines that she has a right to open up this road because of prescriptive easement or public ownership or other reason. The motion also includes accepting the planning commission's Findings of Fact with the additional fact that:

1. Bob Merz has testified that the road had been in use for many years, and Mrs. Wood testified that she had used the road from 1953 until the time it was closed by Mr. Foss' construction and incursion into the road. There were letters included in the planning commission and city council packets from others who had used the road in the past to substantiate the above testimonies.

The motion also included accepting the planning commission's Conclusions of Law with the following additional conclusions:

1. There is a dispute as to the ownership of the road. If it is determined that "the public" still owns the road, then Mrs. Wood is still entitled to open the road.
2. If it is determined that Dr. Orcutt owns the road right-of-way, then by prescriptive easement, Mrs. Wood may be entitled to an easement across the property.
3. There is a dispute between Orcutt-Foss-McKenzie Title Company and Mrs. Ruth Wood as to whether or not she is entitled to a road permit to open the road.

The voting was unanimous, and the motion carried. The council asked that Attorney Gerber issue an Order to Mrs. Wood.

Attorney Gerber said that it appears that by blocking off this portion of Salal Road it may have created a parcel without access. He said that the City may wish to begin abatement, but the City does not have to. He thought that the City did not have enough information to do so at this time. The City has no obligation to abate, he said; but he advised that someone be assigned to check with "the oldtimers" in the area to ascertain where the road has been

- B. Howard Brusseau - Nuisance Abatement.** The City had received a letter from Mr. Brusseau asking for a hearing before the city council to consider re-instating his Conditional Use Permit. He was present at the meeting with Mrs. R. A. McFerran, owner of the mobile home. There was discussion of the type of septic system that would be required. It was their understanding that Mr. Brusseau was being required to put in a septic system that was more costly and more complicated than other septic systems in the surrounding area.

They were told that the City had merely alerted the Lane County sanitarian to the fact that there was a water system located near Mr. Brusseau's property, and the City wanted to be sure that whatever type of septic system was installed would provide adequate protection against contamination of the water system and would be satisfied with whatever the Lane County sanitarian thought would be sufficient.

**ACTION**

A motion was made by D. Eastman and seconded by R. Petersdorf to take no further action against Mr. Brusseau at this time and that he be allowed to send the City septic approval from Lane County and notify the City whether or not he can afford to install the required system. R. DePiero asked if the motion could be amended to include the condition that no further work be done on the mobile home and that it not be occupied until final approval is granted and an occupancy permit is granted. The motion was amended to include those conditions.

The voting was unanimous, and the motion carried.

- A. Salal Road - Continued.** Mrs. Wood had not been given an opportunity to speak earlier in the meeting. She was granted an opportunity to speak at this time.

Ruth Wood argued that Salal Road had been a public road under Dunes City jurisdiction since the City had been formed. She said that she did not think she should have to bear the legal expense of opening the road and fighting the legal battle. She said she had been advised by the Attorney General that it would cost each party \$5,000 just to get into the court and that if she sued anyone she would have to include Dunes City as well.

There was considerable discussion of various roads that had been used to patrol the Camp Carol Tree Farm.

**X. NEW BUSINESS**

- A. McCaw Cablevision.** There was discussion of the latest developments in the transfer of ownership between McCaw Cablevision and a prospective buyer and the course of action the City would want to take. Attorney Gerber was not sure at this time how he wanted to proceed with hiring a cable tv expert. He has tentatively selected an expert, and it will be one of the first items of business when the cable tv committee meets. However, until a committee had been selected, there was not much that could be done. (The committee was appointed earlier in this meeting.)

**ACTION**

A motion was made by R. Petersdorf and seconded by R. Forest to continue with new business at 11:23 PM. The voting was unanimous, and the motion carried.

- B. Garbage Rates.** The City had received a request from Siuslaw Disposal to lower the rate of garbage pickup for two (2) cans from \$10.75 per month to \$9.75 per month.

The council discussed an item that had been added to the listed rates that had not been on an earlier rate sheet. That item was \$1.45 per can more than 2 per week.

**ACTION**

A motion was made by R. Petersdorf and seconded by E. Fillman to allow a rate decrease by Siuslaw Disposal from \$10.75 per month to \$9.75 per month with all other rates as listed in the letter from Siuslaw Disposal dated January 9, 1987.

The voting was unanimous, and the motion carried. B. Stocking will send them a letter alerting them of the council's action.

- C. Gary Foglio - Conditional Use Permit Review.** Mr. Foglio had been notified of the upcoming review of his Conditional Use Permit, but he had not notified the City nor was he at the meeting.

There was discussion as to whether or not Mr. Foglio still owned the property or wanted his Conditional Use Permit continued. The original permit was granted to have two horses on property he owns/owned in a residential area. The council agreed to review Mr. Foglio's Conditional Use Permit again in 1989.

- D. Submission Dates for Land Use Applications.** The council had received a memo from the planning commission secretary requesting that the council consider amending the Subdivision Ordinance to require that applications for minor and major partitions and subdivisions be submitted 30 days prior to the planning commission public hearing to bring it into line with the City's other land use application dates and to give the City adequate time to publish legal notice and notify the surrounding property owners.

**ACTION**

A motion was made by E. Fillman and seconded by D. Eastman to have an ordinance drafted to amend the Subdivision Ordinance to change the present 19 day requirement for submitting applications to 30 days.

AYE: D. Eastman, R. Forest, E. Fillman, R. DePiero, R. Parent  
NAYE: R. Petersdorf

The motion carried.

- E. **Phone for the Office.** There was discussion of installing an additional jack for another phone in the City office. R. DePiero offered the loan of a phone he has, and D. Eastman offered to install the necessary wire.
- F. **TV for the Office.** Mayor Johnson said that she would like the council's permission to buy a small black and white tv for the City office. She wants all City meetings announced on Channel 10, and she said that a tv in the office would provide soft background music as well as give the staff a chance to monitor the announcements on Channel 10.

**ACTION**

A motion was made by R. Petersdorf and seconded by R. DePiero to authorize the purchase of a small black and white tv set for the office not to exceed \$55. The voting was unanimous, and the motion carried.

A member of the audience said that she thought the City should plan better for the future by purchasing a larger tv that could be used in a library program for recording and showing tapes.

- G. **League of Oregon Cities Legal Fund.** The City had received a request from the League of Oregon Cities to join the League Advocacy Fund. The fund would consist of voluntary contributions by member cities, based upon their populations. The cost to Dunes City would be \$50.

Attorney Gerber advised that, in his opinion, it would be money well-spent if the City ever needed larger legal resources.

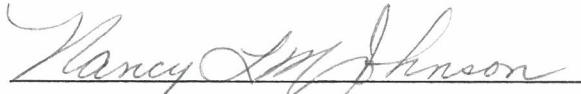
**ACTION**

A motion was made by R. DePiero and seconded by E. Fillman to pay \$50 to the League of Oregon Cities to join the League's Legal Advocacy Fund.

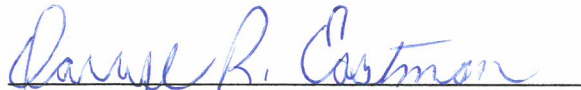
The voting was unanimous, and the motion carried.

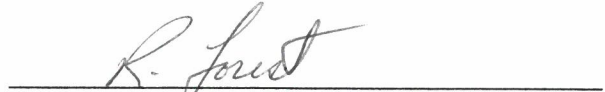
**XI. ADJOURNMENT**


The meeting was adjourned at 11:45 PM.


  
MAYOR N. JOHNSON


  
SECRETARY K. BACON


  
D. EASTMAN

  
R. FOREST

  
R. PETERSDORF

  
E. FILLMAN

  
R. DE PIERO

  
R. PARENT

DUNES CITY COUNCIL

REGULAR MEETING

March 12, 1987

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF February 12, 1987
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VI. CONNIE FRISCH - Dunes N.R.A. Ranger
- VII. ANNOUNCEMENTS AND CORRESPONDENCE
  - A. Hearing to adopt model ordinance on flood plain in April
- VIII. REPORTS
  - A. Planning Commission recommendation for Appendix A (Ordinance #111)
  - B. Any other council reports
- IX. PUBLIC HEARINGS
  - A. Robert McGuire - Major Partition Request
  - B. McCleary Peckham - Variance Request
- X. UNFINISHED BUSINESS
  - A. West Lane Disposal Reponse to Cease and Desist Letter
- XI. NEW BUSINESS
  - A. Mary Chun - Use of Kitchen
  - B. Conditional Use Permit Review - Harold Young, approved December 11, 1986
  - C. Lane County Extension Request
  - D. Draft Ordinance on Land Use Application Submission Dates
  - E. Appointment of Shirley Merz to Western Lane Foundation
- XII. EXECUTIVE SESSION
- XIII. ADJOURNMENT



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## DUNES CITY COUNCIL

### REGULAR MEETING MARCH 12, 1987

#### I. CALL TO ORDER AND ROLL CALL

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

PRESENT: D. Eastman, R. Forest, R. Petersdorf, Mayor Johnson, E. Fillman, R. DePiero, R. Parent, City Recorder B. Stocking, and secretary K. Bacon. There was one representative of the press and several citizens were present in the audience.

ABSENT: Attorney Ron Gerber. Mr. Gerber entered the meeting at 8:30 PM.

#### II. APPROVAL OF MINUTES OF FEBRUARY 12, 1987

An error was pointed out on page 8 of the minutes. The two nay votes were R. Parent and R. Petersdorf.

ACTION A motion was made by R. DePiero and seconded by E. Fillman to approve the minutes 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 R. Forest to pay the bills against the City in the amount of \$6,058.54. The voting was unanimous, and the motion carried.

#### IV. RECEIPTS OF THE SESSION - \$11,978.59

#### V. CITIZEN INPUT ON UNSCHEDULED ITEMS

A. Westlake Name Change. Several of the citizens in the audience had come to discuss the suggested change of the name for the Westlake Post Office. Bob Jackson asked that the council consider carefully the idea of changing the name of the Westlake Post Office since it was making several people angry. In response to a query as to whether the City had written to Representative DeFazio about the name, Mayor Johnson said that the City had not sent a letter at this time. A citizen asked if the City would advise the citizens when the City plans to do so. The mayor said that the City could probably do that.

R. Petersdorf gave a historical summary of the origin of Dunes City. He stressed that this area had been

proposed to be included in what is now the Dunes National Recreation Area. The City was incorporated to prevent this from happening. R. Petersdorf stressed that the citizens could show how the majority of the Dunes City citizens feel about the name change by conducting a survey among all the citizens.

D. Eastman stressed that the name change was not a priority goal from the council's goal setting session.

Mayor Johnson wanted to reassure those present that the reason nothing had been done to date was because of the comments in opposition that had been expressed. She emphasized that the City had not heard from anyone but the citizens of the Westlake area.

R. DePiero expressed his opposition to the name change. He said that they appreciate having the citizens come and invited them to stay through the entire meeting. But, he said, constantly bringing it up at the city council meetings is accomplishing nothing but to prolong the meetings.

- B. Buckwald - Special Use Permit. Russ Heggen was in the audience and asked the council if they had responded to Lane County's notice about the upcoming hearing for Michael Buckwald. Mayor Johnson told him the council planned to discuss it as the last item for the night, and that she had directed the staff to respond stating that the City had not received the notice in time to comment without further study.

## VI. CONNIE FRISCH - DUNES NATIONAL RECREATION AREA.

Ms. Frisch had been invited to discuss the management problems of the Dunes N.R.A. -- specifically noise and ORV's. She said she had received the results of the DEQ noise level testing not long before this meeting. She said that earlier ORV's were much louder because no mufflers were required. The noise per vehicle now is a lot less, but the number of vehicles has increased. The newer models of ORV's usually have a noise factor of 80 decibels. Part of their job as managers of the N.R.A. is to enforce noise regulations. The N.R.A. staff "go around with noise monitoring equipment", according to Ms. Frisch, and issue tickets to people who have deliberately modified their vehicles by removing the muffler. People who have inadequate mufflers are often given a warning. If they come back into the area, they are given a ticket.

The N.R.A. asked the DEQ in 1986 to do a study up here in response to a request from this area.

The legal limit for ORV's in this area is 60 decibels. The DEQ established a station at Martha Jakob's house on two weekends in the summer -- June 5 and Labor Day weekend, August 28. The studies ran from Friday noon to Monday noon (about 38 hours each). The public was unaware when the noise monitoring was taking place.

The DEQ measured sound that was greater than 65 decibels. On a normal weekend the noise level above 65 decibels was 94 seconds out of the three days. Of those 94 seconds, 73 seconds or 78% was from truck traffic on Highway 101. 21% was due to emergency vehicles or airplanes and there was no contribution of ORV's.

On the holiday weekend, there was less total noise above 65 decibels (86 seconds), and 58 seconds, or 67%, was due to trucks; but 16 seconds, or 19%, was due to ORV's. The 12 seconds remaining were due to airplanes.

So of the 76 hours monitored, only 16 seconds were due to ORV's.

She said they also looked at the noise contrast, and she thinks this is where the real problem lies. She said that because the background noise level is so low here, that the ORV's riding in the area present a real contrast in sound. So even though it does not exceed legal limits, it is a real problem and a nuisance.

The trucks contributed to the noise also, but the public is more accepting of trucks as a necessary activity than it is of ORV's which it considers to be an optional activity.

The DEQ recommended that the N.R.A. establish a curfew from 10 PM to 7 AM.

Ms. Frisch said that she is relieved that there is no obvious violation of the state's noise standards. She said that any solution they implement will have to abide by state and federal law and would have to be in agreement with the N.R.A. Management Plan which has been in existence since 1979. She wants a solution to be feasible and could be completed at reasonable cost. She said, "I look at cost as time, people, and dollars." She's also responsible to consider and protect the rights of other users.

Ms. Frisch would like to get together with a group of ORV representatives and homeowners from the area.

She asked for input from the citizens present. There was a discussion of the varying sounds and the annoyance level of each. Measuring annoyance level is a value judgment and not at all scientific, she said. Jim Fish mentioned the danger of mixing ORV's and pedestrians in the same area.

Ms. Frisch said that it would cost \$77,000. to install a buffer zone and maybe keep people off the ridge and keep them back maybe a quarter of a mile. She said that would reduce the decibels by 6.

In response to a question, Ms. Frisch said that they do not patrol the dunes and issue tickets at night because of the danger to their employees and ORV's are faster than the 4-wheel drive vehicles the N.R.A. uses. 48% of the N.R.A. is open to dune buggies and 52% is closed. The 48% is closer to adjacent residential areas than other areas, and the N.R.A. may re-think this, according to Ms. Frisch.

Russ Heggen said that reducing the noise level by 6 decibels would reduce the noise by 1/4 since every 3 decibels either double or halve the existing noise level. He said he thinks it would be significant to reduce the noise level 6 decibels in response to Ms. Frisch's earlier statement.

## VII. ANNOUNCEMENTS AND CORRESPONDENCE

- A. Western Lane County Foundation. The City had received a letter from the Western Lane County requesting the City re-appoint Mrs. Shirley Merz to another three-year term on the Foundation since her present term has expired.
- B. Media Workshop. The City had received a notice that the Florence Area Coordinating Council, Florence area media and Lane Community College (Siuslaw Area Center) are sponsoring a workshop on Thursday, March 19, 1987, at 7 PM at the Siuslaw Center. The purpose of the workshop is to educate the public on how to provide information for release by the area media.
- C. Dog Complaint on Russell. The City had received a letter from Gordon Zehrung concerning a dog complaint presented at the February city council meeting. Mr. Zehrung had observed deer in the area and had seen children ride down the street past the dogs without being bothered. He cited these as examples that the dogs do not appear to be bothering either deer or passersby.

The City had also received a call from Don Miller, the original complainant, saying that the dogs seem to be fairly well under control. If it continues to be as at present, the Millers will not complain again.

- D. New Dog Complaint. The City had received a letter from Mrs. Ruth Ball. Mrs. Ball is being menaced by a German Shepherd when she walks, and he jumps the fence into her yard. She asked if the City could do something to help. R. Petersdorf said that he had talked to councilman Fillman, who lives in Mrs. Ball's neighborhood, and to Mrs. Ball. It was determined that the dog belongs to the Watts family in the Westlake area. Mr. Petersdorf had talked with Mrs. Watts and asked that the dog be tied up and kept under control.

Mrs. Watts said that she would try to keep him under control.

- D. Response to the Hungry and Homeless. B. Stocking announced that in response to the City's proclamation to show concern for the hungry and homeless among us, the City had collected three boxes of food. The food had been taken to the Christian Church which will be taken to the Manna Ministries for distribution.

- E. Gary Darnielle - Future Hearing on the Flood Plain Insurance. Regulations were recently passed that affect any community that has an adopted flood plain map. A portion of the regulations are mandatory. Any changes that need to be made are supposed to be done by April 1. However, Mr. Darnielle did not think anyone would be able to meet that deadline. The regulations state that if cities do not adopt them, they will be dropped from the flood insurance program. He said that he would like to talk to the City's attorney and draft an ordinance changing what the City has and incorporating the new regulations. He said that the new regulations deal primarily with mobile homes.

The City will schedule a public hearing for the April council meeting.

## VIII. REPORTS

- A. Planning Commission Recommendation for Appendix A. The council members had in their packets a revised version of Appendix A and the Planning Commission's recommendation plus a request that the city attorney provide some interpretation.

Mr. Gerber said that he did not define gateway road and statutory way of necessity because those are established by court order. He advised that the City needs to advertise for a public hearing on this at the April city council meeting.

**ACTION** A motion was made by R. Parent and seconded by R. Petersdorf to accept Appendix A as submitted by the Planning Commission. The voting was unanimous, and the motion carried.

B. **Cable TV.** R. DePiero announced that the Cable TV Committee had met on February 19 with a representative of McCaw Cablevision and laid the groundwork for starting the transfer review process. At that time, there was a misunderstanding about the \$5,000 transfer fee. That has been taken care of. The City has engaged Mr. Les Page of Portland as a consultant. His preliminary report was due at any time. The committee will meet again on March 17 at 7 PM in the Dunes City Community Center.

C. **Cease and Desist Letter.** The City had received a letter from West Lane Disposal in response to the City's "cease and desist" letter. West Lane said that it would cease picking up garbage in Dunes City until the franchise expires.

D. **Master Road Plan.** R. Petersdorf gave a progress report on the development of a master road plan for the City. His committee had met with Gary Darnielle of LCOG. Mr. Petersdorf distributed to the council copies of Attachment A - Scope of Services - Dunes City Master Road Plan; and Attachment B - Detailed Budget. Those items are attached with these minutes.

E. **New Doors for the Community Center.** E. Fillman passed around a brochure displaying types of replacement doors for the kitchen door and wooden front door for the community center. The door he recommended to the council would cost \$220 purchased locally. D. Eastman offered to check for comparison prices in Eugene. B. Stocking said that she thought the City should trade locally whenever possible. However, Mr. Eastman said that since the City is spending City money it should shop for the best value possible.

Mayor Johnson asked that the matter be put on the agenda for the April meeting so that the council can hear any other prices.

- F. West Lane Disposal. R. Forest reported that a neighbor had mentioned to him that West Lane Disposal has a sign in front of its business place announcing its rates and stating that they are in effect throughout western Lane County. Since Dunes City is in western Lane County, it was thought that perhaps the ad was deceptive. Attorney Gerber said that he would talk to the attorney for West Lane Disposal.
- G. Bass Club. The Bass Club had asked the City what it intends to do with its piece of property by the Lane County dock in the Westlake area. Mayor Johnson said that since the City intends to make a park of the property, the City might schedule some meetings for the month of May and go over the property and tag the shrubbery and foliage that should be saved. The mayor said that the Bass Club would probably be willing to help with the clearing of the property if they were notified.
- H. Bi-Centennial Committee. R. Parent reported that he has started a committee for the Bi-Centennial celebration.
- I. Bus Sheds. Mayor Johnson asked Keith Watson, the Director of Roads, what he recommended for the bus sheds. She asked that he get men from each area to help him move the bus sheds and get them into good repair. B. Stocking suggested that a survey be done to see how many kids are using the sheds before they are moved around. The mayor asked if the bus shed had been removed from Oliver Wright's property. She learned that it had not been removed. She said that should be done since the permission to do so had been granted by the council at its February meeting.

#### IX. RECESS

The meeting was recessed at 9:10 PM and reconvened at 9:25 PM.

#### X. PUBLIC HEARINGS

- A. Major Partition - Robert McGuire, applicant. The mayor opened the public hearing at 9:25 PM. Eugene Wobbe was representing Mr. and Mrs. Robert McGuire as their agent. He explained briefly what they wanted to do and said that they would prefer to put in a gravel road rather than a paved road as stipulated in the planning commission's recommendation. The mayor asked why the



planning commission recommended that the road be paved. Mr. Wobbe replied that the commission was concerned with the gravel kicking out and emergency vehicles using the road. He said the commission had used the example of the Kiechle Arm Road situation. However, he said that this road would be a different situation since it would not be a cut and fill into a side hill as exists with Kiechle Arm Road. Mr. Wobbe added that since the road will have a 16% grade, you do not want to have a high-traffic road as implied by paving it.

R. Petersdorf said that the City is developing a Master Road Plan and dislikes seeing a proposed road end in a dead-end with a cul-de-sac. Mr. Wobbe responded that since the City does not have anything concrete at this point that a developer can look at, it is hard to plot roads that will fit in with a future Master Road Plan.

There was no one present to voice opposition to the major partition.

The public hearing was closed at 9:40 PM.

R. Petersdorf advised that the Subdivision Ordinance specifies that a site review will be conducted if slopes exceed 12% before land may be subdivided. A discussion ensued as to what constitutes a site review since the City does not have a definition of a site review. It was decided that since the planning commission members had visited the site and Mr. Petersdorf had visited the site, that it would be sufficient to meet the requirement of the site review.

R. Petersdorf also said that the planning commission should have had a Finding of Fact stating that it approved the name of the road. R. DePiero pointed out that in the motion made by the planning commission to recommend approval it states, ". . .into three lots with a private road named 'Fawn Court'." (It was also listed at Finding of Fact #4.) R. Petersdorf agreed that statement would probably be sufficient.

The city council discussed the possibility of extending the proposed road to the edge of the Marinesi property to allow for the possibility of future development. Mr. Wobbe reminded the council that it would be creating a road with a 16% grade that would be a higher traffic road if it eventually connects with Salal Road or Rio Drive.

**ACTION** A motion was made by R. Petersdorf and seconded by E. Fillman to approve the major partition request of Mr. Robert McGuire with the planning commission's Findings of Fact and Conclusions of Law with the following Lane County suggested stipulations from the first paragraph of the Lane County letter dated February 9, 1987:

3. Project the street to the north property line.
4. Establish the right-of-way as a temporary easement, with language that it will be dedicated as a public road when required.
5. Prepare and record an easement document meeting Lane County standards.
6. An improvement agreement be signed and recorded to assure that the road improvements will be provided at a future date.

And that the proposed cul-de-sac be extended to the north property line so that Rio Drive may be extended to connect with Salal, and with language that the cul-de-sac will be removed and the excess width will be given to the adjacent property owners if the road is ever extended. And that the road will be paved after the sale of the first lot created by the partition.

AYE: D. Eastman, R. Forest, R. Petersdorf, E. Fillman, R. Parent

NAYE: R. DePiero

Motion carried.

**B. Variance - McCleary Peckham, applicant.** The mayor opened the public hearing at 10:03 PM.

Neither Mr. Peckham nor his representative, Mr. Jim Archer, were present. There was no one in the audience either in favor or in opposition to the variance.

Mr. Archer was unable to attend the meeting since he was going to be out of town. He had left a note in the door of the community center asking if the City could enforce the C.C. & R.'s of the subdivision.

Attorney Gerber advised that the City may only enforce its own ordinances. He said the right to enforce the C.C. & R.'s is a contractual right. Anyone in the subdivision may bring suit to enforce the C.C. & R.'s. Attorney Gerber advised that the City give Mr. Peckham notice that he places himself in jeopardy of a suit from anyone in the subdivision if he violates the C.C. & R.'s.

The public hearing was closed at 10:16 PM.

**ACTION** A motion was made by D. Eastman and seconded by R. Forest to table the variance request of McCleary Peckham until such time as Mr. Archer could bring in a new detailed drawing showing conclusively the location of the front property line.

The voting was unanimous, and the motion carried.

## **XI. NEW BUSINESS**

A. **Use of Kitchen - Mary Chun, applicant.** Mary Chun had submitted a written proposal that was in the council packets. The proposal is also on file in the City office. Mrs. Chun requested to use the kitchen of the Dunes City Community Center to prepare a sauce for hot dogs. She plans to sell the hot dogs in Florence during the summer months from a portable hot dog stand.

Mayor Johnson told Mrs. Chun that she would like to have a written release from Mrs. Chun stating that the City would not be held responsible if anything happens to her or her product and would like the City to be listed in Mrs. Chun's insurance if it grants her permission to use the kitchen.

Mrs. Chun said she will have her attorney draft a Hold Harmless Agreement. She said that she would give the City a docket showing when she will be in the kitchen to relieve herself of responsibility for damage that may be done when she is not here. She estimated that she would use the kitchen approximately one (1) day a week to prepare her sauce. However, she said, she would also like to know that she's not held to one day a week if she needs to be here more often.

She asked permission to keep a small freezer in the kitchen to store her products.

R. DePiero suggested that the City determine the amount of extra electricity she would be using by checking the wattage on the stove in the kitchen.

It was suggested that since the building formerly belonged to the Sportsman's Club, the kitchen equipment might still be under its control; and perhaps Mrs. Chun should receive their permission to use the equipment. B. Stocking brought out the agreement with the Sportsman's Club and could not find any language about the equipment.

**ACTION** A motion was made R. Petersdorf and seconded by E. Fillman to grant tentative approval to Mary Chun to use the kitchen with a contract drawn up and approved by the City Attorney Ron Gerber assuming that the Western Lane Sportsman's Club does not have to approve it.

Attorney Gerber suggested that:

1. The City give her preliminary approval to go ahead and draw up a lease agreement.
2. She get the necessary approval from the Lane County sanitarian.
3. She deal with the West Lane Sportsman's Club stating that they do not lay claim to the equipment in which case they owe Lane County for "umpty-ump" years of personal property taxes. Or if they want to pay the personal property tax, she can make the peace with them.
4. She bring the City a lease with a proposed amount of money she thinks would be fair, and the City will consider it at its April meeting.

There was considerable discussion of an amount that would be considered fair. R. DePiero said that he did not think the daily rate being charged others would be considered fair since she will be leaving a freezer here 365 days a year and using the range. He thought the additional electricity plus the wear and tear she would generate on the equipment should be determined and included in the lease amount.

Mrs. Chun said she would like to be free to come and go as needed and would like to have a key to the building. She plans to put the building into the condition necessary to qualify for a commissary license so that others could use the building for a similar operation and generate income for the City.

She said she thought \$25 a day was a little high.

A vote was not taken on the motion; but after considerable council discussion, Mayor Johnson told Mrs. Chun she had tentative approval to have her attorney draw up the necessary papers to be reviewed by the City's attorney, Ron Gerber. The mayor said, "We're looking at a hundred dollars (\$100) a month flat fee, and then you've got free rein to come in whenever you feel it's necessary. And we'll see that you have a key."

- B. Conditional Use Permit Review - Harold Young. Mr. Young was present and stated that one of the planning commission's Findings of Fact stated that Mr. Young's proposed mobile home would be set on a concrete pad. He said that he would like to have that fact stricken since it has been determined that the concrete patio did not extend under the prior mobile home as at first thought. He said that he would also like to modify Finding of Fact #3 to state that the mobile home will not exceed 56 feet in length. He said the increased length will still meet the setback requirements for the property.

The city council members saw no problem with amending the above-mentioned facts since state mobile home set-up codes do not require that the mobile home be set up on a concrete pad.

**ACTION**

A motion was made by R. Petersdorf and seconded by R. Parent to strike Finding of Fact #6 and to amend Finding of Fact #3 to state that the mobile home will not exceed 56 feet in length. The voting was unanimous, and the motion carried.

- C. Lane County Extension Cooperative. Mr. Carl DePaulo, and Ed Slocum were present to encourage the council's support for their efforts to form a Lane Extension District. Mr. DePaulo explained the present funding for the present programs. He said that Lane County has served notice that it will no longer provide funding for the extension service. Mr. DePaulo said that seven (7) counties now have extension districts. He explained that the group needs to have a resolution supporting the effort from the City in order to give Dunes City voters a chance to vote on the proposal. If the City approves the resolution, then the group will circulate petitions within Dunes City and appear before the Lane County Boundary Commission.

If the City did not pass the resolution and the extension district was passed, then Dunes City voters would be excluded from receiving extension services, according to Mr. DePaulo.

R. Petersdorf asked if the voters are given the chance to vote on the proposal but vote against it, would they still be taxed for it. He was told that the vote will be tabulated by the overall county and not by city. So, yes, they would be taxed if the proposal is approved.

**ACTION** A motion was made by R. Petersdorf and seconded by R. DePiero to approve the resolution to give the Dunes City citizens the right to vote on the proposal to form an Extension Service District. The voting was unanimous, and the motion carried. The resolution will be numbered 3-12-87. B. Stocking will mail the signed resolution to Mr. Ed Slocum.

**ACTION** A motion was made by E. Fillman and seconded by R. Petersdorf to extend the meeting beyond the 11 PM deadline for new business.

D. **Draft Ordinance on Submission Dates for Land Use Applications.** The council members had in their packets copies of a draft ordinance Attorney Gerber had prepared following last month's meeting. The ordinance would give a standard deadline of 30 days for all land use applications before the planning commission public hearing. B. Stocking will advertise the ordinance for a first and second reading and to declare an emergency for the April city council meeting.

E. **Draft ordinance #114.** B. Stocking will advertise for a first and second reading and declaring an emergency for draft ordinance #114 for the April city council meeting. This ordinance clarifies Ordinance #95.

F. **West Lane Foundation Appointment.**

**ACTION** A motion was made by R. Petersdorf and seconded by R. Forest to appoint Shirley Merz to a three-year term on the West Lane Foundation. The voting was unanimous, and the motion carried.

G. **Special Use Permit - Mike Buckwald, applicant.** The City had received notice from Lane County that Mr. Mike Buckwald has applied for a special use permit for a recreational vehicle park outside the City but in the City's area of influence. Mayor Johnson announced that she had instructed the office staff to respond that the City had not received the notice in time to comment as a council before the March 10 deadline for submitting responses.

Mayor Johnson announced that the county will be conducting a public hearing April 1 at 7 PM at the Pier Point Inn. She requested input from the city council members that could be expressed at the hearing.

The council decided not to send a position paper until after hearing further testimony at the April 1 meeting. R. Petersdorf wanted the City to have an announcement placed on Channel 10 announcing the April 1 meeting for the attention of Dunes City residents.

Mr. Russ Heggen, a property owner across the highway from the proposed development, addressed the council. Mr. Heggen is chairman of the Woahink/Siltcoos Home-owners' Association which is opposed to the development. Mr. Heggen stated that Lane County does not have density requirements for campsites. The development will be on 26 acres with 135 campsites. He said only 60% of the ground in the development is usable. The forest service estimates 5 people per campsite. Using those estimated figures, he said, that places more than 600 people in that camping area. At 12½ campsites per acre, that gives you 63 people per acre. He does not feel the site is suitable for that kind of development and density.

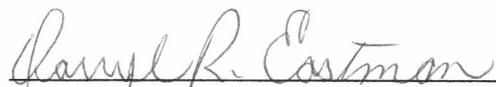
- H. CZM Grant Request. The council members had received copies in their packets of a request from LCDC concerning special projects for the 1987-88 306 Coastal Zone Management grant request and related coastal research needs. The mayor asked the council members to read through the list of projects, to rank them high, medium or low and to return their forms to B. Stocking by March 16, 1987, so that she could send them in to LCDC.


## XII. ADJOURNMENT

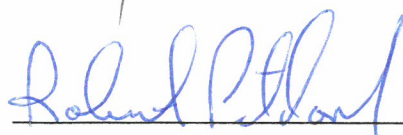
**ACTION** A motion was made by R. Petersdorf and seconded by R. Parent to adjourn the meeting, and the meeting was adjourned at 11:50 PM.

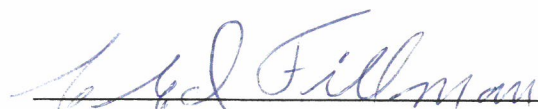
  
MAYOR NANCY LM JOHNSON

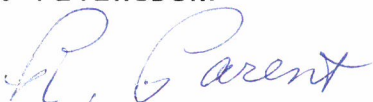
  
SECRETARY K. BACON

  
D. EASTMAN

  
R. FORST

  
R. PETERSDORF

  
E. FILLMAN





Dunes City Council  
March 12, 1987  
Page 15

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R. DE PIERO

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R. PARENT



ATTACHMENT A  
SCOPE OF SERVICES  
Dunes City Master Road Plan

Goal

Help Dunes City address its long and short term road improvement needs.

Objective

Prepare Master Road Plan for Council adoption.

A. Tasks

1. Develop program for improvement of existing road system.
  - a. Inventory condition of existing roads
  - b. Prepare base map and inventory data base
  - c. Develop priority rating system
  - d. Develop list of prioritized projects
  - e. Prepare Draft Road Improvement Program Element
2. Develop plan for future circulation system.
  - a. Identify needed connectors
  - b. Prepare Draft Circulation System Element
3. Develop alternatives to address road system jurisdictional issues
  - a. Identify road system jurisdictional issues
  - b. Outline alternative approaches to resolving issues
  - c. Prepare draft Jurisdictional Policy recommendations
4. Prepare Master Road Plan document and hold committee workshops and public hearings.
  - a. Hold one transportation committee workshop on Road Improvement Program Element
  - b. Hold one transportation committee workshop on Circulation System Element and Jurisdictional Policy
  - c. Prepare Draft Master Road Plan document
  - d. Assist with one public hearing on draft plan
  - e. Assist with one public hearing on adoption of plan
  - f. Coordinate with County

B. Staffing and Budget

The work will be performed by the Transportation Program staff with the assistance of Land Use , Research and graphics staff. Details of staffing and budget on specific tasks is presented in Attachment B. A summary of the project costs is presented below:

	<u>Hours</u>	<u>Cost</u>
- Transportation Section	174	\$4,775
- Land Use Section	37	1,276
- Research Staff	42	1,008
- Graphics Staff	38	741
- Other Costs*		700
Total		\$8,500

\*Includes costs for printing, transportation, telephone, etc.

C. Products

Fifty copies of the final Dunes City Master Road Plan.

cltsdcwp

-ATTACHMENT B-  
DETAILED BUDGET

-HOURS-						
TASK	SCHWETZ	REPLINGER	DARNIELLE	DOLL	YOUNG	
=====						
CONDITION INVENTORY	:	:	:	:	:	
-DEVELOP SURVEY	:	3 :	1 :	:	:	
-FIELDWORK	:	10 :	10 :	:	:	
-PREPARE BASE MAP	:	3 :	1 :	:	16 :	42
-PREPARE DATA BASE	:	4 :	:	:	:	
	:	:	:	:	:	
NEEDS ANALYSIS	:	:	:	:	:	
-DEVELOP PRIORITY	:	:	:	:	:	
RATING SYSTEM	:	2 :	2 :	:	:	
-ANALYSIS OF CONDITION	:	:	:	:	:	
INVENTORY	:	8 :	3 :	:	:	
-PRIORITIZE PROJECTS	:	5 :	2 :	:	:	
	:	:	:	:	:	
ROAD IMPROVEMENT PROGRAM	:	:	:	:	:	
-PREPARE DRAFT ELEMENT	:	12 :	3 :	:	6 :	
	:	:	:	:	:	
CIRCULATION SYSTEM	:	:	:	:	:	
-PREPARE DRAFT ELEMENT	:	8 :	3 :	4 :	8 :	
	:	:	:	:	:	
JURISDICTIONAL ISSUES	:	:	:	:	:	
-OUTLINE ALTERNATIVES	:	4 :	:	2 :	:	
-PREPARE RECOMMENDATIONS	:	4 :	2 :	:	:	
	:	:	:	:	:	
MASTER ROAD PLAN, PUBLIC	:	:	:	:	:	
HEARINGS AND WORKSHOPS	:	:	:	:	:	
-R.I.P WORKSHOP	:	7 :	5 :	:	:	
-CIRCULATION SYSTEM AND	:	:	:	:	:	
JURISDICTIONAL POLICY	:	:	:	:	:	
WORKSHOP	:	6 :	:	5 :	:	
-PREPARE DRAFT MASTER	:	:	:	:	:	
ROAD PLAN	:	16 :	4 :	2 :	8 :	
-ASSIST WITH PUBLIC	:	:	:	:	:	
HEARING ON DRAFT PLAN	:	7 :	4 :	:	:	
-ASSIST WITH PUBLIC	:	:	:	:	:	
HEARING ON ADOPTION	:	:	:	:	:	
OF PLAN	:	8 :	:	4 :	:	
-COORDINATE WITH COUNTY	:	10 :	17 :	20 :	:	
=====						
TOTALS	:	:	:	:	:	
-HOURS	:	117 :	57 :	37 :	38 :	42
-COST	:	\$1,872 :	\$1,311 :	\$851 :	\$494 :	\$672
-----						
TOTAL PERSONNEL COST	:	:	:	:	:	
-DIRECT	:	\$5,200 :				
-INDIRECT	:	\$2,800 :				
-----						
TOTAL	:	\$7,800 :				
OTHER PROJECT COSTS*	:	\$700 :				
-----						
TOTAL PROJECT COSTS	:	\$8,500 :				

\* INCLUDES COSTS FOR PRINTING, TRANSPORTATION, TELEPHONE, ETC.

## DUNES CITY COUNCIL

### SPECIAL MEETING March 30, 1987

#### I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 PM by Mayor Nancy L.M. Johnson.

PRESENT: D. Eastman, R. Forest, Mayor Johnson, R. DePiero, E. Fillman, R. Parent, R. Petersdorf, Attorney Ron Gerber, City Recorder B. Stocking and secretary K. Bacon. In the audience was Carroll Lockhart and Ken Reske from McCaw Cablevision and Phil Tout, a member of the cable tv committee, who was also representing "the public".

#### II. CABLE TV FRANCHISE

The meeting had been called to discuss the cable tv franchise transfer from McCaw Cablevision Limited Partnership - Florence to Cooke Cablevision, Inc.

Attorney Gerber had drafted an ordinance for consideration by the council. He had brought the proposed ordinance plus other pieces of correspondence concerning the transfer to the meeting with copies for each council member. The council took time to individually read the material he had brought.

Attorney Gerber said there was an error in the proposed ordinance in naming McCaw Communication Companies, Inc. rather than McCaw Cablevision Limited Partnership - Florence. He asked that the name be corrected.

The council discussed whether or not the ordinance should have been advertised and whether adequate public notice had been given. AttorneyGerber replied that ordinances do not need to be advertised if they are read in their entirety. However, they must be advertised and have copies available to the public if the council wishes to have the ordinances read by short title only; and, if there is no dissenting vote, the council may have the first and second reading at the same meeting.

Attorney Gerber reminded the council that the franchise requires the franchise holder to have a 30-channel system on line by 1991.

There was a discussion of the bonding requirements in Subsections A and B of Section 1. Attorney Gerber estimated that it would cost the franchise holder \$500 a year for the necessary bonding. He projected that would be the equivalent of 8¢ per subscriber. He did not know if that cost would be passed on to the subscribers.

Attorney Gerber said that he did not feel the public had received adequate notice to raise the franchise fee from 3% to 5%; and, he added, the City will have the right in the future to raise the franchise fee.

In response to a question from Mr. Petersdorf, Attorney Gerber said that subscribers will have no recourse if the new cable franchise holders add channels and raise the subscriber rates -- even if the channels are something the subscriber would not want.

Attorney Gerber estimated that the average cost per household will be \$30 by the mid-1990's throughout the nation.

In response to a question from the council, Ken Reske said that McCaw Cablevision had maintained the same number of subscribers before and after the last rate increase.

R. DePiero, chairman of the cable tv committee, said he thinks the City should raise the franchise fee from 3% to 5% at this time because of the further activity of the cable tv committee and the expenses that will be incurred by Attorney Gerber. The 2% increase would, at this time, amount to a \$2,000 gain to the City. He said that he could see where that money would be spent as the City gets into the franchise review process.

Phil Tout, another member of the committee, said that he disagrees with the advisability of raising the franchise fee. He said that for years the franchise fee has been going into the City's General Fund. He thinks it is time to use that money to maintain the franchise and avoid raising the franchise fee.

**ACTION**

A motion was made by R. DePiero to raise the franchise fee from 3% to 5%. The motion died for lack of a second.

Attorney Gerber gave what he called a note of warning - the first time through is the most expensive because everyone has to be educated. He thinks there will be significant staff and legal expense this first time through.

Ken Reske said that McCaw will agree to a franchise fee rate if the City wants to raise the fee in the future. In response to a question from the secretary, Attorney Gerber explained that even though McCaw will be selling the cable company to Cooke Cablevision, Inc., McCaw will still be the franchise holder. Attorney Gerber assumed that Mr. Reske had discussed the possibility of a future franchise fee increase with Mr. Cooke.

The council went through the proposed ordinance with Attorney Gerber section by section. Attorney Gerber explained that PEG Access means Public Education and Government.

Attorney Gerber explained that the term "Red Lining" means that certain areas of a town may be eliminated from cable service because the residents of the area were impoverished and the rate of return to the cable company would not justify extending service to the area.

He explained that "Access Channels" are used by people to promote their wares. He used the example of real estate companies who buy tv time to show videos of sale property.

Mr. Reske said that McCaw considers extending cable into an area if there are 50 homes per mile.

The council extended its thanks to the cable tv committee for the time they had devoted to reviewing the franchise transfer.

Phil Tout pointed out that the proposed ordinance would require McCaw to bond for four years before the 30 channels are required to come on line in 1991.

**ACTION** A motion was made by R. Petersdorf and seconded by E. Fillman to accept the final draft of Ordinance #116 as corrected. The voting was unanimous, and the motion carried.

**ACTION** A motion was made by R. Petersdorf and seconded by E. Fillman to have the first reading of Ordinance #116. The voting was unanimous, and Attorney Gerber read the ordinance:

"An ordinance amending Ordinance No. 80, approving a request for transfer of cable television franchise, and providing certain conditions upon which transfer will be allowed.

Whereas, the City has been approached by its cable television franchise holder, McCaw Cablevision Limited Partnership - Florence (hereafter franchisee) and has requested the City approve a transfer of franchisee's cable television franchise to Cooke Cablevision, Inc. (hereafter transferee, and. . . going on as though I had read the rest of that page. Page Two. . . review the purchase price would be to review the impact that might have upon future subscriber fees. . .and going on as though I had read the rest of Page Two in its entirety. And continuing at the top of Page Three. . .franchise that will enact the changes in the federal law or regulation. . .going on as though I had read the entirety of the remainder of Page Three."

**ACTION** A motion was made by R. Petersdorf and seconded by E. Fillman to approve the first reading of Ordinance #116.

AYE: D. Eastman, R. Forest, R. Petersdorf, R. DePiero, E. Fillman, R. Parent

NAYE: None

The motion carried.

**ACTION** A motion was made by R. Petersdorf and seconded by E. Fillman to have the second reading of the final draft of Ordinance #116 with corrections. The voting was unanimous, and the motion carried.

Attorney Gerber read the ordinance as above.

**ACTION** A motion was made by R. Petersdorf and seconded by D. Eastman to accept the second reading of Ordinance #116.

AYE: D. Eastman, R. Forest, R. Petersdorf, R. DePiero, E. Fillman, R. Parent

NAYE: None

The motion carried.

**ACTION** A motion was made by E. Fillman and seconded by R. Forest to declare an emergency on Ordinance #116. The voting was unanimous, and the motion carried.

**ACTION** A motion was made by R. Petersdorf and seconded by E. Fillman to accept Ordinance #116 with corrections and to declare an emergency.


AYE: D. Eastman, R. Forest, R. Petersdorf, R. DePiero, E. Fillman, and R. Parent

NAYE: None

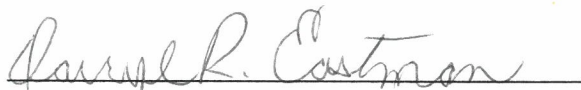
The motion carried.


**III. ADJOURNMENT**

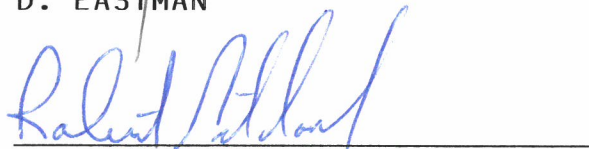
The meeting was adjourned at 8:45 PM.

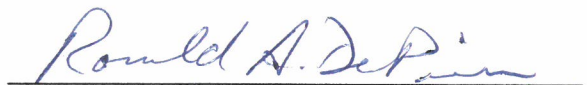
  
MAYOR NANCY L.M. JOHNSON

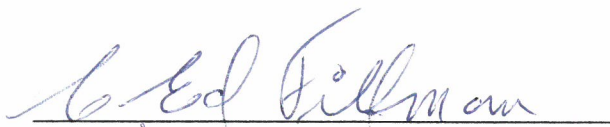
  
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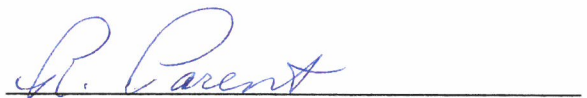
  
D. EASTMAN

  
R. FOREST

  
R. PETERSDORF

  
R. DE PIERO

  
E. FILLMAN

  
R. PARENT