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**CITY OF YACHATS
CITY COUNCIL MEETING
Civic Meeting Room, Yachats Commons
March 11, 2010
Regular Meeting 2:00 P.M.
Minutes**

8 Mayor Ronald Brean called the regular meeting of the City Council to order at 2:00 p.m. in the
9 Civic Meeting Room at the Yachats Commons. Council members present: Larry Nixon, Greg
10 Scott, David Rieseck and Sandy Dunn. Staff present: Director of Public Works, John
11 McClintock and City Recorder, Nancy Batchelder. Audience: 13.

12
13 **I. Announcements and Correspondence**

- 14
- 15 • Yachats Ladies Club Lasagna Dinner – April 17, 2010. Proceeds will go to Fire Station
 - 16 Ambulance Fund. The Dinner will also honor Frankie Petrick for her award as Volunteer
 - 17 of the Year.
 - 18 • The Friends of the Yachats Library Book Sale will be on March 26 and 27, 2010.

19
20 Brean said that the City had received letters regarding the Local Improvement District from the
21 following:

- 22 • Geoff and Maryann Mott
- 23 • John and Rebecca Cox
- 24 • James Todd Norwood
- 25 • Gary and Jennie Hofer
- 26 • David and Kristina Hite
- 27 • Steve and Sandee McClurg
- 28 • Gregory Levin

29
30 **II. Citizen's Concerns**

31
32 Charles Sheridan spoke on his concerns about closing the glass-recycling bin down to people
33 getting the glass bottles out of the container. Sheridan said that means that people cannot turn
34 them in for money. He and his wife turn those bottles in and give money to the homeless.

35
36 **III. Consent Agenda**

- 37 **A. Minutes of February 8, 2010 Work Session, February 11, 2010 Regular**
- 38 **Meeting and February 19, 2010 Special Meeting**
- 39 **B. Bills for Approval**
- 40 **C. Resolutions from February Meeting**
- 41 **2010-02-01 – Final Approval of the East Hillside Local Improvement Plan**
- 42 **2010-02-02 – Purchase of Vector Truck**
- 43 **2010-02-03 – Parking Improvements: Prospect and East 2nd Streets**
- 44 **2010-02-04 – Authorize Funding for New Trails Brochures**
- 45 **2010-02-05 – Planning Commission Membership**

46
47 Motion to approve the consent agenda, Aye – 5, No – 0, (Scott abstained from the minutes of the
48 February 19, 2010 Special Meeting.)

1
2 **IV. Reports**

3 **A. Guests**

4 **1. Chamber of Commerce – David Locke reported:**

- 5 • Just mailed out 36,000 postcards in response to information requests.
6 • Updating the lodging list and greeting packet.
7 • Scheduling tours for the volunteers so they can learn more about the businesses in the
8 area.
9 • The Arts and Crafts Festival is next weekend.
10 • April 7 will be the annual Awards and Recognition Dinner at the Tea House.
11 • The Chamber has written a response to the article in the Oregonian.
12 • There are four new volunteers starting at the Visitors Center this spring.

13
14 **2. James Roddy - Oregon Department of Geology and Mineral Industries (DOGMI)**

15
16 Roddy spoke on the Tsunami Ready/Tsunami Prepared Program.

- 17 • Part of the program is re-mapping the Oregon Coastline.
18 • Education and Outreach is another part of the program.
19 • Community Coordinators will be working with different cities over the next four year on
20 that education project and Yachats was one of the communities selected for the first year
21 of the program.
22 • There is a place on the website where people can put in their address to find out if they
23 are in the inundation zone. (OregonGeology.Org)

24
25 **B. Commissions - Minutes of the meetings attached.**

26
27 Don Niskanen said that the Trails Committee has made some serious headway on the playground
28 improvements.

29
30 **C. City Council**

31
32 Nixon said that said that the City has received a letter from the State announcing the final
33 closeout on the OECDD loan for the wastewater treatment plant project.

34
35 Nixon also reported that he and Mayor Brean are continuing to attend the Marine Reserves
36 meetings.

37
38 Brean said that he attended a meeting regarding the Visitors Center at Cape Perpetua. The USFS
39 is looking at changing and updating the exhibits at the center. The first step is to develop the plan
40 and then they would seek the funding.

41
42 Brean reported that he met with the City Recorder and the Friends of the Yachats Commons to
43 discuss how the contract arrangements for user support of the Commons. Everything is going
44 smoothly.

45
46 Brean also said that he attended his first LinCom Advisory Board meeting as a member of the
47 Board.

1 **D. Public Works Director** – John McClintock reported:

- 2 • Attended the OAWU Technical Conference in Sunriver last week. Perfecting water rights
- 3 and how climate change affects the availability of fresh water were two of the subjects
- 4 discussed.
- 5 • Crew repaired a substantial leak near Driftwood Lane that may have been leaking since
- 6 the sub-division was put in years ago.
- 7 • The water reservoir tank has been inspected for integrity and the water in that tank is
- 8 clear and clean – you can see the bottom.
- 9 • Have made offers on two vactor trucks and continuing to shop for the best truck the City
- 10 can get for the money available.
- 11 • Still working on taking care of the warranty issues on the wastewater system pumps.
- 12 • Dyer Partnership finished the mixing study on the outfall. The City has minimal impact
- 13 on the marine environment. DEQ should have the review of that study completed by
- 14 August. This is a requirement of the permit process.
- 15 • The City is a member of ORWARN, which is a group of cities, and counties in the State
- 16 that have all have mutual aid agreements to help other members when needed. The topic
- 17 of ORWARN’s annual meeting this year will be how the valley members will be able to
- 18 help the coastal communities in the event of a tsunami.

19
20 **E. Written Reports** - City Recorder, Code Enforcement Officer and Marketing Director

21
22 Batchelder explained that in reviewing the City Budget she was able to verify that the City has

23 enough money in water/sewer system reserves to self-finance the LID project.

24

25 **V. Public Hearing - Supplemental Budget**

26 **A. Hearing**

27
28 Batchelder explained that the supplemental budget was to acknowledge the funds the City is

29 receiving for the contract work with the United States Forest Service at the Angell Job Corps and

30 Cape Perpetua. The money will be allocated to purchase the vactor truck.

31

32 The hearing was opened, there were no comments, and hearing was closed.

33

34 **B Resolution No. 2010-03-01 – Adopting the Supplemental Budget for 2009-2010**

35
36 Motion to adopt the Resolution No. 2010-03-01 – Adopting the Supplemental Budget for 2009-

37 2010, Aye – 5, No – 0.

38

39 **VI. New Business**

40 **A. OLCC License Application – Cheese & Crackers**

41
42 Motion to recommend to the OLCC that the license be approved, Aye – 5, No – 0.

1 **B. Ordinance No. 289 – Estimated Assessments for the East Hillside Local**
2 **Improvement District**

3
4 Brean explained that this is the Ordinance to solidify the action taken at the last meeting when
5 the City Council approved the LID Plan.

6
7 Scott said that he thinks it would be important to give the property owners a summary of the cost
8 saving efforts the City has taken when informing them of the action taken today.

9
10 Rieseck said that the City has received letters objecting to the LID this past week. Those letters
11 came in response to the latest notice, although they had been noticed several times before that.
12 Therefore, the letters arrived late in the process. The City Council has reviewed each of the
13 issues identified in those letters, and determined that none of the letters had any merit in
14 changing the plan. The City has done a lot to mitigate the costs and he believes it would be
15 important to let the property owners know that. Perhaps that could be part of the letter sent to the
16 property owners when the City lets them know the Ordinance was adopted.

17
18 Brean explained the steps that the City has taken to reduce the costs for each individual property
19 owner as follows:

- 20 • In August, the City met with interested parties and the LID was the only concept that
- 21 came up as a way to solve the problem for property owners who had property in the area.
- 22 • Some initial work was done by Layne Morrill of the Creekside development – however,
- 23 his initial estimates were not based on accurate information regarding the work that
- 24 would be required to solve the problem.
- 25 • The City Council asked the City engineers to develop a plan. They did that and when that
- 26 was complete, a public hearing was held.
- 27 • At the public hearing, some issues were brought up and the plan was modified.
- 28 • A second public hearing was held to consider the modified plan.
- 29 • Some of the elements of the proposed plan were removed and will be done in-house,
- 30 which reduced the total overall costs of the project. Other things were changed, also
- 31 reducing the costs and a couple of other properties were added to the plan area.
- 32 • The City will be financing the project internally so there will be no need to pay for bond
- 33 counsel or interest on the bonds – both of which will reduce the plan costs.

34
35 Brean said that one issue that keeps coming up in all the letters is the fact that the City failed to
36 make sure there was a performance bond in place. Although he is still not able to find where the
37 performance bond issue dropped through the cracks, it is important to note that a performance
38 bond is never intended to protect the property owner – it is to protect the City. Any time a
39 developer is constructing utilities that will ultimately be part of a city system a performance
40 bond is required as a way to attempt to make sure the project is completed to city standards. The
41 City failed to insure there was a performance bond in this particular case, and therefore the City
42 will have to contribute to the LID. A performance bond is not, and never was intended to be an
43 insurance policy for the individual property owners and it would have never been the solution to
44 the problem.

45
46 Motion to adopt Ordinance No. 289 - Estimated Assessments for the East Hillside Local
47 Improvement District, at this meeting, Aye 5, No – 0.

48
49 **C. Resolution No. 2010-03-02 – Street Name: Chief Albert Drive**

1
2 Dunn said that Chief Albert was one of the Chiefs at the Sub-Agency here at Yachats during the
3 prison camp days.

4
5 Motion to adopt the resolution, Aye – 5, No – 0.

6
7 **D Recommendation from the Planning Commission – Code Amendment**

8
9 Brean said that when the Planning Commission initially recommended the amendment he was
10 not comfortable with it, however following the discussion at the work session on Monday he
11 decided it is a step in the right direction.

12
13 Motion to direct staff to prepare the draft ordinance for City Council adoption, Aye – 5, No – 0.

14
15 **E. Public Process for Downtown Plan**

16
17 Rieseck explained that the City needs to do some more work on the downtown plan before
18 ODOT will consider improvements. Several studies have been done in the past, and those studies
19 were paid for by ODOT. There were some components of the plans that were not resolved and
20 will need to be before ODOT will fund any downtown improvement projects. There are five or
21 six areas that need to be resolved so the final plan can be completed and the City gets into the
22 queue for funding.

23
24 Rieseck said that he, City Planner Larry Lewis and Public Works Director, John McClintock
25 have developed a proposed planning process for City Council approval. (Attached.)

26
27 McClintock said that several years ago the City paid for most of the engineering for sidewalks
28 and other improvements near Ocean View Drive and Hwy 101 but the cost estimate came in
29 \$50,000 above the limit for funding through the bicycle/pedestrian program and the project was
30 not competed. McClintock said that the limit on projects through that program has been raised
31 from \$100,000 to \$500,000 so even if the entire downtown refinement project did not get funded
32 right away the City should be able to get some work done.

33
34 **F. LID Financing**

35
36 Motion to direct staff to draft a resolution for self-financing the LID, Aye – 5, No – 0.

37
38 **VII. Other Business**

39 **A. From the Council**

40
41 Nixon suggested that the City Council take this opportunity to discuss the issue brought up
42 earlier in the meeting by Mr. Sheridan since Russ Dahl of Dahl Disposal was present.

43
44 Russ Dahl said that he has a concern about safety issues, and suggested that perhaps a box could
45 be put beside the bin for people to deposit the returnables.

46
47 Brean explained that he is concerned about the safety issue, as well as the conflicts that arise
48 when several different individuals all want to get the bottles out of the container.

1 Rieseck said that perhaps some arrangements could be made with the new store operators.

2

3 There was consensus to leave things the way they are – prohibiting removal of glass from the
4 bin.

5

6 **B. From the Staff – None.**

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9 There being no further business before the City Council, the meeting was adjourned at 3:50 PM.

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14 _____
Ronald L. Brean, Mayor

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16 Attest:

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Nancy Batchelder, City Recorder