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**CITY OF YACHATS
CITY COUNCIL MEETING
Civic Meeting Room, Yachats Commons
September 12, 2013
Regular Meeting 2:00 P.M.
MINUTES**

8 The regular meeting of the City Council was called to order by Mayor Ronald Brean at 2:00 p.m. in
9 the Civic Meeting Room at the Yachats Commons. Council members present: Greg Scott, Sandy
10 Dunn, Burgundy Featherkile, and Lynne Dimmick. Audience: 21.

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13 **I. Announcements and Correspondence**

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 - Ladies Club Dinner – September 27 – proceeds go to the scholarship fund.
 - September 29 – Presentation on Norway
 - Lincoln County Soil and Water Conservation District will be working on invasive weed removal in the area.
 - New High School Dedication - September 18.

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21 **II. Citizen's Concerns**

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23 Burd Bicksler said that he has lived here since 1985 and he would like to pass along some information. In
24 his view, it is the responsibility of the City Council to maintain the infrastructure that was in place when
25 they took office, and that includes maintaining the property values and promote prosperity.

26
27 It is the City Council's responsibility to ensure that when a business license is issued the access to that
28 business allowing their business to grow. Any actions the City Council considers should not restrict that
29 access.

30
31 The City has done nothing to stop the water that flows off the hill and down the streets, nor have they
32 done what it takes to get the other responsible parties, such as ODOT and the County to deal with the
33 problem.

34
35 Bicksler said that he is asking the City Council to put a moratorium on building in the Blackstone
36 development until the storm water can be handled that will flowing off that hill due to construction.

37
38 Bicksler said that if any of the City Council does not want to make sure the businesses have unfettered
39 access, or do something about stormwater, or get up on a ladder to inspect the roof of the Little Log
40 Church to make sure the roof really does need to be repaired then a voluntary resignation would be
41 welcomed.

42
43 Bob Bennett reported on the Geocaching Event that took place in August and the on-going Geocache
44 Tour that will run for the next three years. (Written Report attached.)

45
46 Joni Bicksler said that she understands that the City Council now wants to improve the downtown. For
47 years she has been making suggestions but nothing has been done. Bicksler read a list of items she
48 believes are lacking in town, including sidewalks all the way to the Overleaf Resort.

49
50 Bicksler also said that she thinks the City should forget about the Hwy 101 Improvement Project. She
51 hears guests at the front desk of the hotel where she works comment about how the Improvement Project
52 ruined Waldport.

1 Gerald Stanley said that he would like to see the City become involved in events that take place around
2 the County in support of the community organizations that serve the people of the County. Stanley said
3 that the Annual Hands Across the Bridge in Waldport will support recovering addicts and he would like to
4 see more City people there.
5

6 Mary Deriberprey.said that she would like to see a public vote on the Hwy 101 Improvement Project. It is
7 too late to get it on the November Ballot, but an "In-City:" Referendum is possible.
8

9 **III. Consent Agenda**

10 **A. Minutes of August 5, 2013 Work Session and August 8, 2013 Regular Meeting.**

11 **B. Bills for Approval**

12 **C. Resolutions from July Meeting**

- 13 1. **Resolution No. 2013-07-02 – Tobacco Free Policy for Commons and all City Parks**
- 14 2. **Resolution No. 2013-07-03 – Authorizing Mayor to Negotiate Moving Expenses With
15 the New Public Works Director**
- 16 3. **Resolution No. 2013-07-04 – Authorizing the Public Works Director to Assist the
17 Library Commission with Planning Efforts**

18 **D. Resolution from August Meeting**

- 19 1. **Resolution No. 2013-08-01 – Planning Commission Membership**

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21 Motion to adopt the consent agenda, Aye – 5, No – 0.
22

23 **IV. Reports**

24 **A. City Council**
25

26 Brean said that the Trails Crew worked on the Prospect Trail last week, repairing some of the logs that
27 were shifting and teetering, making the trail unsafe.
28

29 Brean said that several people have requested a public vote on the Hwy 101 Improvement Plan, and as
30 he stated at the Work Session on Monday, that ship has sailed.
31

32 Brean said that the original plan was adopted in 1997, and at that time the citizens told the City Council
33 that they did not want sidewalks except in the main downtown corridor. Councils since that time have
34 been working to implement the plan, improve safety for pedestrians, slow traffic and provide adequate
35 parking for the businesses.
36

37 Council has been discussing the purchase of property to provide parking and space for a Visitor's Center.
38 Currently the City rents the space for the Visitor's Center.
39

40 Various members of the audience continued to ask why there would be no vote on the plan, when and
41 who adopted the original plan, and expressed their reasons why they believed the project would not be
42 good for the City.
43

44 Brean said that citizens elect their officials to make decisions such as this.
45

46 In response to a comment that the project will mean tourists will just drive through town without stopping
47 at the businesses, Brean said that studies have shown that sidewalks and public parking lots tend to have
48 increased customers and the time they spend in the shops.
49

50 Comments and questions included:

- 51 • It will make Yachats look like a suburban town in Southern California.
- 52 • Will it make my water and sewer bill go up?
- 53 • Should the bikes be rerouted away from the main traffic lanes?
- 54 • One of the most important things this project will do is improve the safety.
- 55 • Businesses will close down like they did in Waldport.
56

1 **B. Public Works Director – Larry Blanchard reported:**

- 2 • Crew found a big water leak in the line serving the Wastewater Treatment Plant.
- 3 • A request from a citizen for a speed study will be brought to the City Council next month.
- 4 • Received one bid on the Street Improvement planned for this season and it is a good bid.
- 5 • Will be meeting with Oregon Water Resources tomorrow to discuss the specific steps needed to
- 6 perfect the water rights on the Yachats River.
- 7 • Have almost completed the Lincoln Street waterline project. Will need to do some work on the
- 8 storm drain system in that area, but need to coordinate with the County and State because they
- 9 also own pipe in that area.
- 10 • The crew has been cleaning out sanitary system and storm drain system lines.
- 11 • Have ordered the tide gate for Quiet Water .
- 12 • The roof on the old section of the Public Works building is being replaced and the contracts have
- 13 been awarded for the work at the Little Log Church and Museum and the Library.
- 14 • The first report on the Public Works activities – hours and cost – was given to the Finance
- 15 Committee yesterday and work continues on the performance standards related to those
- 16 activities. Once it is know exactly how long it takes to perform tasks and the amount of work the
- 17 Department is responsible for the City will be able to make better decisions.

18 Finding leaks and how that will improve the efficiency was discussed.

19 **C. Written Reports: Commission Minutes, City Recorder, City Planner, Marketing Director,**

20 **and Code Enforcement Officer**

21 **V. Public Hearing - Continued from July 11, 2013**

22 Brean opened the public hearing and asked for comments. There were no comments, and Brean closed

23 the public testimony portion of the public hearing.

24 **A. Ordinance No. 317 - An Ordinance Amending the Yachats Municipal Code Chapter 9,**

25 **Section 9.56. 20 – General Requirements and Minimum Standards OF Design and**

26 **Development for Partitions and Subdivisons**

27 Motion to adopt Ordinance No. 317 - An Ordinance Amending the Yachats Municipal Code Chapter 9,

28 Section 9.56. 20 – General Requirements and Minimum Standards OF Design and Development for

29 Partitions and Subdivisons, at this meeting, Aye- 5, No – 0.

30 **B. Ordinance No. 320 - An Ordinance Amending the Yachats Municipal Code Chapter 9.60 –**

31 **Planned Unit Development**

32 Motion to adopt Ordinance No. 320 - An Ordinance Amending the Yachats Municipal Code Chapter 9.60

33 – Planned Unit Development , at this meeting, Aye 5, No – 0.

34 **VI. Business**

35 **A. Ordinance No. 321 – An Ordinance Amending the Yachats Municipal Code Chapter 8.04 –**

36 **Water Service**

37 Motion to adopt Ordinance No. 321 - An Ordinance Amending the Yachats Municipal Code chapter 8.04

38 – Water Service, at this meeting, Aye – 5, No – 0.

39 **B. Resolution No. 2013-09-01 – Setting Water Rates for Temporary Water Connections**

40 Motion to adopt Resolution No. 2013-09-01 – Setting Water Rates for Temporary Water Connections -

41 Aye -5, No – 0.

1 **C. OLCC License – Noypi, LLC for Dishda Sushi**

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3 Motion to recommend that OLCC approve the Liquor License, Aye – 5, No – 0.

4
5 **D. Consider Request to Trim/Top Trees in Horizon Hill Right-of-Way**

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7 Brean said that the City Council has had a discussion about this at the work session.

8
9 Scott said that he thinks that rather than trying to work out the plan for this at the meeting, it should be
10 given to a Commission.

11
12 Motion to authorize the Public Works Director to work with the property owners to develop the plan for
13 how the work should be done in order to address safety and liability concerns as well as esthetics, Aye –
14 5, No – 0.

15
16 **E. Designate Representative to Oregon Coastal Zone Management Association (OCZMA)**

17
18 Motion to appoint the Mayor to serve, and keep open the discussion about the Alternate, Aye – 4, No – 0,
19 Abstain – 1 (Brean).

20
21 **F. Recommendation from Parks and Commons Commission: Signs for Tobacco Free Zones**

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23 Motion to accept the recommendation from the Parks and Commons Commission for the signs, Aye – 5,
24 No – 0.

25
26 **G. Consider Request from Farmers Market for 4th Street Closure for Saturday of Mushroom
27 Festival**

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29 Motion to approve the request to close 4th Street for an additional day during the Mushroom Festival,

30
31 **H. Dyer Partnership – Amendment to Professional Services Agreement**

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33 Motion to approve the Amendment, Aye – 5, No – 0.

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35 **I. Letter of Agreement: 911 Distributions**

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37 Brean explained that because the 911 service is being moved from LinCom to Willamette Valley
38 Communications Center it is necessary to tell Willamette Valley how to distribute the money they receive
39 to provide the services. The distribution in the agreement letter is the same as the distribution agreed to
40 when the services were provided by LinCom.

41
42 Motion to approve the Letter of Agreement for Distribution of the 911 Funds as submitted by the Lincoln
43 County Legal Council, Aye – 5, No – 0.

44
45 **J. Discussion with Code Enforcement Officer re Transient Rental Complaints**

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47 Code Enforcement Officer, Don Niskanen showed pictures of a home on Yachats Ocean Road and heard
48 a report on the numerous complaints related to parking at that property. The Code requires a Transient
49 Rental have off-street parking spaces with a hard surface. Renters have been parking on the grass or in
50 the City Right-of-Way.

51
52 Niskanen said that City Council can schedule a hearing when three complaints have been received and
53 when he had received five complaints he prepared a report and met with the Mayor and City Recorder.
54 His opinion that it was a violation was not supported. It does not state in the Code that renters must park
55 in the provided parking spaces, maybe it should.
56

1 Niskanen said that the local contact person has indicated that she is not responsible for anything more
2 than cleaning, and cannot respond to complaints. That is a violation of the Code.

3
4 Motion to schedule a hearing for the next meeting to consider revoking their license, and send the owner
5 a letter informing them of the hearing, Aye – 5, No – 0.

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7 **VIII. Other Business**
8 **A. From the Council**

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10 **B. From the Staff**

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14 There being no further business before the City Council, the meeting was adjourned at 3:52 PM.

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18 _____
19 Ronald L. Brean, Mayor

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21 Attest:

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24 _____
25 Nancy Batchelder, City Recorder