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**CITY OF YACHATS
CITY COUNCIL MEETING
Civic Meeting Room, Yachats Commons
June 9, 2016
Regular Meeting 2:05 P.M.
MINUTES**

Mayor Ronald Brean called the regular meeting of the City Council to order at 2:05 p.m. in the Civic Meeting Room at the Yachats Commons. Council members present: Greg Scott, Barbara E. Frye and Max Glenn. Absent: Sandy Dunn. Audience: 26.

I. Announcements and Correspondence

It was announced that there would be a "Tsunami Walk" drill at 1:00 p.m. on June 10. People are asked to walk up the hill to a gathering point at that time.

Bette Perman said that she has started a campaign to raise money to win the Sea Lion that Yachats resident Ruth Bass painted as part of the Florence Events Center fundraising project when it is auctioned off in October.

Perman said that she is asking if the City Council would be interested in supporting the effort by helping her find a place to install the Sea Lion and to help with the actual installation.

Scott said that he thinks the Parks and Commons Commission should be asked to help with this project. Brean agreed.

Brean said that the City received a letter requesting that "No Sleeping" signs be posted in all of the City and County parks.

Betty Johnson said that she walks her dog twice a day and recently she has had concerns about the number of transients that have been hanging around the benches in the Community Park. She said that she is also concerned about the safety of the children who play in the woods behind the Commons.

Johnson said that she has talked to the Sheriff's office and Dennis Comfort at State Parks and she has been told that the City will need to pass some kind of Ordinance before they can enforce it.

Dennis Comfort said the City could invite the District Manager for the State Parks in the area to a meeting to find out what they are doing about this problem.

Frye suggested that Johnson contact Gerald Stanley. He has contacts with people who work with the homeless community in the County.

Alice Beck said that just recently, a child picked up a napkin with feces in it and a parent found a needle near the playground.

Brean said that homeless problems are difficult to deal with, but some communities have tried some very creative ways to discourage people from camping in areas where they should not. Maybe Yachats can think of something.

When asked about the problem with invasive species on the lot mentioned in the letter from Jeff Brewer, Code Enforcement Officer Don Niskanen said that the plants have been sprayed to kill them but the plants are still there. The Real Estate office that is handling the property has said that they will take care of the problem.

1 **II. Citizens Concerns**

2
3 Tom Kerns said that in December 2015 the City Council endorsed, in principal, the Declaration on
4 Human Rights and Climate Change, which was a draft.

5
6 Kerns said that he was here today to ask City Council to endorse the Final Draft of the Declaration
7 and adopt it as a City Policy. He explained the changes that have been made since the first draft.

8
9 Frye asked how the City Council could make it a City Policy and how that would work – she said that
10 she is not sure what that means.

11
12 Brean said that this Declaration fits in with the City Council Goal of seventh Generation Thinking.

13
14 Kerns left a poster for the City to display and suggested that each of the Councilors sign the back.

15
16 **III. Consent Agenda**

17 **A. Minutes of May 9, 2016 Work Session and May 12, 2016 Regular Meeting.**

18 **B. Bills for Approval**

19 **C. Resolution No. 2016-05-05 – Commission Membership**

20 **D. Resolution No. 2016-06-04 – Interfund Loans for Fiscal Year 2016-2017**

21 **E. Resolution No. 2016-06-05 – Establishing Line of Succession for Governance in the**
22 **Event of a Disaster**

23 **F. Resolution No. 2016-06-06 – Establishing the Persons Authorized to Issue Emergency**
24 **Declarations**

25 **G. Declaration on Human Rights and Climate Change (Final Version)**

26
27 Motion to adopt the Consent Agenda, Aye – 4, No – 0, Abstain – 0, Absent – 1 (Dunn).

28
29 **IV. Reports**

30 **A. City Council**

31
32 Glenn said that he heard from the Manager at C & K Market that they will have a Senior Discount
33 Day one day each month.

34
35 Frye said that she and Joan Davies, the new City Administrator attended the Lincoln County
36 Community Health Center Board Meeting at which the possibility of having a clinic in Yachats was
37 discussed. The discussion is still in the preliminary phase and they need a certain level of
38 assurance that the community wants a clinic and that it will be used.

39
40 Frye said that the clinic would be able to take care of all patients no matter their ability to pay and
41 they would take all kinds of insurance. It would be a primary care clinic.

42
43 Frye said that the Council would be having a meeting on June 26 to introduce Davies, as the new
44 City Administrator and to discuss the future of the 501 Building and the changes that will mean for
45 the Commons. The possibility of the clinic will also be discussed at that meeting.

46
47 Frye said that the Community Health would be doing a health assessment to find the level of need in
48 the community.

49
50 **B. Written Reports:** City Recorder, Public Works Department, and Code Enforcement Officer

51
52 Matt Wadlington from Civil West Engineering reported on the alternative lot that is being considered
53 for the South Tank project. If the tank were built on the new lot, the project would cost much less.

1 The pump station and pressure valve would not be necessary since it is at the same elevation as the
2 million-gallon tank on the North side of the Yachats River.

3
4 Questions were raised by the audience regarding the alternative lot, including what guarantee the
5 City has that this would be the right lot, earthquakes and what discussions the City Council has had
6 regarding overall strategies for the water system.

7
8 McClung said that Davies looked for another lot but there is nothing south of the bridge that fits the
9 needs.

10
11 **V. Public Hearings**

12 **A. Capital Improvement Plan**

13
14 Brean opened the Public Hearing and asked for testimony. There was none, and the Public Hearing
15 was closed.

16
17 Brean said that in every category except water projects there would be sufficient funding for all of the
18 projects. The City will have several years to find a way to finance the water projects in the final
19 years.

20
21 Motion to adopt Resolution No. 2016-06-01 Adopting the CIP for 2016-2017, Aye – 4, No – 0,
22 Abstain – 0, Absent – 1 (Dunn).

23
24 **B. Revenue Sharing – Proposed Uses**

25
26 Brean opened the Public Hearing and asked for testimony. There was none, and the Public Hearing
27 was closed.

28
29 Motion to adopt Resolution No. 2016-06-02 Declaring the City's Election to Receive State Revenues,
30 Aye – 4, No – 0, Abstain – 0, Absent – 1 (Dunn).

31
32 **C. City Budget for 2016-2017**

33
34 Brean opened the Public Hearing and asked for testimony. There was none, and the Public Hearing
35 was closed.

36
37 Motion to adopt Resolution No. 2016-06-03 – Adopting the 2016-2017 Budget, Making
38 Appropriations, Levying Taxes and Categorizing Taxes, Aye – 4, No – 0, Abstain – 0, Absent – 1
39 (Dunn).

40
41 **VI. Business**

42 **A. Ordinance No. 343 – Amending Yachats Municipal Code Chapter 5.12 – Burning**

43
44 Brean explained that when the original Ordinance was adopted it was not really Council's intention
45 that all bar-b-que grills be inspected and a permit issued before use. This amendment will remove
46 that requirement.

47
48 Motion to adopt Ordinance No. 343 – Amending Yachats Municipal Code Chapter 5.12 – Burning, at
49 this meeting, Aye – 4, No – 0, Abstain – 0, Absent – 1 (Dunn).

1 **B. Recommendation from the Public Works & Streets Commission – South Tank**

2
3 Davies said that there are many lots that are for sale on the North Side of the Yachats River, but
4 there is only one South of the Bridge and the elevation is too low.

5
6 Davies said that she also has checked on appraisers and they are all 6 weeks out.

7
8 Motion to accept the recommendation, Aye – 4, No – 0, Abstain – 0, Absent – 1 (Dunn).

9
10 **C. Recommendation from Parks and Commons Commission – No Dogs in Playground**

11
12 Niskanen said that he and the Parks and Commons Commission have had a discussion regarding
13 the health concerns regarding dogs in the fenced playground area and they are recommending that
14 a sign be posted that says “Please no animals in the fenced playground” so that he is able to enforce
15 it.

16
17 Brean said that he has thought long and hard about this, and he does not like putting up signs
18 unless they are necessary. However, the recommendation is only that the City adopt it as a policy
19 rather than that an Ordinance be adopted, so he is fine with it.

20
21 Motion to accept the Recommendation, Aye – 4, No – 0, Abstain – 0, Absent – 1 (Dunn).

22
23 **D. Amendment to Administrative Policy No. 5 – Donation & Recognition Policy**

24
25 Brean said that he has helped draft the amendment in an effort to provide guidelines for accepting
26 donations and to ensure that the City will not be responsible for maintaining such donations.

27
28 Motion to adopt the amendment to Administrative Policy No. 5 – Donations and Recognition Policy,
29 Aye – 4, No – 0, Abstain – 0, Absent – 1 (Dunn).

30
31 **E. Administrative Policy No. 22 – Notarization Policy**

32
33 Discussion followed about how this could be an inconvenience for the public. It was agreed that the
34 City Administrator could have some flexibility concerning this policy.

35
36 Motion to adopt Aye – 4, No – 0, Abstain – 0, Absent – 1 (Dunn).

37
38 **F. Request for Funds – Doors for Picnic Shelter**

39
40 Motion to support reimbursement of the funds, the amount of money to be determined by the City
41 Administrator.

42
43 **G. Installment Agreement for System Development Charges – Yachats Farm
44 Store/Yachats Brewing**

45
46 Brean briefly explained that the Yachats Farm Store/Yachats Brewing requested a 2” meter so that
47 he could fill his brewing vats faster and wanted a waiver for the System Development Charges. At
48 the March meeting, City Council agreed to offer a deferment until the property sold or until the
49 brewing business began using water in excess of a set amount. However, the City Attorney has
50 advised that this would not be possible, so an installment agreement has been drafted.

1 Nathan Bernard read a statement in which he said that the City has a unique opportunity to support
2 a business that will attract international attention for the way it operates and the efforts made in
3 sustainability.
4

5 Bernard said that the Installment Agreement that he just received one week ago is in sharp contrast
6 with everything that he has been told before.
7

8 Bernard said that other businesses, such as the Drift Inn have experienced changes of use and so
9 he would like to know what the trigger is that makes his business pay this increase when others
10 have not.
11

12 Bernard also asked what possible impact the wastewater discharge from the brewery could have on
13 the system. He said that the discharge would be greater as they begin to brew more, but he cannot
14 image that it will be significant enough to justify the amount of money being charged.
15

16 Bernard said that he has considered installing a system that would reduce the amount of discharge
17 to little more than it is now.
18

19 Bernard questioned why the amount of the charge is different than he was originally told.
20

21 Batchelder said that the amount he was told the amount for the water only when he requested the 2”
22 meter four years ago, not the sewer portion. The System Development Charges are indexed each
23 year so the amount has gone up each year since the time he asked for the 2” meter.
24

25 There was consensus to continue this discussion to a future meeting to allow time to look into the
26 matter further.
27

28 **New Item: Hwy 101 Project**

29

30 Brean explained that the City only received one bid and it was significantly more than anticipated.
31

32 Also, Central Lincoln PUD requires a payment of \$126k before they order a switch that is required
33 for undergrounding the power line.
34

35 The City Planner will be contacting ODOT to find out if more money is available for this project. It
36 may be possible to go out for bid again to see if more competitive bids are submitted.
37

38 McClung said that the bid that came in was actually 2.4 million without the undergrounding work.
39 The additional storm drains and ADA items required by ODOT are what have driven the cost up.
40

41 McClung said that Reese Engineering believes that there may be some room for negotiation with the
42 contractor.
43

44 **H. Discussion: Possible Tax on Marijuana**

45

46 Brean said that the City can charge a 3% tax on recreational marijuana but the public would need to
47 vote to authorize it.
48

49 The City Attorney said that his firm has drafted a ballot title that could be used if the City Council
50 wants to put the issue on the November General Election.
51

52 Motion to authorize the City Attorney draft a ballot measure for the November Election , Aye – 4, No
53 – 0, Abstain – 0, Absent – 1 (Dunn).

1 **VII. Other Business**
2 **A. From the Council**

3
4 Brean showed the Anniversary Logo that has been designed for the Marketing committee.

5
6 Motion to accept the Anniversary Logo and thank the Marketing Committee for their efforts.

7
8 Brean said that the draft of the new City Logo is based on the drawing used by the Trails Committee.

9
10 Batchelder said that the Marketing Committee looked at the proposed City Logo and commented
11 that they would like to see the font changed to something that would be easier to incorporate into a
12 wide range of documents – perhaps Ariel or something equally simple.

13
14 Brean said that the font would be changed.

15
16 Work will continue on the new City Logo.

17
18 **B. From the Staff**

19
20 There being no further business before the City Council, the meeting was adjourned at 4:25 PM.

21
22
23
24 _____
25 Ronald L. Brean, Mayor

26 Attest:

27
28
29 _____
30 Nancy Batchelder, City Recorder