

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

**CITY OF YACHATS
CITY COUNCIL MEETING
Civic Meeting Room, Yachats Commons
June 11, 2015
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, Sandy Dunn, Barbara E. Frye and Max Glenn. Audience: 14.

I. Hearings – Chronically Delinquent Operators – Food and Beverage Taxes

Brean opened the hearing and asked if anyone would like to address the Council.

Owner of Alder Bistro Lisa Fogg, said that in the past she knows that she has filed and paid late, but things happen – coolers break, etc.

Brean said that sometimes new operators use the City's money to fix things or pay payroll, and that is in fact embezzlement.

Lisa said that she was told by the City Office that payment arrangements could not be made even though the Code states that the City Recorder can make arrangements.

Lisa said that several times a City Staff member called and talked with a server, which is not appropriate.

Batchelder said that when she spoke with Ms. Fogg the account was so delinquent that it was past the time when she was able to make any arrangements.

There was no one present from the Farm Store.

The hearing was closed.

Frye said that it seems dealing with delinquent taxes result in wasted staff time.

Dunn said that as a citizen and a Council member she believes that it is important to make every effort to collect the taxes due. That is only fair for those businesses that are paying.

Brean said that he would like to give Alder Bistro until the first of July to become current. Then after that any delinquency should be reported to the City Council immediately.

Motion to give Alder Bistro until July 1 to become current, and if they should become delinquent in the future a hearing before City Council will be scheduled immediately, Aye – 5, No – 0.

Brean said that he has talked with the operator of Yachats Farm Store several times, and he believes that staff should be directed to cite them to appear in Municipal Court.

Scott said that he believes the City Council should revoke their business license until such time as they become current with their taxes.

1 Brean said that he would like to give them one more chance before that step is taken because
2 there are also employees that would be impacted by closing the business.

3
4 Dunn said that perhaps they should be given a date to become current and suspend their license if
5 they are not paid in full by that date.

6
7 Scott said that he likes that suggestion, give them a week or a couple of days to get current then
8 suspend the business license.

9
10 Motion to direct staff to write a letter to both businesses informing them that if they are not paid in
11 full, including taxes, penalties and interest by the 4:30 p.m. on June 19 their Business License will
12 be suspended effective June 20; the Mayor to sign the letter and hand delivered by the Code
13 Enforcement Officer, Aye – 5, No – 0.

14 15 **II. Rate Adjustment Request – Dahl Disposal**

16
17 Zak Dahl was present to answer any questions the City Council had.

18
19 Brean said that the City is trying to raise money to help pay for street repairs and he asked if Dahl
20 would be willing to collect a fee on their billing that could be paid to the City to help with the
21 damage their trucks do to the streets.

22
23 Dahl suggested that an increase in the Franchise Fee could be increased to cover that damage.
24 That would be cleaner and it would be up to them to include that in the rate structure for Yachats
25 customers.

26
27 Dahl said that it would not require the Franchise to be opened, the fee could just be negotiated.

28
29 Motion to approve the Dahl rate increase, Aye – 5, No – 0.

30 31 **III. Announcements and Correspondence**

- 32
- 33 • 35th Annual Music Festival will be held July 10-12.
 - 34 • Matt Nakoa will be performing at the Presbyterian Church on July 5.
 - 35 • The pad for the Skate Park will be poured Friday morning.
 - 36 • The flooring and other improvements to Room 8 are nearly finished.

37
38 Brean asked that the item of the discussion on the purchase of the bank building be moved up
39 because Frye needs to leave the meeting early.

40 41 **B. Discussion: Purchase of Bank Building**

42
43 Brean asked Tom Lauritzen to report on the discussion the Finance Committee at their meeting
44 yesterday.

45
46 Lauritzen said that by looking at the current Budget and the money owed by the Bank for the East
47 Hillside LID, it would be possible to purchase the bank building and make payments that would not
48 be a burden to the City because those payments could be covered by rents the City could receive
49 from a renter.

1 Motion to proceed with the purchase of the bank building within the confines of the City's budget
2 and ability to finance the purchase, the final agreement with come back to the City Council for final
3 approval, Aye – 5, No - 0.
4

5 **IV. Citizen's Concerns**

6

7 Maxine Sheets-Johnstone said that she appreciates that the City Council has concerns, but the
8 citizens also have concerns. She said that she submitted one of her concerns to the City Council
9 regarding the noise on July 4 and she only heard from Councilor Scott. She said that she did not
10 appreciate the response he received from him because he suggested that residents that do not like
11 the noise on July 4 could leave town for the day.
12

13 Sheets-Johnstone said that she has never heard from any other Councilor. She thinks the Council
14 should respond and she also believes that there is no reason why the City cannot ask the
15 businesses that have outdoor music to request that they comply with the request to keep the noise
16 below the level that causes hearing loss.
17

18 Sheets-Johnstone said that she also informed the City Council of the State requirement to have an
19 active Citizens Involvement Committee (CIC) and there still has been no action taken on that and
20 she has not ever received a response regarding that either.
21

22 Sheets-Johnstone said that she also suggested that rather than asking people for money all the
23 time a day of Commons Celebration Day could be held and has never had any response to that
24 either.
25

26 Brean said the City Council has had lengthy discussion regarding all of those issues. The 85
27 decibel is only a suggestion, not the law and so the City cannot inforce it. However, the Code
28 Enforcement Officer will contact the business owners to ask them to be courteous of their
29 neighbors.
30

31 Brean said that he would also send letters to the businesses regarding the noise level on July 4.
32

33 Brean said that there was an extensive discussion about the CIC at the September 2014 City
34 Council work session.
35

36 Brean said that he would respond to Sheets-Johnstone with a letter regarding each of these issue.
37

38 Frye left the meeting at 3:10 p.m.
39

40 Maxine Centala and Tom Kerns said that they appreciate the money the Budget Committee
41 included in the Budget for the No-Spray Program.
42

43 **V. Consent Agenda**

44 **A. Minutes of May 11, 2015 Work Session and May 14, 2015 Regular Meeting**

45 **B. Bills for Approval**

46 **C. Resolution No. 2015-05-07 – Commission Membership**

47 **D. Parade Permit – July 4, 2015**

48 **E. Resolution No. 2015-06-03 – Canvass of Votes**
49

50 Motion to adopt the Consent Agenda, Aye – 4, No – 0, Absent – 1 (Frye)
51

1 **VII. Reports**
2 **A. City Council**

3
4 Glenn said that he spent a lot of time regarding the break-ins and keeping the citizen's informed on
5 the community FaceBook Page. He suggested that a letter of appreciation be sent to Sheriff
6 Dotson for the help his office provided in apprehending those responsible. It was agreed he would
7 draft the letter.

8
9 Glenn said that he and the Mayor of Waldport are working on a survey regarding the food prices in
10 the two communities. The survey asks people where they shop, how much they spend and if they
11 would be willing to shop locally if the prices were competitive with the stores in the larger
12 communities.

13
14 Scott said that the City had a kick-off meeting with the engineers for the south reservoir project. It
15 became known that that there are several items that will increase the cost:

- 16 • Valve at bridge
- 17 • Retaining wall at the site
- 18 • Routing of the water line
- 19 • Increased drainage in the area due to the increase of the impervious surface

20
21 Scott said that the Organizational Study Group held their first meeting and will continue to meet
22 twice a month. They will be meeting with the League of Oregon Cities and the City Finance Officer
23 Association for consulting assistance.

24
25 There will need to be some staff time devoted to this effort for research.

26
27 Scott said that he contacted the City database developers regarding the addition of the utility billing
28 methods being included in that database.

29
30 The developers have asked for an increase in their rate, which has never been raised in the nine
31 years they have been working for the City.

32
33 Dunn said that she and Councilor Frye attended a meeting of the Lincoln-Lane Connection study
34 group. A grant application is in process for a grant from ODOT's TGM for a study on possible
35 solutions to the connection.

36
37 Dunn said that she believes that the citizens should be reminded that there is a Chapter in the City
38 Municipal Code regarding water curtailment should there be a draught this summer.

39
40 Brean said that he and Glenn have begun attending committee meetings at Job Corps.

41
42 Brean said that he attended a meeting of the local Mayors. They typically move around the area,
43 and at the last meeting they toured the Port of Toledo.

44
45 The Port of Alsea owns a piece of property that once had a school on it, and they are trying to
46 figure out what can be done with it. One of the suggestions has been a park, and they are
47 beginning to explore the possibility of forming a Park District.

48
49 **B. Written Reports: City Recorder and Code Enforcement Officer – Attached in writing.**

1 **VIII. Public Hearings**
2 **A. Proposed Uses for State Revenue Sharing Resolution No. 2015-06-01- Declaring the**
3 **City's Election to Receive State Revenues**

4
5 Brean opened the public hearing and asked for comments. There were none.

6
7 Motion to adopt Resolution No 2015-06-01 – Declaring the City's Election to Receive State
8 Revenue, Aye – 4, No – 0, Absent – 1 (Frye).

9
10 **B. Budget for Fiscal Year 2015-2016 Resolution No. 2015-06-02 –Making**
11 **Appropriations, Levying Taxes and Categorizing Taxes**

12
13 Brean said that the a recommendation from the City Recorder to add in an amount for My Sisters'
14 Place equal to the amount granted in previous years.

15
16 Motion to add \$1,000 to Outside Agencies for My Sisters' Place, Aye – 4, No – 0, Absent – 1
17 (Frye).

18
19 Brean said that the Yachats MoneyThinkers¹ made a recommendation to increase the Occupancy
20 Tax from 7% to 9%. This will not greatly affect the 2015-2016 Fiscal Year because of the timing.
21 However, the Budget Committee increased the amount expected from that source before
22 approving the Budget.

23
24 Motion to adopt the Fiscal Budget for 2015-2016, as modified at this meeting, Aye – 4, No – 0,
25 Absent – 1 (Frye).

26
27 It was agreed to hold a Public Hearing regarding this issue even though it is not required.

28
29 Motion to direct staff to draft the Ordinance for the Code Amendment to increase the Occupancy
30 Tax from 7% to 9%, effective the quarter that begins October 1, 2015, Aye – 4, No – 0, Absent – 1
31 (Frye).

32
33 **IX. Business**

34 **A. Recommendation from Parks and Commons Commission – Membership**

35
36 Motion to appoint Derek Ojeda to the Parks and Commons Commission, Aye – 4, No – 0, Absent –
37 1 (Frye).

38
39 Motion to appoint LauraLee Svendsgaard to the Parks and Commons Commission, Aye – 3, No –
40 0, Absent – 1 (Frye), Abstain – 1 (Brean).

41
42 **B. Discussion: Purchase of Bank Building**

43
44 See above discussion.

¹ Members of the MoneyThinkers: Patty Hodgins, Ellis Lampman, DJ Novgrod, Valeria Tutrinol, Tom Lauritzen, Ron Brean

1 **C. City Utility Rates**

2
3 Brean said that the Budget Committee increased the budget amount for water and sewer revenue
4 in order to pay for what is needed to support the systems, and recommended that the Public Works
5 and Streets Commission be asked to develop the strategy for how to raise those funds.
6

7 Scott said that he would like the Finance Committee to set the target amounts for operations and
8 reserves so that the Public Works and Streets Commission will have some direction regarding the
9 amount of funds that need to be raised.

10
11 Scott made the Motion to direct the Finance Committee to devise the target amounts for operations
12 and reserves, and direct the Public Works and Streets Commission to devise the rate structure for
13 raising the target amounts and an annual indexing.
14

15 Lauritzen said that he believes the motion is too specific – he believes the Commission should be
16 allowed to do their work based on the information they have regarding future needs.
17

18 Lauritzen said that he does not think any motion is necessary at this time – just let the Commission
19 do their work.
20

21 Scott withdrew the motion.
22

23 Lauritzen and Scott will work with the Public Works and Streets Commission.
24

25 Motion to direct the Public Works and Streets Commission to do an analysis to provide a way to
26 move forward in a way to pay for the ongoing operations, provide for reserves, and an indexing
27 system, Aye – 4, No – 0, Absent – 1 (Frye).
28
29

30 **D. Code Enforcement Officer Contract Renewal**

31
32 Glenn said that the Code Enforcement Officer asked for a 6% increase in the contract price. The
33 Budget Committee put \$40,000 in the Budget.
34

35 Motion to approve the increase in the contract amount with the Code Enforcement Officer to
36 \$40,000 for 1440 hours per year, Aye – 4, No – 0, Absent – 1 (Frye).
37

38 Scott said that he would like to have the Code Enforcement Officer start monitoring building activity
39 to ensure that the builder is following the setback requirements and other Code requirements.
40

41 It was agreed to add “other code enforcement items as deemed necessary by the City Council to
42 the list of duties for the Code Enforcement Officer.
43

44 Discussion will continue regarding the addition of the planning code enforcement.
45

46 **E. Discussion: Sharing Planters with Seal Rock and Waldport**

47
48 Waldport is requesting that Yachats participate in the planter project which is part of the latest Ford
49 Family Foundation Leadership class.
50

1 Brean suggested that the City agree to assist in the project with a value up to \$3,000, to be cash or
2 in-kind.

3
4 Meredith Howell said that the group needs \$800 to apply for the grant, but they also need some
5 help getting the planters in place.

6
7 Motion to contribute \$3,000 of value to the project, \$800 of which is in cash, the remainder to be in-
8 kind or cash, toward Aye – 4, No – 0, Absent – 1 (Frye).

9
10 **X. Other Business**
11 **A. From the Council**

12
13 Dunn said that the Parade has a different route this year, which may cause problems for the
14 Transit Bus and the traffic closure on Driftwood. People may not be able to turn around when they
15 get to that area.

16
17 Dunn will talk with Bev at the Chamber regarding their planning for the new route.

18
19 Scott said that he would like to have a discussion at the July work session regarding the agreement
20 with Southwest Lincoln County Water District.

21
22 **B. From the Staff**

23
24 Dave Buckwald said that he and Rick McClung visited the Public Works Department in Lincoln City
25 to look at their decanting center.

26
27 There being no further business before the City Council, the meeting was adjourned at 4:30 PM.

28
29
30
31 _____
32 Ronald L. Brean, Mayor

33
34 Attest:

35
36
37 _____
38 Nancy Batchelder, City Recorder