

CITY OF YACHATS
CITY COUNCIL MEETING
Civic Meeting Room, Yachats Commons
November 8, 2010
Regular Meeting 1:00 P.M.
MINUTES

The regular meeting of the City Council was called to order by Mayor Ronald Brean at 1:00 p.m. in the Civic Meeting Room at the Yachats Commons. Council members present: Larry Nixon, Greg Scott, David Rieseck and Sandy Dunn. Staff present: City Attorney, Mike Dowsett, and City Recorder, Nancy Batchelder. Audience: 10.

I. Announcements and Correspondence – Jim Burley: Request for Tree Removal

Movie Night will be this Thursday evening.

Scott said that he might miss the December City Council Meeting

The Coastal Celtic Music Festival will be this weekend.

Brean noted that Council Elect Burgundy Featherkile was in attendance and congratulated her on winning the election. He also said that he wanted to thank Walt Weyand for putting his name out there for Council and to thank both of them for being respectful to each other in their campaigns.

In discussion of the request from Mr. Burley for tree removal Brean said that he thinks the Public Works Director should make the decision.

Scott said that he hoped some of the smaller ones could be saved.

Dowsett said that the City should make sure the trees are in the right of way.

Rieseck said that he is concerned about this because there are many others that may want to have trees removed to improve their view.

Batchelder said that when she discussed this with the Public Works Director before his surgery that McClintock said he would have no problem with it if it were a safety issue. The City does not cut trees for view.

Don Niskanen said that he has received complaints about safety issues on Mitchell Lane.

There was consensus to direct the Public Works Director remove any trees on the City Right-of-way that pose a risk to safety.

II. Citizen's Concerns

Brean said that Yves Nakahama sent a letter to City Council asking for time on the agenda today to discuss the citation he received. Brean reported that he responded to Nakahama explaining that the Council meeting was not the proper place to adjudicate the matter, but that he would be willing to meet to discuss possible ways to come into compliance. That meeting is scheduled for later today.

III. Consent Agenda

- 1 **A. Minutes of October 11, 2010 Work Session, October 14, 2010 Executive and Regular**
- 2 **Meeting and October 25, 2010 Special Meeting**
- 3 **B. Bills for Approval**
- 4 **C. Resolutions from October Meeting**
- 5 **1. 2010-10-01 – Commission Membership**
- 6 **2. 2010-10-02 – Selection of City Attorney**
- 7 **D. Resolution No. 2010-11-01 – Adopt the Management Discussion and Analysis for the**
- 8 **2009-2010 Budget Year**
- 9 **E. Resolution No. 2010-11-02 – Endorsing Marine Reserves and Marine Protection Areas**
- 10 **in the Water Off the Central Oregon Coast**

11
12 Brean said that a change has been made to Resolution No. 2010-11-02 to remove the specific
13 location information because the community team that is working on the issue has not yet made a
14 final decision as to the location.

15
16 Motion to adopt the consent agenda, Aye – 5, No – 0.

17 18 **IV. Reports**

19 **A. Commissions (Minutes of the meetings submitted)**

20
21 Niskanen said that a group of volunteers has taken on the task of landscape maintenance around the
22 Commons.

23 24 **B. City Council**

25
26 Rieseck said that the City is working on a grant for a demonstration block of the bigger highway
27 project.

28
29 Rieseck said that the picnic shelter work is done for this season. Sliding doors and skylights are still
30 to come in the future. Water coming off the basketball court is draining into the shelter, so a trench
31 drain across the first row of bricks on the walkway will be needed.

32
33 Rieseck said that he attended the Planning Commission work session to get more information about
34 their intent and interpretation of the parking code and to discuss how this will influence the Yachats
35 Refinement Plan. The Planning Commission said that in looking at the Aqua Vista project they were
36 looking at the Code as it is today, and that they understand that the Code may need to be amended in
37 order to facilitate the Hwy 101 Refinement plan.

38
39 Rieseck said that the Planning Commission is working on the Townhome PUD Code.

40
41 Dunn reported that she attended the Lincoln County Transit Advisory Counsel meeting. They plan to
42 start seven-day service between the five counties that were part of the grant they got for that purpose
43 in the fall of 2011. Cyndia Bruce, the Transit Program Director planned to speak with Lane County
44 at the Oregon Transit Association Conference in October about connections between Lincoln
45 County and Florence. The discussion about extending the bus service to Cape Perpetua service is on
46 the agenda for each meeting, but nothing has been done yet.

1 Brean said that he attended the LOC Small Cities Roundtable in Depoe Bay last week. There will be
2 some changes on the LOC Board because some of the seated members will longer be elected
3 officials next year.

4
5 Brean reported that he met with Ross Williamson and others from the Local Government Law
6 Group to discuss representing the City as legal counsel.

7
8 Brean said that last Thursday he met with ODOT representatives on site near Cape Perpetua to
9 discuss the proposed plan to replace the concrete barriers and guardrails with something more
10 aesthetic. There was quite a discussion about what it should look like in order to be historically
11 correct. ODOT is writing a grant for the visual enhancement.

12
13 Brean said that he and Councilor Scott met with the Central Lincoln PUD to discuss their
14 concerns about how they were portrayed in a newspaper article about the meeting last month.
15 They explained that the initial developer had been putting in three pumps to be serviced by three-
16 phase power, but the highest pump would only require single-phase power. Brean said that he
17 did not think it would make any difference to the total cost of the project because the amount to
18 rewire the pump to run on single-phase power is about the same as the cost to run the three-phase
19 power to the top of the hill. The PUD expressed willingness to do what ever the City needed and
20 is willing to pay for.

21
22 **D. System Development Charges Annual Report** – In writing and attached.

23
24 **E. Written Reports: Public Works Director, City Recorder, Marketing Director and Code**
25 **Enforcement Officer** – Attached.

26
27 **V. Unfinished Business**

28 **A. Findings and Conclusions: Aqua Vista Square Parking**

29
30 Motion to adopt the Findings and Conclusions, Aye – 5, No – 0.

31
32 **VI. New Business**

33 **A. Recommendation from the Parks and Commons Commission – Membership**

34
35 Niskanen said that at the Parks and Commons Commission meeting Gerald Stanley indicated that he
36 was planning to step down when his term ended at the end of this year, so there are actually two
37 vacancies on the Commission. Stanley has submitted a letter confirming his intention.

38
39 Motion to accept the recommendation of the Commission, and appoint Jirivil Wood to the Parks
40 and Commons Commission, effective immediately; and, appoint Fran Morse effective in January
41 2011 Aye – 5, No – 0.

42
43 **B. Ordinance No. 292 - An Ordinance Repealing Ordinances 16 And 157 Regulating**
44 **The Setting Of Fires And The Burning Of Brush And Refuse Within The City Of**
45 **Yachats**

1 Motion to adopt Ordinance No. 292 - An Ordinance Repealing Ordinances 16 And 157
2 Regulating The Setting Of Fires And The Burning Of Brush And Refuse Within The City Of
3 Yachats, at this meeting, Aye – 5, No – 0.

4
5 **C. Ordinance No. 293 - An Ordinance Amending The Yachats Municipal Code –**
6 **Chapter 3.12 Prepared Food And Beverage Tax – Sections 3.12.010 – Definitions,**
7 **3.12.020 – Tax Imposed, And 3.12.030 - Exemptions**
8

9 Brean explained that this Ordinance would clarify the Food and Beverage Tax Code as it relates
10 to the C & K Market. There had been a professional disagreement about whether they were
11 required to collect the taxes since they did not prepare any food on site. They were also
12 concerned that they would be required to collect tax on many of the foods on the shelf that may
13 be considered “prepared” such as frozen dinners.

14
15 Motion to adopt Ordinance No. 293 - An Ordinance Amending The Yachats Municipal Code –
16 Chapter 3.12 Prepared Food And Beverage Tax – Sections 3.12.010 – Definitions, 3.12.020 –
17 Tax Imposed, And 3.12.030 – Exemptions, at this meeting, Aye – 5, No – 0.

18
19 **D. Award Contract – 2011 Visitor Center Operations**
20

21 Dunn explained that after a review of the current contract and proposal guidelines the Council
22 decided to change the contract period to a calendar year from a fiscal year. A request for
23 proposal was published with a November 2 deadline. The Chamber’s was the only proposal
24 submitted.

25
26 Locke said that their proposal this year no marketing is included. The Chamber believes that
27 print marketing is important, but the Marketing Committee is still working on the marketing
28 plan.

29
30 Dunn said that she believes at some point in the future the City will need to put some money into
31 marketing.

32
33 Motion to award the contract to the Yachats Area Chamber of Commerce, Aye – 5, No – 0.

34
35 **E. Risk Management Incentive Application**
36

37 Brean explained City County Insurance Services has a kind of “rebate” program where the City
38 can receive money to do projects that will reduce future claims. Staff has proposed that the City
39 apply for the \$2,500 available to purchase check valves for the sewer lateral that may be at risk
40 in the event of a sewer backup. The one condition to receiving the money is that the City would
41 have to make a three-year commitment to remain a member of CIS for liability insurance.

42
43 Motion to apply for the grant and agree to the three-year renewal, Aye – 5, No – 0.

44
45 **F. Recommendation from the Public Works & Streets Commission: South Gateway**
46

1 The Public Works & Streets Commission has recommended that since the Job Corps has not
2 been able to schedule the work on the South Gateway for the past five years, that it is time for
3 the City to hire a contractor to complete the project instead.
4

5 Motion to accept the recommendation from the Public Works and Streets Commission, Aye – 5,
6 No – 0.
7

8 **G. Resolution No. 2010-11-03 – Wellness Program Amendment**
9

10 Brean explained that the City has had a wellness program in place since 2008. A local fitness center
11 has agreed to discount the membership fees for an annual payment in advance, but that is not
12 currently how the program is stated. This amendment will allow the employees to take advantage of
13 the cost saving. It will not cost the City any additional money.
14

15 Motion to adopt Resolution, Aye – 5, No – 0.
16

17 **VII. Other Business**

18 **A. From the Council**
19

20 Dunn asked for clarification about political signs: when should they be removed after the election
21 and whose responsibility it would be. It was noted that signs must be removed 10 days after the
22 election and that it would be the property owner's responsibility.
23

24 Scott said that he and the City Recorder have started working on the code management project and
25 he asked the other Councilors to look at the City Coos Bay website to see how their Municipal Code
26 is published then provide input and comments.
27

28 **B. From the Staff**
29

30 Niskanen gave a status update regarding the recent actions in the Municipal Court.
31

32 There being no further business before the City Council, the meeting was adjourned at 2:12 PM.
33
34
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36

37 _____
Ronald L. Brean, Mayor

38
39 Attest:
40
41
42

43 _____
Nancy Batchelder, City Recorder