

**CITY OF YACHATS
CITY COUNCIL MEETING
Civic Meeting Room, Yachats Commons
February 9, 2012
Regular Meeting 2:00 P.M.
MINUTES**

The regular meeting of the City Council was called to order by Mayor Ronald Brean at 2:00 p.m. in the Civic Meeting Room at the Yachats Commons. Council members present: Greg Scott, David Rieseck (2:15 p.m.), Sandy Dunn and Burgundy Featherkile. Staff present: Director of Public Works, John McClintock and City Recorder, Nancy Batchelder. Audience: 11.

I. Announcements and Correspondence – Letter: Ron Spisso

A letter from Don Niskanen regarding the Coastal Safety Marker Proposal was received after the agenda was prepared.

Movie Night will be next Thursday at 6:30 p.m.

II. Citizen's Concerns – None.

III. Consent Agenda

A. Minutes of January 9, 2012 Work Session, January 12, 2012 Regular Meeting and February 2, 2012 Special Meeting

B. Bills for Approval

C. Resolutions from January Meeting

2012-01-02 – Our Coastal Village S D C Installment Agreement

2012-01-03—Commons Policy Amendments

2012-01-04 – Commission Appointments

2012-01-05 – Adoption of City Council Goals for 2012

D. Resolution No. 2012-02-01 – Surplus Property

Motion to adopt the consent agenda, Aye – 4, No – 0, Absent – 1 (Rieseck).

IV. Public Hearing -Ordinance No. 311 –An Ordinance Amending the Yachats Municipal Code Chapter 4.08 – Transient Rental Licenses and Establishing a Procedure for Licensing

Brean explained that this is not the type of action that would require a public hearing, but he had promised the interested parties to hold one to give everyone the opportunity to provide testimony that wanted to. Brean opened the public testimony portion of the public hearing and invited anyone wishing to speak to come to the microphone and state his or her name for the record.

Jim Nordell, owner of Oregon Vacation Rentals said that he thinks the amendments are well done and he supports most of the proposed changes. He expressed concerns about the proposed

1 parking limitations. Most people who have purchased a large home have considered the parking
2 and typically have adequate parking spaces for the number of bedrooms in the home. Nordell
3 said that he thinks the number of parking spaces should be set the same way that the number of
4 occupants – by the number of available spaces.

5
6 Nordell said that the Ordinance does not address what would happen if a license is revoked.
7 Would it be possible for that owner to ever apply for a license again?

8
9 Ron Spisso said that he agrees with Nordell and he would like to see the ability for a homeowner
10 to be able to exceed the number of occupants or parking if the neighbors have agreed with the
11 requested variance.

12
13 Spisso said that he submitted a plot plan when he was building his home that had seven parking
14 spaces along the front and one in the garage, and that building permit was approved. Spisso said
15 that his neighbor has a duplex with three bedrooms on each side, so she would be allowed to
16 have up to 12 parking spaces for the six bedrooms while he would only be allowed six cars for
17 his six bedrooms.

18
19 No other comments were made, and Brean closed the public testimony portion of the public
20 hearing.

21
22 Featherkile said that she stands by the Transient Rental Task Force recommendations.

23
24 Brean said that on Monday in the work session, the Council discussed some possible changes,
25 concerning the owner's use of the home while holding a transient rental license, but there was
26 consensus that if there are problems in the future, the Council could consider changes at that
27 time.

28
29 Brean said that the maximum number of parking spaces was proposed as a way of controlling
30 occupancy.

31
32 Dunn said that there are few duplexes so this would not be a big problem citywide. Each unit in a
33 duplex is required to have a license if rented.

34
35 Brean asked Batchelder how many licenses have been revoked. Batchelder said that she had
36 never revoked a license and that City Council had revoked one and decided not to renew one
37 other. Brean said that if a license is revoked by the City Council the conditions under which the
38 home owner could reapply, if there were any would be included in the Findings and Order
39 adopted at that time. In the case when City Council revoked that one license, it was because the
40 property was not suitable for that type of use.

41
42 Motion to adopt Ordinance No. 311 –An Ordinance Amending the Yachats Municipal Code
43 Chapter 4.08 – Transient Rental Licenses and Establishing a Procedure for Licensing, (at this
44 meeting), Aye – 5, No – 0.

1 **V. Reports**
2 **A. City Council**
3

4 Scott said that he attended the meeting with the Fire District. They are considering some options
5 for restructuring their operations. He basically answered some questions and that was about all
6 that happened.
7

8 Rieseck said that he has been monitoring the Cascade West Transportation Advisory Council
9 meeting minutes. There is no money for any projects. The Hwy 20 project is still stalled, but they
10 have changed the plans and may be able to resume construction this next summer. It will take
11 another three years to complete once they begin.
12

13 Brean said that he met with a group of people, including Ken Aebi and Max Glen to discuss the
14 possibility of having a Head Start Program in Waldport.
15

16 Brean said that will be attending a League of Oregon Cities Executive Board meeting with the
17 Governor to discuss issues that are facing cities.
18

19 **B. Public Works Director – McClintock reported:**
20

21 On the storm:

- 22 ■ We had numerous calls for assistance relating to downed trees, flooding, etc.; spent quite
23 a bit of time clearing debris out of road ways and unplugging storm drain culverts and
24 ditches
- 25 ■ We experienced wind gusts in excess of 100mph and rain measured in excess of 12
26 inches in a 36-hour period.
- 27 ■ We lost power at the water treatment plant and due to flooding on Yachats River Road
28 were unable to get back to the plant for about 24 hours. Fortunately we prepared early
29 and had our reservoirs full prior to the storm.
- 30 ■ We lost power at three of our sewer pump stations but were able to run on generator
31 power until land power was restored.
- 32 ■ We experienced very high flows at the wastewater treatment facility, but were able to
33 handle the increased amount without any major problems.
- 34 ■ We had follow-up calls through the weekend and were able to handle them between the
35 “on-call” person and myself.
- 36 ■ We are actually very fortunate compared to the rest of Lincoln County and surrounding
37 area. We had no major issues that we could not handle “in-house”. The two outside
38 issues were handled by the LCPUD and LCPW. I would like to thank both of them for
39 their rapid response to our power issues and the mudslides on Yachats River Road.
- 40 ■ A large tree in the City right-of-way went down. Experts are assessing the condition of
41 the other trees in the area to determine if they need to be taken down.

42 Water:

- 43 ■ I met with representatives from the Oregon State Water Resources Department and the
44 District Water Master for OWRD on January 24th. I showed them our proposed point of
45 diversion for raw water and several sites for the permanent river water monitor.

- OWRD representatives have agreed to our point of diversion location and to install the monitor up river. I have received a partial cost estimate on the needed equipment. I should have the full proposal with all costs for the City Council meeting next month.

South Reservoir Project:

- I am still proceeding with acquisition. One small glitch came up. There is an old easement that was recorded by the previous owner. Once that easement is released, we should be able to proceed.

Other:

- I reported last meeting about the Aqua Vista Village project. I met with our engineers at Dyer and they reviewed plans. I delivered their comments to Aqua Vista Village engineer. We had resolved any issues with infrastructure and they are ready to proceed.
- There was another Job Corps student that was job shadowing at the wastewater treatment plant.
- Representative from the City of Canyonville will be touring the wastewater treatment plant because they are going to building a new plant soon.

Rieseck said that he has met with three different experts regarding the trees. One of the three remaining trees has shifted and continues to shift so the advice is to remove it. Two of the trees could be saved if topped and severely trimmed. The bids for the work are between \$8,500 and \$20,000. If the trees are topped that will have to be done again every eight years in the future.

McClintock said that at least one of the trees should be removed. There is a waterline that is in jeopardy of being damaged.

Rieseck said that when the first tree fell it took away the protector of the remaining trees.

Because the trees are in the right-of-way, the City would be liable for any damage now that the City is aware of the problem. There was consensus that it would be best to remove all three. They authorized the Public Works Director to deal with them.

C. Written Reports: Commission Minutes, City Recorder, Marketing Director, and Code Enforcement Officer - Attached

VI. Business

A. Coastal Safety Marker Proposal

Last week at the Joint City Council and County Board of Commissioners a presentation was made by a group of people who want to install a marker near the spot where two teen boys were swept into the ocean and drowned last year.

Although the City has no jurisdiction over this because it is on private and County property, the City has been asked to support the project.

Motion to support this one-time request for the coastal marker design as presented, Aye – 4, No – 1 (Rieseck).

B. Ordinance No. 310 – An Ordinance Amending the Yachats Municipal Code Chapter 1.08 Elections, Section 1.08.130 – Measures Referred by Council

Motion to adopt Ordinance No. 310– An Ordinance Amending the Yachats Municipal Code Chapter 1.08 Elections, Section 1.08.130 – Measures Referred by Council, (at this meeting), Aye – 5, No – 0.

C. Proposed Policy Updates

Brean explained that these proposed changes will either clean up existing policies. The new policies were recommended by the City’s insurance company as risk management tools.

1 From Staff: Administrative Policies

Motion to adopt the amendments to the administrative policies, Aye – 5, No – 0.

2. From City County Insurance: Personnel Handbook, Sewer Maintenance Policy, Fleet Policy

Motion to adopt the amendments to the personnel handbook and to adopt the sewer maintenance policy and fleet policy, Aye – 5, No – 0.

VII. Other Business

A. From the Council

Scott said that he is proposing that the City develop an electronic complaint process and the first step would be to confer with city attorney about potential legal issues with an on-line complaint system.

Brean said that he believes the City Council needs to have further discussion about this before going to the City Attorney. The item will be added to the work session agenda for next month.

Dunn and Brean both said that the joint meeting with the County last week was a very good one.

Brean said the preliminary plan for the second half of the 804-trail project was discussed. The County has the final approval because it is their road. The settlement funds remaining are not enough to pay for the entire project, but the work may be done in phases and grants may be available.

B. From the Staff – None.

There being no further business before the City Council, the meeting was adjourned at 3:25 PM.

Attest

Ronald L. Brean, Mayor

Nancy Batchelder, City Recorder