

DUNES CITY COUNCIL  
REGULAR MEETING  
October 13, 1988

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF SEPTEMBER 8 and a revised paragraph for AUGUST 11, 1988, MINUTES
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VII. PUBLIC HEARING
  - A. Review of City Application fees
- VIII. REPORTS
  - A. Road Committee
  - B. Any other reports council members may have
- IX. UNFINISHED BUSINESS
  - A. Orcutt Abatement
  - B. Westlake Resolution proposal
- X. NEW BUSINESS
  - A. Stop sign for Maple and Erhart
  - B. Speed limit on Lakeshore
  - C. League of Oregon Cities - Mayor's Conference Nov. 12, 1988
  - D. New Copier for City office
  - E. Draught pipe Lane County dock - Westlake
  - F. Speed limit sign request for Berry Lane
- XI. EXECUTIVE SESSION (if needed) for a)Litigation, b)Personnel, or c) Negotiations
- XII. ADJOURNMENT

## DUNES CITY COUNCIL

REGULAR MEETING  
October 13, 1988

### I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:40 p.m. Mayor Nancy LM Johnson was out of town; and, in her absence, Council President Ron DePiero chaired the meeting.

PRESENT: D. Eastman, R. Forest, R. Petersdorf, R. DePiero, E. Fillman, R. Parent, City Recorder K. Aitken and secretary K. Bacon. Attorney Ron Gerber entered the meeting at 7:55 p.m. There were 11 citizens present and no representative from the press.

ABSENT AND EXCUSED: Mayor Nancy LM Johnson

### II. APPROVAL OF MINUTES OF SEPTEMBER 8 and a revised paragraph for AUGUST 11, 1988, MINUTES

**ACTION** A motion was made by R. Parent and seconded by E. Fillman to approve both the minutes of September 8 and the revised paragraph for the August 11, 1988, minutes. The voting was unanimous, and the motion carried.

### III. BILLS AGAINST THE CITY

**ACTION** A motion was made by R. Petersdorf and seconded by D. Eastman to pay the bills against the City in the amount of \$4,888.79. The voting was unanimous, and the motion carried.

### IV. RECEIPTS OF THE SESSION - \$9,151.88

### V. ANNOUNCEMENTS AND CORRESPONDENCE

A. Financial Statement. K. Aitken announced some changes on page 1 of the monthly financial statement. Under garbage franchise: change 0 in column 2 to \$250, 0 in column 3 to \$250, 0 in Total Receipts column to \$500, and "Anticipated" to \$500.

Under the line item "Fees", \$550 should be changed to \$300 in column 2, \$275 should be changed to \$25 in column 3, \$825 should be changed to \$325 in Total Receipts column, and \$675 in "Anticipated" column should be changed to \$1,175.

B. Attorney Gerber Bill. K. Aitken announced that Mr. and Mrs. Al Miller would be billed \$123 for their consultation with Attorney Gerber regarding their pending variances.

## VI. CITIZEN INPUT ON UNSCHEDULED ITEMS

There was no citizen input on unscheduled items.

## VII. PUBLIC HEARING

- A. City Application Fees. R. DePiero opened the public hearing at 7:45 p.m. on the matter of possibly increasing City application fees for variances, conditional use permits, and sign permits. The city council had carried this item over from the September city council meeting to give the public time to consider and present input on this item. K. Aitken wrote the present fee schedule on the blackboard for the audience, and R. DePiero read the list of actual costs to the City for processing an application. The present cost to the City is \$186+. Members of the audience discussed the costs, and it was suggested by George Baker that applications be handled by the City on a sliding scale. The public hearing was closed at 7:56 p.m.

### ACTION

A motion was made by D. Eastman and seconded by E. Fillman to refer the review of City fees to the C.C.I. committee to consider and to report on its considerations at the November city council meeting. The voting was unanimous, and the motion carried.

## VIII. REPORTS

- A. Road Committee. The minutes of the Road Committee were included in the city council packets. The minutes spelled out in detail the road work the committee wished to have done and the cost estimates for doing the work. It was noted that there is a \$927 "mobilization" fee for the grader, roller and back-hoe.

There was discussion that the back-hoe work can be done by local contractors but that paving must be done by Johnson Rock because there is no one else who will bid on the work. D. Eastman requested that the road committee be given latitude to do the work if it is under a certain amount. He pointed out that Director of Roads Keith Watson is allowed to do work without prior council approval if the amount is under \$1200.

### ACTION

A motion was made by D. Eastman and seconded by E. Fillman to adopt the recommendations of the road committee in its minutes of October 5, 1988, and to proceed with the work listed in those minutes. Voting was unanimous, and the motion carried. R. Petersdorf asked if the City will be

open to legal action if the total amount for all the projects is over \$2,000 and it is not put out for bid. Attorney Gerber advised that there is "peril" involved in paying for several smaller jobs to avoid sending the work out for bid. He recommended that the City put the work out for bid. He also said that he would make some phone calls the day following this meeting and will notify D. Eastman or Keith Watson of what he learns about regarding to the bidding.

The city council had in its packets a copy of a letter that D. Eastman had written to John Goodson of Lane County. Mr. Eastman had delineated in the letter the street lengths and total street miles in Dunes City. He had listed five (5) categories for the streets: public, questionable ownership, private, "paper" streets (on the map only), and county roads within the city. D. Eastman said that the City could lose \$8,530 in revenue from the county as a result of the reduced total. D. Eastman said that the amount the City loses will be divided among the other cities in Lane County. John Goodson had told Mr. Eastman that other cities in Lane County will have to measure the length of their streets if the county receives a citizen complaint disputing the figures given for the street lengths in any or all of those cities. D. Eastman asked if the City wanted to accept the \$8,530 loss in revenue or request that all other cities in the county also be required to measure their streets. He said that, so far, Dunes City is the only city out of 12 in Lane County that has had to measure its streets. Attorney Gerber advised that the Lane County counsel will decide whether or not the City's road allotment will be reduced because of the reduced road length. Mr. Gerber advised that the county counsel is aware that by reducing the City's allotment he would be setting a precedent and may well advise against reducing the allotment. The consensus of the city council was to leave the matter alone until the City sees what the county counsel decides.

It was asked whether the City's street fund has to be spent within the fiscal year for which it is budgeted. K. Aitken explained that individual line items are not carried over, but that any money left in the street fund is carried over in the street fund as cash on hand.

- B. Basketball Hoop.** D. Eastman reported that it had cost \$100 to purchase the basketball hoop and hardware to install. He had donated the cost of some of the hardware to install the hoop and Keith Watson had helped him to install the hoop at the community center.



- C. Florence Futures. D. Eastman reported that he had attended the meeting of the Florence Futures group. He recommended that the City join with Florence and the Dunes N.R.A. in a cooperative effort to develop an elevated parking lot on the south jetty road. He said that, if the the urban growth boundary for the City of Florence is not south of the Siuslaw River, then he thought Dunes City should get some of the room tax money from the Pier Point Inn and could use it in the above-named project.
- D. Westlake Resolution Meeting. R. DePiero reported on the meeting that had been held to review the proposed Westlake resolution. He said that the meeting had had a positive feeling and that one of the suggestions at the meeting had been that the minutes of the city council meeting be posted at the Westlake Post Office and the Westlake Market so that citizens in that area could have access to reading the minutes outside the regular City office hours. K. Aitken was asked to post the minutes from now on and agreed to do so.

#### IX. UNFINISHED BUSINESS

- A. Orcutt Abatement. Attorney Tom Nicholson, representing Dr. Orcutt, was present. He said that the dock and walkway to it had been completely removed. The work had been finished just prior to this meeting and that the area had been stabilized with vegetation. Since the re-vegetation had occurred prior to removing the walkway, Mr. Nicholson was asked if removing the walkway had disturbed the re-vegetation. Mr. Nicholson indicated with his hands that there were no areas left larger than approxiamtely six inches without vegetation.

The secretary asked if Dr. Orcutt's easement ownership would allow him to apply for the conditional use permit to build a dock or if the applicant would have to be Dr. Sam Marinesi, the lot owner. Mr. Nicholson said that it was a moot point since they did not intend to apply for a permit.

- B. Westlake Resolution. The city council had received in its packets copies of the revised Westlake Resolution. The revised resolution had been drafted at a meeting of concerned citizens and a committee of neutral volunteers commissioned by the mayor. R. DePiero had agreed to represent the council on the committee. He reported that he felt that the present (revised) resolution represents the consensus of the group that was present at that meeting.

R. DePiero reported that, following the meeting, the City had received the letter from Geneva Esselstrom that was attached with the revised resolution. Ms. Esselstrom indicated that she was **upset** at not having been invited to the meeting of the resolution review committee. R. DePiero explained to those present at this meeting that no slight had been intended, that the meeting had been publicly posted and open to the public, and that the City could not "play favorites" by inviting individuals to its meetings.

The previous proposed resolution had stated that the Westlake Community Committee would represent the Westlake residents. There was discussion of whether the make-up of the W.C.C. would remain constant; would represent the majority of the Westlake residents. The City had not received a membership list nor a list of officers for the W.C.C. Attorney Gerber advised that other, usually larger cities, have recognized neighborhood committees. Some cities have ordinances that spell out how neighborhood committees shall be organized before they are recognized by that city as representative.

**ACTION**

A motion was made by E. Fillman and seconded by R. Forest to accept Resolution 10-13-88 as drafted by the committee to review the resolution proposed by the Westlake Community Committee with the deletion of the word "Draft" and the deletion of the parenthetical statement referring to Ms. Esselstrom's letter. A roll call vote was called for.

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

NAYE: None

The voting was unanimous, and the motion carried. K. Aitken will prepare a final copy which will be signed by the city council at the November city council meeting.

**X. NEW BUSINESS**

- A. Stop Sign for Maple and Erhart Roads. D. Eastman recommended that the council approve a stop sign be placed at the intersection of Erhart and Maple Roads to prevent an accident from occurring at that intersection and to prevent drivers from driving over the culvert at that intersection and breaking it down.

**ACTION**

A motion was made by R. Petersdorf and seconded by D. Eastman to place a stop sign at the intersection of Maple and Erhart Roads. The voting was unanimous, and the motion carried.

R. Petersdorf said that he thinks the City should also place a stop sign on Parkway Drive where it intersects with Boy Scout Road. Keith Watson said that Boy Scout Road is a county road, and he thinks it would be up to Lane County to decide whether or not it would allow a stop sign at that intersection. He will check with Lane County to see if the City can install a stop sign at that intersection.

- B. Speed Limit on Lakeshore. D. Eastman recommended that the speed limit be reduced from 25 mph to 15 mph on Lakeshore. He reported that neither the state police nor the Lane County Sheriff's Department will enforce that speed limit since it has been reduced by council action and is more restrictive than the 25 mph allowed by state statutes in residential areas. There was considerable discussion. George Baker, a resident on Lakeshore, requested that the City write a letter to all the residents on Lakeshore asking them to obey the 15 mph speed limit. The city council was reluctant to set a precedent in which they might have to eventually write to all city residents asking them to obey the speed limits on their streets. R. DePiero suggested that Mr. Baker be returned the petition he had presented to the City, that he continue to circulate it among the property owners on Lakeshore, and that he send a copy of the petition and a cover letter to all the property owners on Lakeshore alerting them that the majority of the property owners on the street support the reduced speed limit.

- C. Mayor's Conference. Mayor Johnson had requested permission to attend the Saturday, November 12, Mayor's Conference sponsored by the League of Oregon Cities. It was noted that there is a \$50 registration fee that does not cover the cost of meals. Mayor Johnson thought that the newly-elected mayor should be authorized to attend, as well.

R. Petersdorf said that if Mayor Johnson wanted to go and take the newly-elected mayor, he thought the money would be well-spent. However, he thought that if the new mayor did not want to go, it would not be worthwhile for Mayor Johnson to attend with only one month left in her term. There was considerable council discussion. There were those on the council who stated that Mayor Johnson could bring back a report that would benefit the entire council.

**ACTION**

A motion was made by R. Petersdorf and seconded by R. Forest to allocate \$50 per person for any city council or city staff member who wants to attend the League of Oregon Cities Mayor's Conference November 12. The voting was unanimous, and the motion carried. R. Petersdorf said that the council can discuss reimbursement for meals and travel at its November city council meeting.

- D. New Copier for City Office. K. Aitken had presented a memo to the city council outlining four cost proposals for a new copier for the Dunes City Office. Keith Watson asked if the City had published for bids for the new copier since the purchase price would be over \$2,000. K. Aitken responded that she had not since she was unaware that the purchase would have to be bid.

There was considerable discussion of the four proposals that had been received.

Attorney Gerber advised that the item would have to be advertised for sealed bids. The information in his Oregon statutes indicated that anything over \$2,500 would have to be bid. He asked that K. Aitken check with Craig McMicken, Florence City Manager, to ask if the \$2,500 amount was still accurate.

It was decided that, if bids are necessary, the City will request two bid proposals: 1) a copier with a maintenance contract, and 2) a copier without a maintenance agreement.

**ACTION**

A motion was made by D. Eastman and seconded by E. Fillman to direct the City staff to begin the formal bid process for a new copier for the City Office with bids to be opened at the November city council meeting. The voting was unanimous, and the motion carried.

- E. Draught Pipe at Lane County Dock. R. DePiero turned the chairing of the meeting over to R. Forest after announcing this agenda item, and he declared that he had a direct conflict of interest.

R. Forest, a volunteer with the Siuslaw Rural Fire Department, explained that Chief "Butch" Libby of the fire department had suggested that, since Dunes City allocates money to be donated to the fire department, Chief Libby wanted to suggest that a draught pipe be installed near the Lane County dock at Westlake.

At the  
November  
10, 1988,  
city  
council  
meeting,  
the word-  
ing was  
changed  
to "fire  
department  
stand pipe"  
to avoid  
confusion.

R. Forest explained that the draught pipe is necessary because there is no fire hydrant in the Westlake area. R. Forest explained the problem of pumping directly from the lake without the draught pipe. The cost of installing the pipe would be paid for out of the \$1,000 allocated in the City budget for donation toward fire. He stated that the draught pipe would probably reduce insurance rates in the Westlake area.

R. DePiero of Ron's Plumbing had drawn a sketch showing the layout of the pipe with relation to the Lane County dock. He had prepared cost estimates for the proposal. He said that Ron's Plumbing had been asked to do the work and would take care of getting the approval to dig from the phone company, cable tv, Central Lincoln P.U.D. as well as approval from Lane County to place the pipe. He explained that the intake for the pipe would be under the dock where the growth of elegea (spelling?) is lesser because it does not grow in the shade. The other end of the pipe would be located on land.

**ACTION**

A motion was made by R. Petersdorf and seconded by D. Eastman to authorize the installation of the proposed draught pipe in Siltcoos Lake at the foot of Pacific Avenue the cost of which shall not exceed \$1,000. The voting was unanimous, and the motion carried.

R. DePiero abstained from voting.

F. Speed Limit for Berry Lane. D. Eastman reported that Vake Sampson had requested a speed limit of 20 to 25 mph on Berry Lane.

**ACTION**

A motion was made by R. Petersdorf and seconded by E. Fillman to authorize that two (2) 15 mph speed limit signs be posted on Berry Lane and Manzanita. The voting was unanimous, and the motion carried.

G. Minutes of September 8. D. Eastman had some questions from the previous month's minutes. He asked if Attorney Gerber had determined if the Miller variances that had been remanded to planning commission had to be published. Mr. Gerber said that it does not have to be published when the time and date of the meeting are announced in open public meeting.

D. Eastman also announced that Cooke Cable Company cannot tell the City how many customers it has within Dunes City. D. Eastman asked how the City can be



certain that the franchise amount the City is receiving from the company is correct since the franchise amount is pegged to the number of customers receiving cable tv within the city.

Attorney Gerber suggested the cable tv committee notify Cooke Cablevision that it will be at Cooke Cablevision on a certain date and would like to talk to them about how the company computes its cable tv franchise fees. He advised that the committee ask the company to show the committee its records. The committee may request a computer run of all customers on the system. The addresses should indicate those that are within Dunes City. It was mentioned that the franchise contract authorizes the City to have the books audited at the company's expense. R. DePiero directed the franchise committee to begin the above-mentioned process.

There was further discussion of the city's roads. Attorney Gerber suggested that at some time the City may have to get into a quiet title suit to take city streets. Phil Tout wondered what the City would do if it acquires a city street through quiet title and later wants to widen the road beyond the width it was when acquired through quiet title. Attorney Gerber said that the City would have to do condemnation to take the additional width.

- H. Meeting Times. R. Parent suggested that the times of the Master Road Plan Committee and Road Committee meetings be standardized to avoid confusion. R. Petersdorf explained that the Master Road Plan meetings had been set at 6:30 p.m. to accommodate the LCOG representatives who were coming from Eugene for the meetings and had to return to Eugene after the meetings. R. Parent suggested that the Road Committee meetings be scheduled for the same time. R. Petersdorf said that the LCOG representatives will not be attending the Master Road Plan meetings now for awhile until the City gathers additional information needed to proceed. R. Petersdorf said that he would be willing to schedule future Master Road Plan meetings for 7 p.m. to avoid confusion.

## XII. ADJOURNMENT


The meeting was adjourned at 10:30 p.m.



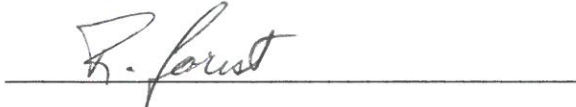
CHAIRMAN R. DE PIERO

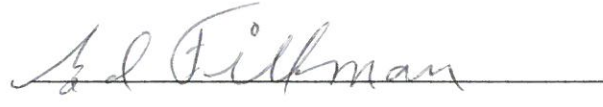


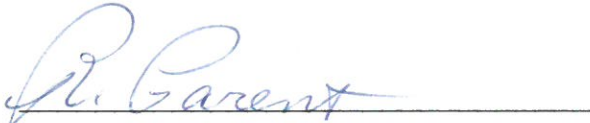
SECRETARY K. BACON

  
D. EASTMAN

  
R. PETERSDORF

  
R. FOREST

  
E. FILLMAN

  
R. PARENT

DUNES CITY COUNCIL

REGULAR MEETING  
November 10, 1988

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF OCTOBER 13, 1988
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VII. PUBLIC HEARINGS
  - A. Bid Opening - Office Copier
  - B. Bid Opening - Road Work
  - C. Variances - Anna J. Miller, applicant
- VIII. REPORTS
  - A. Watts Abatement
  - B. Road Committee Chairman Report
  - C. Legal Opinion re. Kiechle Arm Rd.
- IX. UNFINISHED BUSINESS
  - A. Westlake Resolution
  - B. City Fees
  - C. Siltcoos Lake Weed Problem
- X. NEW BUSINESS
  - A. Agenda items for Lane County Commissioners meeting in December
  - B. Utility lines running under City streets
  - C. City holiday calendar for 1989
- XI. EXECUTIVE SESSION (if needed) a) Litigation, b) Personnel, or c) Negotiations



## **DUNES CITY COUNCIL**

### **REGULAR MEETING November 10, 1988**

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

The meeting was called to order at 7:35 p.m. by Mayor Nancy LM Johnson.

PRESENT: D. Eastman, R. Forest, R. Petersdorf, Mayor Johnson, E. Fillman, Attorney Ron Gerber, City Recorder Kathleen Aitken and secretary K. Bacon. In the audience were newly elected council members Eleanor Landwehr, Chuck Ellis and Harold Hodson and 15 citizens.

ABSENT: R. DePiero and R. Parent

#### **II. APPROVAL OF MINUTES OF OCTOBER 13, 1988**

There was discussion of the wording in paragraph E about the draught pipe at the Lane County dock. R. Forest stated that there was nothing wrong with the wording in the paragraph, but he thought it would be better understood if the pipe was referred to as a fire department stand pipe.

#### **ACTION**

A motion was made by R. Petersdorf and seconded by E. Fillman to accept the minutes of the October 13, 1988, meeting with the above-mentioned change to the wording of paragraph E. on page 7. The voting was unanimous, and the motion carried.

#### **III. BILLS AGAINST THE CITY**

A question was raised about the consulting fee that Emile Mortier charged the City for consulting on the Ann and Al Miller property. The council wondered if the Millers had requested that consultation. The city recorder responded that the City had requested Mr. Mortier's consultation.

#### **ACTION**

A motion was made by D. Eastman and seconded by R. Forest to approve the bills against the City in the amount of \$5,186.34. The voting was unanimous, and the motion carried.

#### **IV. RECEIPTS OF THE SESSION - \$55,003.47**

Mayor Johnson pointed out that the receipts for this session reflect the Urban Transition Road Funds in the amount of \$43,330.00.

V. ANNOUNCEMENTS AND CORRESPONDENCE

- A. Planning Commission Meeting. The city recorder announced that the planning commission meeting for November had been moved to Tuesday, November 15, from Wednesday, November 16. This change is for the month of November only.

VI. CITIZEN INPUT ON UNSCHEDULED ITEMS

- A. Public Service Announcements. Phil Tout said that he had noticed that the announcement of the city council meeting had been taken off the air sometime during the day of the city council meeting. He thought that, perhaps, it should be left on until the following day. Mr. Tout was informed that Cooke Cablevision allows the public service announcements to run for two days only and changes them at 5 p.m. on the second day. The City has been running the announcements the day before and the day of the city council meeting.
- B. Light at Highway 101 and Canary Road. Phil Tout said that the light installed by the Highway Department at Canary Road and Highway 101 has been out for some time. He suggested that the City contact Bud George and ask that it be turned back on.

In another matter, Mr. Ambrosio from Darlings Resort said that the light at Darlings Loop turns off when the beam of light from car headlights hits it. The City Recorder said that she recently received a list of all the light pole numbers in Dunes City. She said that if Mr. Ambrosio could give her either the location of the light pole or the pole number, she will call P.U.D. and let them know about the problem.

VII. PUBLIC HEARINGS

- A. Variance - Anna J. Miller, applicant. Mayor Johnson opened the public hearing at 7:50 p.m. D. Eastman and R. Petersdorf stated that they had visited the site. Attorney Mike Farthing, representing Mr. and Mrs. Miller, presented the council with a plot map showing the building location. The map also indicated the lake and highway setbacks.

Ann Miller gave some background on what she wanted to do with the property and why it hadn't been completed in 1984. She said that she has receipts showing that the Millers have spent \$36,500 to date on what has been accomplished with the building.

Mrs. Miller said she wants to "make an exceptional-looking piece of property on Highway 101 that will compare similar to Robertson's property across the road". Mrs. Miller presented to the council members a petition she had circulated which was worded to indicate that the signers of the petition were in favor of seeing the Millers complete the addition to their building.

Harry Taylor, Mrs. Miller's land use consultant, referred the city council to the Millers' Site Plan Exhibit A. Exhibit A shows the deck as being 37 feet from Woahink Lake and 14 feet from Highway 101. He said that the variance request is, essentially, the same as the variance which was granted in 1984. He said that the applicant plans to amend her request to remove an existing shop located at the north end of the building and consolidate the parking at the north end of the building where the shop is now located. The pump house would be removed and the "mechanics" moved into the present building. Mr. Taylor said that he had talked to Emile Mortier, the building inspector; and he said that Mr. Mortier had told them that the concrete slab which exists at the south end of the building would be "acceptable for the structure".

Mr. Farthing said that the applicant no longer wishes to pursue the issue of vested rights because they did not feel it was applicable.

Mr. Farthing gave his interpretation of a non-conforming structure. He gave the opinion that if a structure is built in accordance with a variance, that structure would be legal rather than non-conforming and would not, therefore, expand a non-conforming structure to which it was attached.

D. Eastman questioned the figures for the number of feet between the porch and the shoreline of Woahink Lake. Although the applicant shows a measurement of 37 feet, Mr. Eastman asked if the measurement was taken from a bulkhead that exists in the lake near the shoreline. Mr. Taylor agreed that the measurement was taken from the bulkhead. Mr. Eastman explained that after the Millers put in the bulkhead Mr. Miller put in fill behind the bulkhead. That fill has since washed out and makes the shoreline now approximately 30 feet from the edge of the existing porch. Mr. Eastman said that the state allows a one-time-only fill of 50 cubic yards without a permit. He said the applicant may have a difficult time getting the state to allow her to replace the fill.

to indicate that the new construction at Darlings Resort meets the required 25-foot setback from Darlings Loop and the 15-foot setback from Dorothy Lane.

In response to a question from R. Petersdorf, Attorney Gerber said that it is his interpretation of the language of Section 10 quoted earlier by Mr. Farthing that it applies to a residential structure rather than commercial. Mr. Gerber said that it does not appear to authorize that both a commercial and single-family dwelling can be built upon the same piece of property. Mr. Gerber said that he disagrees with Mr. Farthing and does not think the Zoning Ordinance would authorize placing both a commercial structure and a single-family residence on a non-conforming lot.

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

E. Fillman noted that he had been a member of the city council when the variance was first granted in 1984. He said that he approved of it then and thinks that it would improve the property.

R. Petersdorf said that page 64 of the Zoning Ordinance (Section 10 on non-conformities) states that a non-conforming structure cannot be altered. He said that the applicant's request would alter a non-conforming structure.

D. Eastman asked that the secretary check the March 3, 1985, date in Findings of Fact #21 for accuracy. He discussed Conclusion of Law #2 and questioned whether the reference to the Miller's neighbors to the south might better be listed as a Finding of Fact rather than a conclusion.

D. Eastman asked Mr. Gerber if the applicant's attorney has given information that Mr. Eastman considered to be questionable should it be allowed to stand unchallenged. Attorney Gerber advised that the City should probably take new Findings of Fact and make Conclusions of Law which would show that the questionable information had been addressed.

Attorney Gerber advised the council that it would not get to the non-conforming issue until it got past the variance issue. He said that if the request meets the four variance criteria, then the council would have to resolve the non-conformity issue.

Corrected at  
December city  
council meeting.  
D. Eastman wanted  
it noted that he  
was in Dunes City  
but not on city  
council at B.  
time.

Ann Miller said that there had not been any fill placed behind the bulkhead. D. Eastman said that he had been on the council at the time Mr. Miller had done the filling and knew that it had been filled. Mrs. Miller said that she had been gone at the time it was done and did not know whether or not it had been filled.

**Bid Openings.** The public hearing on the Miller variances was suspended at 8:20 p.m. to allow for bid openings which had been advertised to be opened at 8 p.m.

1. **Copier.** The City received the following bids for a copier:

\$5,375 corrected 12/8/88

American Business Machines bid ~~\$7,280~~ for a Gestetner Model #2320Z. They offered a \$900 trade-in allowance for the City's Olivetti copier which would reduce the price to \$4,475. Their bid on the maintenance agreement was \$0.0175 per copy for the first 6,000 copies and \$0.0095 per copy thereafter.

National Photocopy Corporation bid \$5,300 for a Minolta EP-410Z with fully automatic document feeder, 10-bin sorter and cabinet. This amount could be reduced \$200 for trade-in of the City's Olivetti and an additional \$204 for a cash discount bringing the amount to \$4,896. The maintenance was bid at \$.0212 per copy for the monthly metered plan at a minimum of 2,300 copies per month.

Northwest Business Systems, Inc. bid \$4,595 for a Mita 2055 copier with 10-bin sorter, stand, automatic document feeder and 3 cassettes. This amount is without a trade-in allowance. They bid \$250 per year for the maintenance agreement to include all parts, labor and consumables except paper.

Oregon Photocopy Company bid \$6,750 for a Mita DC-2055 copier. They offered a \$1,755 trade-in allowance for the Olivetti. The maintenance agreement was bid at \$235 each 10,000 copies or six months.

Without awarding bids on the copier, the mayor moved on to opening the road bids.

2. **Road Repairs.** The City received a bid from Johnson Rock Products for \$2,785 grading and preparation, equipment, labor and materials to pave approximately 1650 square feet of miscellaneous potholes and street widening. They noted on the bid that the price was good only if done in conjunction with other jobs in the area. They noted that the proposal would be withdrawn if not accepted within 16 days. The work is to be done on Alder Court and Ocean Boulevard.

All references to Gestetner in this paragraph should be Minolta. D. Eastman misspoke himself and corrected this in the 12-8-88 meeting.

D. Eastman said that the staff had tried the Mita DC2055 in the office and was "totally happy with it". He said that was why the bid specs specified that make and model or one of comparable quality. D. Eastman also said that the Gestetner representative offered to leave the Gestetner machine for two weeks. Eastman suggested that, rather than award the bids for the copier at this meeting, the City accept the offer of a two-week trial on the Gestetner. The Gestetner representative had also left a list of companies that have purchased a Gestetner. Eastman suggested that the City contact them to see why they had chosen a Gestetner rather than a Mita.

The mayor said that she would like a committee to review the bids and make a final recommendation to the city council. The mayor said that it would be further discussed under New Business.

#### **ACTION**

A motion was made by D. Eastman and seconded by E. Fillman to accept the bid of Johnson Rock Products not to exceed \$2,785 to do Ocean Boulevard and Alder Court at a time that is convenient to them but with a completion date not to exceed January 31, 1989, and to avoid the mobilization fee. The voting was unanimous, and the motion carried.

#### **A. Variance - Anna Miller, applicant, - Continued**

The mayor resumed the public hearing on the variance. She accepted a memo from the planning commission secretary with some amendments to the planning commission's Findings of Fact and some additional Findings of Fact and Conclusions of Law. These had been suggested by the City's attorney to complete the record. D. Eastman questioned whether the council could accept additional findings and conclusions that had not been stipulated by the planning commission. The attorney said that the council could accept the memo as a staff report. The secretary requested that the word "new" be inserted into Findings of Fact #44 before the word "construction"

D. Eastman said that he does not agree that granting the variance would not expand the non-conformity of the existing building but would allow construction of a conforming structure.

D. Eastman also disagreed with the applicant's measurements for the width of the property. In the applicant's supplemental statement, page 1 paragraph two, it gives a measurement of 100 feet in width at the widest portion. D. Eastman said that measurement should instead be 87 feet 4 inches. He said this is using the 14 feet from the Highway, 32 feet building width, 11 feet 4 inches for the porch and the 30 feet to the waterline.

D. Eastman said that because the council made an error in granting the variance in 1984 is not a reason to perpetuate it. Attorney Gerber concurred that if the council is going to reverse itself there has to be a reason for it, and being wrong in the past is a reason.

D. Eastman said that he recalled from having heard in earlier testimony or having read in the paperwork submitted that the applicant contends that because of the setbacks the property to the south of the building is a useless piece of property. Mr. Eastman wanted to point out that the land in question is being used as the septic drainfield for the existing building and is not a useless piece of property.

D. Eastman referred to Applicants' Supplemental Statement page 4 paragraph 3, the underlined statement "does not create or expand the existing non-conforming structure." He said that it is not his interpretation nor is it, apparently, the interpretation of the City's attorney that this statement is correct. Attorney Gerber said that if the case is ever appealed to LUBA, the review board would take judicial notice of the City's ordinances.

D. Eastman referred to the Applicants' Supplemental Statement page 6 paragraph 1 which stated that variances should not ordinarily be granted if the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owner. Mr. Eastman said that the circumstances were created by the applicant since the building had living quarters and a commercial business within when the Millers purchased it. The applicant had removed the kitchen after it was purchased.



D. Eastman questioned the appropriateness of the word "use" in the third paragraph, page 6, of the Applicants' Supplemental Statement. Mr. Farthing explained that the two uses referred to are the residence and the art gallery, and the applicant wishes to expand the existing quarters to expand the use.

D. Eastman referred to page 7 paragraph 2 of the Applicants' Supplemental Statement and the following statement, "Without a variance, there is no way they can continue their program of eliminating the substandard condition of the present building." Mr. Eastman said that there is nothing to prevent them from maintaining the present building and repairing it rather than allowing it to fall down. He reminded those present that the applicant has never completed the railing of the second story deck which was authorized.

D. Eastman stated that he finds fault with the statement in paragraph 5, page 7, of the Applicants' Supplemental Statement that most, if not all other, commercial properties in Dunes City can be developed to their maximum potential within the normal setback restrictions. He said there are other commercial properties which will be restricted in developing because of the same restrictions.

D. Eastman referred to paragraph 5, page 8, of the Applicants' Supplemental Statement. The statement contends that the property will be enhanced by having the applicants able to live on their commercial property. D. Eastman reiterated that the applicants had created their own problems by removing the kitchen from the existing building.

D. Eastman concluded by referring to the Summary on page 9, paragraph one, of the Applicants' Supplemental Statement. The opening sentence of that summary states, "The Applicants seek to complete their planned construction to allow full and proper utilization of the site." Mr. Eastman again reminded those present that the site was fully usable when the applicants purchased the property, and the applicants have created their own problems by removing the kitchen.

At the conclusion of Mr. Eastman's comments, Mayor Johnson said that what the City is considering in this request is different from the request submitted in 1984 -- the blueprints and what the applicant proposes to do is different. She further stated that sometimes it is



hard to make some decisions, but "what the City does for one, it must do for all." The mayor said that she would like to see the project completed because she thinks it has looked bad the past four years having the unfinished look.

Attorney Gerber recommended that the city council go through the variance criteria step by step.

Mr. Gerber said that the first criteria about a strict interpretation creating a practical difficulty or unnecessary hardship is probably met because of the narrow strip allowed for building by the two setbacks (from Highway 101 and Woahink Lake).

Attorney Gerber said that the second criteria pertains to exceptional or extraordinary circumstances. He said that the applicants wish to expand the area of the building for living and commercial purposes, and the council needed to decide whether the desire to expand to have more living area and more commercial space constituted exceptional or extraordinary circumstances. D. Eastman did not agree since other businesses have the same types of setback restrictions.

Mr. Gerber said that the third criteria was whether a "strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties classified in the same zoning district." He said the applicants would have to show that other commercial properties had been allowed to expand their use and to encroach into the 50-foot shoreland setback and the front yard setback. The mayor said that during her time on the council she could not recall any other business ever applying to the City to expand the structure, whether non-conforming or not, into a setback. It was pointed out that Lakeshore Trailer Park had expanded into the Highway 101 setback to add on to their office.

The fourth criteria concerns the public health, welfare and safety and injurious to surrounding properties. Mr. Gerber said that he did not see a public health problem in this request; and he thought, if anything, it would improve the appearance of the neighborhood.

A fifth paragraph of the criteria states that a variance should not ordinarily be granted if the circumstances upon which the applicant relies are the result of the actions of the applicant.

R. Forest stated that he thinks the building should be completed if it was begun in accordance with law. D. Eastman pointed out that the concrete slab that now exists was put in without a permit and the kitchen had been removed from the existing building.

The council reviewed the proposed plans showing the parking diagram. It was questioned whether or not the proposed parking should be allowed to extend into the shoreland setback as shown. It was determined that the number of parking spaces shown would meet the requirement for the commercial business and the garage could provide the necessary two spaces per single-family dwelling as required. It was not decided that the parking could be allowed into the shoreland zone.

Attorney Gerber advised the council that, if it feels the application meets the four variance criteria, it can direct the staff to structure the Findings of Fact and Conclusions of Law to reflect the council's feelings.

**ACTION**

A motion was made by D. Eastman and seconded by E. Fillman to have staff prepare Findings of Fact and Conclusions of Law that the applicant has established that she meets the four variance criteria. The motion carried.

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

**ACTION**

A motion was made by D. Eastman and seconded by R. Petersdorf that the project as presented is in violation of Section 10 IV. A. of the Zoning Ordinance and is an expansion of a non-conforming structure.

AYE: R. Petersdorf, D. Eastman, Mayor Johnson  
NAYE: R. Forest E. Fillman

The motion carried.

**RECESS**

The mayor declared a recess at 10:10 p.m. The meeting was reconvened at 10:17 p.m. During the recess Attorney Gerber re-worked the Findings of Fact and Conclusions of Law. He read his proposed changes when the meeting was re-convened.

Mr. Gerber suggested the council accept the planning commission's Findings of Fact through #27. He suggested amending #28 with the following new language, "Since granting the applicant a variance in 1984, the City has had called to its attention Section 10 of the Zoning Ordinance relating to non-conforming. . ."

Mr. Gerber further suggested the council accept the planning commission findings #29 through #39 with the addition of a #40 stating the following: "The new structure would be connected to and be built immediately south of the existing structure."

Mr. Gerber suggested the council accept the amended and additional Findings of Fact suggested by the planning commission secretary in her memo to the council dated November 9. He suggested that Conclusion of Law #1 be accepted from the planning commission's conclusions. He recommended that the planning commission's Conclusion of Law #2 be discarded and be replaced by a new #2 which states, "The City erroneously approved the applicant's 1984 variances in violation of Section 10 of the Zoning Ordinance."

Mr. Gerber suggested amending the planning commission's Conclusions of Law #3 and #4 as follows:

- "3. That the Zoning Ordinance is very clear in stressing that the City will not allow existing non-conforming structures to be increased or expanded."
- "4. Approving the variance would enlarge the structure and increase the non-conformity of an existing structure (10-IV-A), occupy a greater area of land (10-III-A), and prolong the economic life of the non-conforming structure (10-III-E).

#### **ACTION**

A motion was made by D. Eastman and seconded by R. Petersdorf to deny the request of Anna J. Miller for a variance to encroach into the setback from Highway 101 and the setback from Woahink Lake because I find by the weight of the evidence that the Findings of Fact and Conclusions of Law as adopted by the planning commission and amended as recommended by the City staff and attorney are true; and I move to adopt these Findings of Fact and Conclusions of Law in total with no exceptions.

AYE: D. Eastman, R. Petersdorf, Mayor Johnson  
NAYE: R. Forest, E. Fillman

The motion carried.

## VIII. REPORTS

A. Watts Abatement. The City Recorder reported that the situation at the Watts property had improved a little. However, she said that they had until November 26 to complete the removal. She said that the building inspector is aware of that time frame.

B. Roads. Phil Tout reported that the grading work was begun on Woahink Drive. It was not put out to bid because it was less than \$2,000. When they got into the project, they discovered that there was not enough rock on Woahink to grade. He said they needed considerably more rock to complete the project. Leonard Buckley has a small enough grader to do the work, but he charges more per hour than the \$35 earlier estimated. There was discussion of the cost of rock from Hockema out of Swisshome and Bohemia from Reedsport. Mayor Johnson suggested that the City also try Ward Northwest out of Mapleton.

## ACTION

A motion was made by D. Eastman and seconded by R. Forest to authorize the Road Committee Chairman and the Director of Roads to work together in obtaining rock and to authorize Mr. Buckley to continue grading and rolling the rock.

C. Kiechle Arm Road. John Carlson presented the city council with copies of maps and a Quit Claim Deed describing the road easement and the properties along Kiechle Arm Road. Mr. Carlson contended that the Deed indicated that 10 feet of each property abutting Kiechle Arm Road is dedicated to the road and that the road is dedicated to be 20 feet wide. Mr. Carlson suggested the City use some of the Urban Transition Road Funds to pay Mr. Gerber to research the answer. Mr. Gerber suggested, instead, that the property owners along Kiechle Arm Road obtain a title insurance policy.

Mr. Gerber further stated that it is premature for the City to accept roads until the Master Road Plan is finished. He said that the Master Road Plan Committee should determine what road width it is going to demand for accepting roads as City roads. Mr. Gerber agreed that Kiechle Arm Road is probably a public road.

Mr. Carlson said that he thinks the Master Road Plan should be written very much like the Comprehensive Plan with a history; an inventory; a set of goals, policies and recommendations; a description of each road; and a

survey of the people on the road asking what they want to have done with the road; and then a set of policies the council would pass. Among those policies would be a policy setting standards for the width of the road, thickness of it, materials, etc.

D. Eastman said that he thinks Kiechle Arm Road is the worst road in the City. He said that since the pins are in place, a surveyor should be able to determine where the road easement goes. However, he said, the City might be on firmer ground if it contacted Aurilla Powers and asked if she would be willing to change the words from "easement open to the public" to a "public right-of-way".

The mayor said that, rather than take up more time, she would like to see the matter discussed further in the road committee meetings.

**ACTION**

At 11:10 p.m., a motion was made by R. Petersdorf and seconded by D. Eastman to continue the meeting beyond 11 p.m. The voting was unanimous, and the motion carried.

**IX. UNFINISHED BUSINESS**

- A. Westlake Resolution. The mayor said that she objected to the words in 2. d. pertaining to "fair share". She wondered who would determine what a "fair share" was. She said that she would sign the resolution, but she thinks it left an area "with a lot to be desired". The resolution had been approved by the council the previous month.
- B. City Fees. Since R. Parent was not present and had not submitted any minutes from the C.C.I. Meeting that was held to consider City fees, this item was tabled until the December meeting.
- C. Siltcoos Lake Weed Problem. The mayor said that there has been a great deal of interest expressed among the Westlake community about the weed problem in Siltcoos Lake since it is eventually going to affect their businesses. Evelyn Strenke said that Del Isham from Lincoln City had said that he would be willing to come and discuss the solution they tried in Lincoln City with neutered chinese carp.

The mayor said that she would like to see a committee formed to work on the problem. Harold Hodson said that the Chinese carp had been successful in eliminating the weeds in Lake Washington.

D. Eastman suggested that Evelyn Strenke and Harold Hodson work on the committee since Hodson has previous information and Evelyn has an interest in the problem. He also suggested that Dusty Ambrosio from Darlings Resort might work on the committee. Mr. Ambrosio was in the audience and volunteered to help.

Mayor Johnson told Mrs. Strenke that she would be welcome to use the phone at city hall to call; and if Mr. Isham would charge the City to come down for an informational meeting, the city recorder will call a special city council meeting to arrange for council authorization. It was determined that a telephone survey of the council would be adequate without calling a special meeting.

- D. **Mayors' Conference.** D. Eastman said that he will not be attending the mayors' conference because he did not know he was going to be elected mayor until November 9 following the election. The registration fee will now cost \$70 per day to attend since the fees were required prior to the election. Mayor Johnson said that she had not planned to attend but would re-consider now that Mr. Eastman does not plan to attend. She said she would notify the city recorder of her decision.

#### X. NEW BUSINESS

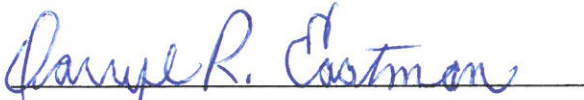
- A. **Utility Lines Under City Streets.** R. Petersdorf said that he does not think people should be allowed to cut into city streets for utilities when building without applying for a separate road permit. The language in the present ordinance allows a cut for utilities in conjunction with a building permit. This language in Ordinance 106 will be discussed at the December city council meeting.
- B. **Holiday Closures for 1989.** The mayor accepted the 1989 holiday office closure schedule for the following dates: January 2, May 29, July 3, September 4, November 10, 23 and 24, and December 25.



MAYOR NANCY LM JOHNSON



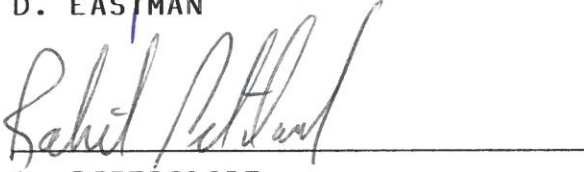
SECRETARY K. BACON



D. EASTMAN



R. FOREST



R. PETERSDORF



E. FILLMAN



Copier.

**ACTION**

A motion was made by R. Petersdorf and seconded by D. Eastman to purchase a new copy machine before the first of the year. The voting was unanimous, and the motion carried.

A committee will review the bids and request a two-week trial period for the machine offered by the apparent low bidder. R. Petersdorf said that he thinks the council members should have a chance to come by the office and see it prior to its purchase.

D. Eastman volunteered to work with the City office staff to review the bids.

- E. Road Definition. The planning secretary asked the council for staff direction on what the council defines as a "road". She explained that the planning commission had done a concept assistance for an applicant who wanted to do a partition. There is a discrepancy between the Zoning Ordinance and the Subdivision Ordinance on what constitutes a road. She said it would make a difference on whether or not the applicant applied for a major or a minor partition since the applicant is contemplating using a private easement for ingress and egress to the remaining parcel.

D. Eastman argued against approving private easements because of the problems that arise and have arisen with roads such as Kiechle Arm Road.

Attorney Gerber advised that the council put any partitions on hold that include private easements until the Master Road Plan is completed.

The council agreed and directed the secretary to notify any applicants that the city council is not approving any private easements at this time. If the applicant in question wants to proceed, she will have to apply for a major partition.

- F. Lane County Agenda Items. The meeting was adjourned without suggesting any agenda items for the upcoming meeting with the Lane County Commissioners.

**XI. ADJOURNMENT**

The meeting was adjourned at 11:45 p.m.



MEMO: CITY COUNCIL MEMBERS  
FROM: CITY OFFICE STAFF  
DATE: NOVEMBER 10, 1988  
SUBJECT: 1989 Holiday Closure Calendar

We would like to suggest for your consideration the following eight (8) days when the City office would be closed for holidays in 1989:

<u>Date</u>	<u>Holiday</u>
Monday, January 2	New Year's Day
Monday, May 29	Memorial Day
Monday, July 3	Independence Day
Monday, September 4	Labor Day
Friday, November 10	Veterans' Day
Thursday, November 23 and Friday November 24	Thanksgiving
Monday, December 25	Christmas

## DUNES CITY COUNCIL

### WORK SESSION December 8, 1988

The work session had been scheduled to give the public an opportunity to hear Mr. Dell Isham explain the lake restoration that had been accomplished at Devils Lake using grass carp.

The meeting was convened at 6:05 p.m. by Mayor Nancy LM Johnson. Mayor Johnson introduced Evelyn Strenke who had organized the meeting. Mrs. Strenke then introduced the speaker, Mr. Isham. There were 25 citizens in the audience in addition to the City staff and council members.

Mr. Isham explained that currently grass carp are not authorized to be introduced into Oregon waters. However, they received authorization to use the carp at Devils Lake as an experimental lake restoration project which is being monitored by the University of Washington.

Mr. Isham showed slides of the lake before the restoration began and as it looks today. He discussed the steps that had been followed and had printed materials available for those present.

The Devils Lake Water Improvement District was organized in 1984 under Oregon Revised Statute 552. In November, 1985, the voters approved a three-year serial operating levy; and in April, 1986, the water improvement district qualified for a \$250,000 E.P.A. grant to clean up Devils Lake.

Mr. Isham said that using grass carp is not the only method that can be used for lake restoration. He listed the following additional methods and the reasons they were not used for Devils Lake:

1. **Dredging.** They determined that it would be too expensive.
2. **Mechanical weed harvest.** The results were short-term, and it was considered ineffective since the weeds soon returned.
3. **Herbicides.** This method was not considered because of the environmental and political problems involved.
4. **Water draw down.** With this method the water in the lake is drawn down to expose the weeds during cold weather. The weeds freeze and take longer to recover during the optimum warmer months. It was not considered practical to draw the water down since it is being used for domestic purposes.

5. **Aeration.** The water is mixed with oxygen. This method was not considered workable since coastal lakes are already being aerated naturally.
6. **Grass carp.** Washington, Oregon and Idaho have a tri-state agreement through the Fish and Wildlife service that was signed in 1974 saying that this fish would never be brought into the state of Oregon. A loophole in the agreement allowed for university experimentation. So the grass carp are being used in Devils Lake as a project of the University of Washington. He said that Oregon State University declined to monitor the project initially, but he thinks that when the final monitoring project is let for bid, Oregon State University might be interested in bidding on the project.

Isham said the grass carp appear to have solved the problem of the weeds in the lake, but the project has been expensive. He said that it cost \$16,000 a quarter for the first year of monitoring, \$18,000 a quarter for the second year, and \$15,000 for the three quarters this year. The experiment will continue through 1991.

7. **Aquatic plant rotovation.** Mr. Isham said that rotovation looks like a promising method of lake restoration. He said that it is being used right now in British Columbia and Alberta, Canada. This method digs out the roots of the weeds as well as cutting them off.

Mr. Isham said that the Devils Lake restoration began with a study of the lake, the types of weeds, the size of the lake and other pertinent data. Then the Devils Lake Water Improvement District was formed and soon after Phase II was begun with grants from the E.P.A.

He said that the district has not relied solely on the grass carp to eliminate the problem. Volunteers have also distributed brochures door to door to inform residents of methods they can employ to help the restoration. Those methods were: use of low-phosphate detergents, control of fertilizer use, protecting against erosion, being careful that detergents, leaves, grass and oil are not allowed to wash into the lake.

The carp were introduced into Devils Lake in September of 1986 and March of 1987. The average weight of the fish at the time was one-half pound. After one year the fish had grown to be about 2.5 pounds. A total of 27,090 fish were introduced at a cost of \$3.75 to \$3.77 per fish. The fish have a normal life span of three to 22 years.

The University of Washington came up with the stocking density, Isham said. He added that the goal of the water improvement district is to leave 15% to 20% of the lake's surface area covered with weeds.

According to Isham, grass carp are "preference eaters" that will eat one type of weed until it is gone and then start on something else.

Evelyn Strenke, co-owner with her husband of the Westlake Market, had approached the city council about finding a solution to eradicating the weeds in Siltcoos Lake. Mr. Isham said that Devils Lake is 700 acres in size and approximately 12 feet deep. He said that, while the depth between Devils Lake and Siltcoos Lake are about the same, Siltcoos Lake at 3,000 acres is quite a bit larger. In response to a question from the audience, he said that if a study was done and it was determined that Devils Lake and Siltcoos Lake were similar, he would estimate that it would probably take approximately 126,000 fish at a cost of about half a million dollars.

Isham added that the use of grass carp in other Oregon waters would probably not be authorized until after 1991 since it is still considered experimental.

Isham said that the fish do not eat the weeds right down to the roots and estimated that probably one-third of the water column is weeds.

Isham said that there is no state law or state agency to regulate lake management.

Jerry McLeod, Fish Biologist for the State Fish and Wildlife Service, clarified Isham's statement and concurred that there is no state law or agency to control aquatic weeds. He said that there was a time in the past when the weeds on Siltcoos Lake were so bad that people had to use dynamite to open up a channel for a boat. He said that the dams that have been built on the lake have helped to deepen the lake which has helped. However, he agreed that the lake is filling in. He has not seen a significant difference in the amount of weeds in the lake, however, in the ten years that he has been assigned to this area. He added that weather makes a difference. He said that cold winters knock the weeds down so that it takes them longer to return in the summer. The mild winters we have had the past few years, he said, have allowed the weeds to increase.

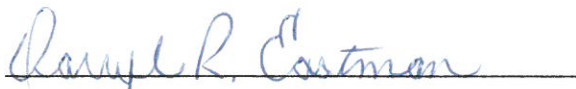
- E. Light on Hilltop Drive. R. Petersdorf said that he would like the city recorder to report to Central Lincoln P.U.D. that there is a street light near the corner of Hilltop Drive and Clear Lake Road that does not go off during the day. He gave her the number that he had copied from the pole, and she said that she would contact the P.U.D. about it.
- F. Safe Drinking Water Act. In response to a question from the council, K. Aitken said that the Safe Drinking Water Act applies only to municipal water systems and not to private water systems.
- G. Booth Island Bird Count. K. Aitken announced that the second and final bird count on Booth Island would be conducted Saturday, June 11 at 7:30 a.m. R. Parent had volunteered to take the members of the bird counting party out to the island.


XII. ADJOURNMENT

The meeting was adjourned at 9:33 PM.

  
MAYOR NANCY LM JOHNSON


  
SECRETARY K. BACON

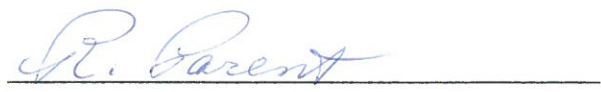
  
D. EASTMAN

  
R. FOREST

  
R. PETERSDORF

  
E. FILLMAN

  
R. DE PIERO

  
R. PARENT

DUNES CITY COUNCIL

REGULAR MEETING

JULY 14, 1988

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF JUNE 9 MEETING
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VII. PUBLIC HEARING
  - A. Conditional Use Permit - Joseph Robb, applicant
- VIII. REPORTS
- IX. UNFINISHED BUSINESS
  - A. Dunes City Community Center Inventory
- X. NEW BUSINESS
  - A. Lane County Board of Commissioners Meeting in Dunes City on December 13, 1988
  - B. Paul Eggleston - Standard Geographics (Advertising)
  - C. City County Insurance membership resolution (7-14-88)
  - D. Request for "Dead End - No Turn Around" Sign on North Pioneer and Clear Lake Road
- XI. EXECUTIVE SESSION, if needed, a) Litigation, b) Personnel, c) Negotiations
- XII. ADJOURNMENT



Isham said that grass carp do have predators and that was why they had insisted upon at least a half-pound size initially to decrease predation.

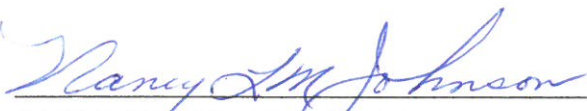
An unidentified member of the audience was concerned that the fish, although considered sterile, may later develop the ability to reproduce. He cited a study that another sterile hybrid had developed a 24% reproduction rate. McLeod said that the White Amur (the grass carp used in Devils Lake) actually develops a chromosomal change that makes it impossible for it to reproduce. Isham said that there are inspectors who physically observe and do blood tests on 100 from each batch of 5,000 fish. He said that even if one fish of that 100 is questionable, the entire batch is thrown out.


Isham was asked how he thought the residents of this area should begin to reduce the weeds in Siltcoos Lake. He said that he thinks the first step should be to become involved with E.P.A. in a feasibility study. In their case, the study had been funded by E.P.A. and the City of Lincoln City.

McLeod said that, presently, the cost of shipping the fish from Arkansas accounts for most of the high cost for the fish. He said that eventually the patent on the process for developing the hybrid will run out and then there will be more competition closer to home which should force the price down.

Some members of the audience asked Isham why Oregon State had not been involved in monitoring the experiment. He said that originally O.S.U. had not wanted to antagonize the Fish and Wildlife Service by becoming involved in the project and the University of Washington already had a program in place that could do the monitoring. Isham added that the program has been monitored closely from the beginning up through 1988. However, it will not be monitored as closely in 1989 and 1990. But in 1991, the project will again have to be monitored closely. He said that at that time it will be put out for bid, and Isham expects that O.S.U. will bid on doing the monitoring when it comes up again. And it may be that they will be able to do it for less money.

The meeting was adjourned at 7:40 p.m.

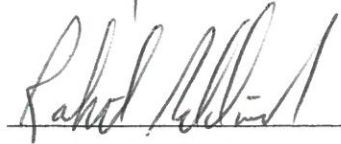
  
MAYOR NANCY LM JOHNSON

  
SECRETARY K. BACON

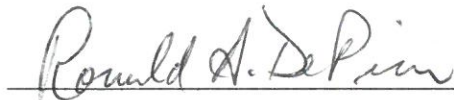
Dunes City Council  
Work Session  
December 8, 1988



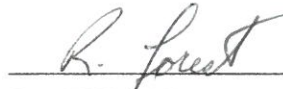
D. EASTMAN



R. PETERSDORF



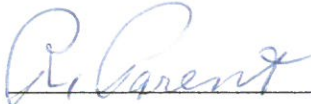
R. DE PIERO



R. FOREST



E. FILLMAN



R. PARENT



DUNES CITY COUNCIL

REGULAR MEETING  
December 8, 1988

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF NOVEMBER 10, 1988
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- VII. REPORTS
  - A. Certification of Election
  - B. Dog Complaint on Kiechle Arm Road
  - C. C.C.I. Meeting on City Fees
  - D. Salal Road Lawsuit Settlement
- VIII. OLD BUSINESS
  - A. south Shore Subdivision fence
  - B. Ordinance #106
  - C. Suggested Action re: Kiechle Arm road
  - D. Watts Abatement
- IX. NEW BUSINESS
  - A. Lighting for Flag at city Park on Hilltop Drive
  - B. Hazardous Materials Emergency Response Plan
  - C. Planning commission appointment
- X. Executive SESSION (if needed) a) Litigation, b) Personnel  
or c) Negotiations
- XI. ADJOURNMENT

## DUNES CITY COUNCIL

### REGULAR MEETING December 8, 1988

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

The meeting was called to order by Mayor Nancy LM Johnson at 7:45 p.m. following the work session. There were representatives of the press and 15 people present in the audience.

#### II. APPROVAL OF MINUTES OF NOVEMBER 10, 1988

D. Eastman pointed out several corrections in the previous month's minutes. The secretary said that she would make the necessary corrections.

#### ACTION

A motion was made by R. DePiero and seconded by D. Eastman to approve the minutes of the November 10, 1988, minutes with the corrections. The voting was unanimous, and the motion carried.

#### III. BILLS AGAINST THE CITY

#### ACTION

A motion was made by E. Fillman and seconded by R. Petersdorf to pay the bills against the City in the amount of \$10,095.84. The voting was unanimous, and the motion carried. This amount included the cost of the new copier the City had purchased.

#### IV. RECEIPTS - \$6,439.92

#### V. ANNOUNCEMENTS AND CORRESPONDENCE

- A. Resource Recovery Committee. Commissioner Ellie Dumdi had requested that the City nominate someone to serve on the county's Resource Recovery Committee. The county needs to receive the nomination by December 30.

#### VI. CITIZEN INPUT ON UNSCHEDULED ITEMS

R. DePiero said that he found a source of rock for the City which would be considerably cheaper than the City is presently paying. However, he said the City would have to be willing to take the rock in a "belly dump" truck rather than a standard dump truck. He said that Foglio Trucking would be able to provide the rock if taken in that way.

#### VII. REPORTS

- A. Certification of Election. City Recorder K. Aitken reported that Chuck Ellis, Eleanor Landwehr and Harold Hodson had received the highest number of votes and were elected to fill the vacated council seats. Darryl

Eastman had been elected as mayor.

- B. Kiechle Arm Road Dog Complaint. R. Petersdorf reported on the progress of the dog complaint on Kiechle Arm Road. He said that he had talked to the owner of the dog causing the problems, and Petersdorf said that he thinks the owners are trying to keep the dog controlled. Petersdorf added that the complainant, Marilyn Miller, is satisfied with the efforts being made.

D. Eastman said that he had talked with the Lane County Animal Control people and the county counsel to see if the county can enforce dog licensing within the city. He was told that the county has no authority within the city unless the City signs an agreement with the county to do animal regulation within the city.

- C. C.C.I. Meeting. R. Parent reported that he had held a C.C.I. meeting to discuss an increase in City application fees. He said that there had not been many in attendance at the meeting, but those who did attend discussed an increase to be closer in line with the actual costs of processing the applications for land use and signs. The five in attendance made the following recommendation to the city council:

The variance fee be increased from \$50 to \$100.  
A Conditional Use Permit fee be increased from \$75 to \$100  
Site review fee from \$40 to \$50  
Sign Permit from \$15 and 10¢ per square foot to \$40 and 20¢ a square foot of sign

There was council discussion. D. Eastman thought that the cost of the fees should be closer to the actual expense of administration. He added that, since the City has no tax, this would be a way of bearing the brunt of the expense through a user tax.

#### ACTION

A motion was made by R. Petersdorf and seconded by D. Eastman to accept the recommendation of the C.C.I. Committee, to implement the above-mentioned rates, and to review them after one year. The voting was unanimous, and the motion carried. It was stated that the rates will go into effect immediately.

- D. Salal Road. The City had received word that Ruth Wood and Jeremy Orcutt had settled their lawsuit over Salal road. Attorney Gerber advised that the city council needs to decide whether or not the City will accept the settlement which would move the road over 33 feet onto property Dr. Orcutt would purchase.

D. Eastman said that he does not agree that the City should accept the settlement when the plot plan submitted with the settlement does not indicate the width of access points #1 and #2. He suggested that Eugene Wobbe, a registered land surveyor, survey and determine what the radius of the curves should be coming off Salal and then off the re-located roadway onto Ruth Wood's property. But in no case should the width for points #1 and #2 be allowed to be less than 33 feet in width.

Attorney Gerber advised that the council did not have to accept the documents submitted, but it may notify the parties to the settlement that it accepts the settlement in principle.

#### ACTION

A motion was made by D. Eastman and seconded by R. Petersdorf to accept the agreement in principle and request that Dr. Orcutt be required to hire a competent surveyor or engineer to survey what has been indicated as #1 and #2 on the map and determine what would be the minimum radius needed for the turn to enter and leave the re-located Salal Road. And in no case, shall they be less than 33 feet. The voting was unanimous, and the motion carried.

- E. Roads. K. Aitken was asked to write to the county Transportation Planning Engineer's office requesting paving repairs for the intersections of Hilltop, Tsiltcoos, and Erhart Road with Clear Lake Road. They also requested a stop sign at the intersection of Boy Scout and Parkway Roads. R. Petersdorf pointed out that the actual name of Boy Scout Road is "Boy Scout Siltcoos Road".

The Road Committee also recommended that the City consider changing the City Charter to create a contract review board which would allow raising the amount which could be spent without letting it out to bid. It was suggested that the charter be amended to meet allowable limits set by the state.

The Road Committee also requested that the city attorney give a definitive answer as to whether or not Kiechle Arm Road is a public and/or a Dunes City road. Attorney Gerber recommended that the residents on Kiechle Arm Road buy title insurance. He said that, even if it is determined that the public have a right to ingress and egress, it may still be that 20 feet in width (which is apparently what has been dedicated) is not wide enough to be accepted by the City for maintenance. He advised that, once the City spends money on a road, it is locked into maintaining it. He said that, if the City plans to eventually add additional width, now is the time to require it.

There was a discussion of past requests to accept streets. "Those were clearly deeded roads," Gerber said. "This is the first request where the ownership is in question."

D. Eastman suggested that Marilyn Miller of Kiechle Arm Road take the research that John Carlson had done on locating deeds for the right-of-way to a title company in Eugene and ask that they give an estimate of what it would cost for a title insurance policy. M. Miller agreed to do that and said that she would try to have the estimate of the cost for city council consideration at the January council meeting.

Maxine Reisenhuber reminded the city council that they had approved repairing the culvert on their street some time ago, and it had not been done yet. D. Eastman said that he thought they could get Gaylen Chapman to come in and take care of it.

#### VIII. OLD BUSINESS

- A. South Shore Subdivision Fence. Richard Anderson and Robert Hartshorne were present. Dr. Anderson had requested help from the City in requiring that the fence which had been listed as a condition of approval for the subdivision be built. Hartshorne and Anderson had signed a Memorandum of Agreement that the fence would be built by September, 1988. The fence has not yet been completed. R. Hartshorne said that he is currently involved in litigation to dissolve his partnership with Chandler Cross (also known as Keel, Inc.). His agreement with Mr. Cross is that Mr. Cross will pay all the expenses of the subdivision. Hartshorne

said that it is out of his hands to build the fence. He estimates that his litigation could be settled within a few weeks or his attorney has advised that it could take as long as a year.

Anderson said that this is the third time that building the fence has been delayed, and he would like to see the City take some action that would "have some teeth in it".

Attorney Gerber had written a memo to the city council advising it of options it may use to help resolve this matter. He said at the meeting that Richard Anderson could pursue resolving the problem through civil action, as well.

There was council discussion of how to proceed. The council discussed sending a letter to Cross requesting that the fence be built by May 1.

R. Forest asked Anderson if the lack of a fence is causing him any problems. Dr. Anderson said that it is because he has livestock that occasionally wander into the subdivision without a fence separating the properties. The council asked Dr. Anderson if he had gotten a conditional use permit to have the livestock. He replied that he had not. He was advised that he needed to apply for and be granted a conditional use permit before he could have livestock on the property.

Hartshorne said that the City could request that the fence be built by May 1, but he could not agree to have it done by then because of his partnership agreement. He said that when the litigation is complete he will be able to build the fence.

R. DePiero asked if he could consult privately with Attorney Gerber. Following his consultation, R. DePiero announced that he had done plumbing work for both Anderson and Hartshorne. He gave the opinion that it was good for the City to stay out of the dispute "up to a point". But he stated that the City had assumed a little responsibility by including the condition of the fence in the Order for approval of the subdivision. He said that the stated date of May 1 would put the owners in the subdivision in the heart of the building season, and he thought they would want to comply by that date if it meant not being issued a building permit.

**ACTION**

A motion was made by R. Forest and seconded by R. Petersdorf to write to Mr. Cross and Mr. Hartshorne requesting that the barrier fence between South Shore Subdivision and Dr. Anderson's property be built by May 1. And, if it is not completed by that date, they should appear before the planning commission at its May meeting and Ordinance 99 will go into effect. The voting was unanimous, and the motion carried.

The mayor asked if Attorney Gerber would be writing the letter. He said that he would consult with the City office staff to see if they felt comfortable writing the letter.

- B. Ordinance #106.** Bob Petersdorf said he would like to see some changes made in the wording of Ordinance #106. The council had earlier discussed whether or not an excavation permit should be required when a person is building a home and cuts into the road to lay utilities. The excavation is currently included in the building permit. Petersdorf suggested the following two changes he would like to see made in Ordinance #106:

In Section 5 subsection (1) fifth line, he would like to change the reference to the building inspector to read "the Director of Roads".

In Section 5. subsection (2), third line, he would like to remove the word "not" so that the line would read "the applicant is required. . ."

- D.** Eastman said that he would like to see the road cut as a last resort.

**ACTION**

A motion was made by R. DePiero and seconded by D. Eastman to direct the building inspector to allow road cuts for utilities as a last resort and to begin implementing R. Petersdorf's changes in Ordinance #106 so that the council can have a first and second reading at the January meeting with the exception that the reference to the building inspector in Section 5 subsection (1) be left as it is. The voting was unanimous, and the motion carried.

- C. Watts Abatement.** Mayor Johnson said that the original complaint against the Watts property had been noise and loud music late at night. She said that the original complaint had been taken care of, and she had directed the city recorder to let the matter drop.



D. Eastman said that it was his opinion that the Watts family had not adequately completed the clean-up they were asked to do in the notice of abatement, and he said that he did not think the city council should drop the matter before it was complete.

K. Aitken explained that the original complaint was about noise, and that had been taken care of. However, the building inspector and a realtor had complained that the property was an "eyesore"; and the building inspector had said that the City should ask that they remove some of the debris. K. Aitken said that the Watts family had made an attempt to remove some of it.

Mayor Johnson asked K. Aitken to have the building inspector visit the property, make a list of what he thinks is in violation and have the matter on the January city council agenda.

Attorney Gerber advised the city council to direct the city staff to send a supplement to the abatement letter, acknowledging that the Watts family had made some attempts to rectify the situation; but, apparently, the first letter was not specific enough and that there are still deficiencies that exist from the first letter plus additional deficiencies that have been discovered that need to be taken care of.

**ACTION** A motion was made by R. DePiero and seconded by R. Parent to accept Attorney Gerber's recommendation, send a supplemental letter to the Watts family acknowledging their efforts to comply and listing deficiencies that still exist. The voting was unanimous, and the motion carried.

## **IX. NEW BUSINESS**

- A. Light for Flag at City Park on Hilltop Drive. Mayor Johnson has been lighting the flag on Hilltop Drive from a floodlight mounted on the front of her home. She notified the council that she would have to eliminate the light since it is causing a bug problem on the front of her house. She wondered if the council would like to make other arrangements to have the flag lit.

The flag is in an island of landscaping on Hilltop Drive. The road splits as it goes around the park. The council was more concerned about the area being a hazard once the light is turned off.

No decision was made to continue lighting the flag from another source, and the mayor alerted the council that she would be removing the flag and turning the light off. E. Fillman will work with K. Aitken to check on another means of lighting the flag.

**B. Hazardous Materials Emergency Response Plan.** R.

DePiero reported that he had been reading the Lane County Hazardous Material Emergency Response plan and had determined that the City could adopt either a response plan of its own or adopt Lane County's. DePiero added that it appeared that a Local On-Site Coordinator (LOSC) had to be designated before the City could adopt Lane County's response plan. DePiero suggested that the logical LOSC would be the fire department.

K. Aitken was asked to write to Siuslaw Rural Fire Department District #1 and ask if it would be interested in being designated the LOSC. The city council will discuss this item further at its January city council meeting.

**C. Planning Commission Appointment.** The council had received notice that the term of Planning Commissioner Betty Knight would expire December 31. Mrs. Knight had agreed to serve another three-year term, if appointed; and out-going City Councilman Richard Parent had also submitted an application for appointment. The secretary had also advertised the opening in the newspaper and on Channel 10.

The City had not received any further applications. The mayor asked for a show of hands for those who would like to re-appoint Betty Knight. The voting was as follows:

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

In a subsequent request for show of hands for R. Parent, there were no votes cast.

Betty Knight was re-appointed, and she will be notified by the secretary.

**X. EXECUTIVE SESSION**

Councilman Petersdorf requested an Executive Session to discuss the personnel. The meeting was recessed at 10:40 p.m. and reconvened at 10:45 p.m. following the Executive Session.

**ACTION** A motion was made by R. Petersdorf and seconded by D. Eastman to give K. Aitken, Keith Watson, and K. Bacon each a \$20 gift certificate. The voting was unanimous, and the motion carried.


Earlier in the meeting, the mayor called a thirty-minute recess so that those present could enjoy some refreshments and visit.


**XI. ADJOURNMENT**

The meeting was adjourned at 10:47 p.m.

  
MAYOR NANCY LM JOHNSON

  
SECRETARY K. BACON


  
D. EASTMAN

  
R. FOREST

  
R. PETERSDORF

  
E. FILLMAN

  
R. DE PIERO

  
R. PARENT

December 8, 1988

CANVASS OF RETURNS: 712 Registered Voters

Total Votes Cast: 606 85.11%

MAYOR:

EASTMAN, DARRYL	-	299
KEKUA, ALFRED	-	242
UNDERVOTES	-	65

COUNCIL:

LANDWEHR, ELEANOR	-	279
ELLIS, CHARLES	-	233
HODSON, HAROLD	-	203
FOREST, ROBERT	-	198
PARENT, RICHARD	-	174
HOFFMAN, JOHN	-	170
HALEY, PAUL	-	106
OVERVOTES	-	30
UNDERVOTES	-	425