

**CITY OF YACHATS  
CITY COUNCIL MEETING  
Civic Meeting Room, Yachats Commons  
August 11, 2011  
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, Sandy Dunn and Burgundy Featherkile. Staff present: Director of Public Works, John McClintock, and City Recorder, Nancy Batchelder. Audience: 34.

**I. Announcements and Correspondence**

- Movie Night is next Thursday.
- YAS will present the movie Living Downstream Saturday evening at 6:30 p.m.

Brean explained that the City Council received four letters – three regarding the transient rental issue and one regarding the LID.

**II. Citizen's Concerns – None.**

**III. Consent Agenda**

**A. Minutes of July 11, 2011 Work Session, July 14, 2011 Regular Meeting and July 28, 2011 Special Meeting**

**B. Bills for Approval**

**C. Adopt Resolution No, 2011-08-02 – Supervisors' Leave to Equal Union Contract**

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

**IV. Reports**

**A. Commissions – Minutes attached.**

**B. City Council**

Dunn said that as the City's representative on the Lincoln County Transit Advisory Council she would be attending the Transit Economic Development workshop on August 16. Discussion will be on the five-county connection actions.

Brean reported that he had attended the Oregon Mayors Conference last week. Domestic Water and the new testing standards were some of the topics discussed. Next year the conference will be in Florence.

**C. Public Works Director – John McClintock reported:**

- The Water and Wastewater Treatment Plant operators attended a class yesterday to learn how to develop Operations & Maintenance manuals for the plants in language that anyone can read and understand.
- The raw water sources are in good shape and meeting the demand.

- The preliminary geo-tech report on the reservoir south of the bridge has been completed and it looks favorable. The final report should be ready in a couple of weeks. The next step will be to negotiate with the property owner on purchase price.
- Will be meeting with representative from the state and the engineer later this month to discuss the permanent monitoring device for the Yachats River.

Breran reported on the potential options that View the Future, the City and the Forest Service are looking at to protect the watershed before the logging operation begins.

McClintock said that he spoke with a timber cruiser yesterday and he indicated that they planned to leave a 200' buffer zone along the creek.

McClintock reported that the Federal and State are looking at expanding the testing requirements to include arsenic in domestic water systems.

A group of students from the Job Corps toured the wastewater treatment plant earlier this month. These are students that are interested in getting into the field.

- McClintock invited the City Councilors to ride along with the crew when they distribute bio-solids up the Yachats River.
- The contractor paving Yachats River Road for the County is working there now. When they are finished, they will move into town and do the City Streets.
- The surveyor has completed work on Ocean View Drive so Dyer will be able to complete the proposals. It is hoped that those proposals will be ready for public review by the end of September.
- The Department of Transportation will be installing an upsized "drainage conveyance box" (culvert) on Gender Creek. Work will begin after Labor Day.

#### **D. Written Reports:**

City Recorder, Marketing Director, and Code Enforcement Officer

Andrea Scharf reported that the South County planning group put in a grant application to the Travel Oregon Studio and got it.

The GoYachats Facebook page is really working. People are looking at it and responding in various ways.

The facilities reservation calendar on the GoYachats website is live for the City Facilities. Eventually it will feature any place in town that has rentable space.

#### **V. New Business**

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

Matthew Buonaiuto was present to answer any questions the City Council may have.

Buonaiuto said that he moved here from Portland because he had friends in the area. He said that he wanted to learn more about the government and he enjoys the parks and trail system.

1 Motion to appoint Buonaiuto to serve on the Parks and Commons Commission, Aye 5, No – 0.

2  
3 **B. Adopt Ord. No. 299 – East Hillside LID Final Assessments**

4  
5 Batchelder explained the establishment of the LID, the method for determining the cost for each  
6 of the lots, and what the ordinance and accompanying resolution will do.

7  
8 Motion to adopt Ordinance No. 299 – to Make and Spread Final Assessments for the East  
9 Hillside LID, and declaring an emergency, at this meeting, Aye – 5, No – 0.

10  
11 **C. Adopt Resolution No. 2011-08-01 LID Installment Payment Terms**

12  
13 Brean explained that the City Council needs to determine the interest rate and term of installment  
14 payments.

15  
16 Scott said that the City financed the project internally and will not have that money to complete  
17 any other projects until it is paid back. If the City needed to do something in the mean time,  
18 outside financing would have to be secured and the City would have to pay interest on that loan.  
19 Therefore, he believes that the interest rate should be more for a longer term. Scott suggested  
20 that for a 15 year term the rate be 4 points over the current rate the City gets from the LGIP and  
21 for a 20-year term would be 5%+ the LGIP rate.

22  
23 Featherkile said that 15 years is the longest she could agree with.

24  
25 Motion to set the terms for 15 years, 4% over the LGIP rate, as determined on January 1 of each  
26 year, Aye – 5, No – 0.

27  
28 **D. Adopt Ord. No. 300 – Repealing Ord. No. 109 – Water Service Restrictions from**  
29 **Horizon Hill Reservoir**

30  
31 Motion to adopt Ord. No. 300 – Repealing Ord. No. 109 – Water Service Restrictions from  
32 Horizon Hill Reservoir, at this meeting, Aye 5, No – 0.

33  
34 **E. Request – Blackstone HOA: Agreement with City for Maintenance of Foliage along**  
35 **Roadways**

36  
37 Brean explained that the contract price for this would recover all costs involved.

38  
39 Rieseck explained a concern that the time and effort involved to work in the Blackstone  
40 development could affect the crew's ability to properly care for the City streets.

41  
42 Brean said that it was estimated the work would take about 5 days a year.

43  
44 Motion to authorize the Public Works Director to enter into an agreement with the Blackstone  
45 Homeowners Association, costs not to exceed the charges for the service, Aye 5, No – 0.

1     **J.       Transient Rental Standards and Complaints**

2  
3     Brean explained that the City Council is striving to reduce the number of neighborhood conflicts  
4     and complaints related to transient rentals. Brean said that he does not believe the Council is  
5     looking to eliminate transient rentals or radically change the current license standards.

6  
7     Windy Snidow, manager for Sweet Homes Vacation Rentals said that they have changed their  
8     website advertisements to reflect the correct parking spaces and number of occupants.

9  
10    Snidow said that transient rentals are good for the local economy and management can work to  
11    improve the situation.

12  
13    Niki Hamilton said that she is part of the group of managers that met last month to discuss ways  
14    to improve things. Transient Rentals provide local jobs and the homes are well maintained.

15  
16    Hamilton said that she would like to see some things changed in the current Code, including  
17    changing the name from transient rental to something more friendly; allowing for parking spaces  
18    to be more like the ones marked at City Hall, something about additional vehicles being allowed  
19    if space is available for daytime visitors and replacing the subjective wording "The use shall not  
20    adversely affect the residential character of the neighborhood." with a requirement that all  
21    complaints must specifically list how they were adversely affected.

22  
23    Mike Korgan said that he owns two homes in the Yachats area. He said that there are people who  
24    want to eliminate transient rentals in the town and he believes that some of those people have  
25    made a crusade of it.

26  
27    Korgan said that one out of three homes is underwater, and every time a house is foreclosed on,  
28    the value of the neighboring homes go down.

29  
30    Dan Korman said that he has lived in Yachats for 11 years. Korman said that he does not own a  
31    vacation rental but there are several in his neighborhood and he has never had any reason to  
32    complain about any of the people renting those homes.

33  
34    Korman read from and commented on a letter that he said was in the back of the room this  
35    afternoon.

36  
37    Brean and the Councilors all said that they had not seen that letter.

38  
39    Janna Loigman said that she owns several vacation homes in Yachats. She and her husband  
40    made the decision that she would live in Yachats full time in order to better manage her business.

41  
42    Loigman said that another vacation home in her neighborhood is managed by a company in  
43    Lincoln City. Several weeks ago, there were too many cars and motorcycles at that house and  
44    she tried to contact the manager. She got a recording and found out that they have no local  
45    contact person available to take care of problems.

46  
47    Brean explained that the Code Enforcement Officer is part time, and asked Loigman if she would  
48    be willing to pay a slightly higher license fee to pay for increased time to deal with complaints.

1  
2 Loigman indicated that she would not oppose an increase in the annual fee for that purpose.

3  
4 Snidow said that the managers association could assist the Code Enforcement Officer to police  
5 those homes that are not being properly managed.

6  
7 Ken Aebi said that many homeowners associations have strict restrictions regarding rentals, and  
8 he would like the City Council to consider those when looking at any changes to the City Code.  
9 He would not like to see the City adopt anything that would allow for greater parking or use than  
10 the homeowners association rules.

11  
12 Ron Spieso questioned if the "three strikes and your are out" rule is over the entire length of  
13 ownership and it that would mean that if you had a property for 20 years and only got a  
14 complaint every 5 years would you no longer be able to have a vacation rental. Spieso said that  
15 needs to be cleared up.

16  
17 Michael Medford said that he established the first vacation rental management company in town,  
18 and he has always tried to live by the golden rule when it came to neighbors of the rentals he  
19 manages. He thinks that is the reason he has been successful.

20  
21 Batchelder explained that she has always called any manager from out of the area to ensure that  
22 they have a local contact person that is authorized to deal with any problems. In every case, they  
23 said that they did. Either those managers have changed their operations or they lied in the first  
24 place.

25  
26 Don Niskanen said that he has attempted to ensure that transient rentals comply with the  
27 requirement to have the contact name and phone number posted on the home. The owner of the  
28 vacation house that Loigman referred to has changed managers since he inspected it, and gave  
29 the City no notice of that change.

30  
31 Brean explained that the idea of establishing a task force to work on this issue has been  
32 suggested. The task force could be made up of representatives from all the interested parties.

33  
34 Scott said that he would like to sit in on the discussions so that he is able to understand all of the  
35 important elements involved to ensure that the work he is doing on the business license and  
36 transient rental license workflow software. That application needs to be in place by November  
37 when the renewal process begins.

38  
39 A special meeting was set for August 17 at 9:30 a.m. to discuss the formation of the task force  
40 further.

## 41 42 **F. Municipal Court Judge Selection**

43  
44 There was one response to the Request for Qualifications. There was consensus to invite him to  
45 the September meeting for an interview.

1 **G. Request – Street Name in the Dwellings Development**

2  
3 Motion to approve the request, Aye – 5, No – 0.  
4

5 **H. Appoint City OCZMA Representative for FY 2012-13**

6  
7 Motion to reappoint Brean as representative and Larry Nixon as the alternate representative, Aye  
8 – 5, No – 0.  
9

10 **I. Request – Allocation for Software Development**

11  
12 Scott said that he is not asking for more than the original budget, only the reallocation of the  
13 funding because the project was not completed in the 2010-2011 fiscal year.  
14

15 Motion to direct the City Recorder to reallocate \$2000 in the Visitors Amenities Fund as part of  
16 the supplemental budget for the September meeting, Aye 5, No – 0.  
17

18 **J. Transient Rental Standards and Complaints – Above.**

19  
20 **VI. Other Business**

21 **A. From the Council** - None.

22 **B. From the Staff** – None.  
23

24 There being no further business before the City Council, the meeting was adjourned at 4:00 PM.  
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26  
27

28 \_\_\_\_\_  
29 Ronald L. Brean, Mayor

30  
31 Attest:  
32  
33

34 \_\_\_\_\_  
35 Nancy Batchelder, City Recorder