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**CITY OF YACHATS  
CITY COUNCIL MEETING  
Civic Meeting Room, Yachats Commons  
December 8, 2011  
Regular Meeting 2:00 P.M.  
MINUTES**

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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: 9.

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**I. Announcements and Correspondence - Frohnmayer/Baldwin – Donation of Land for Community Garden**

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Brean explained that when the lot that was being used as the community garden on East Second Street was listed for sale the original owners bought it back. They would like the lot to remain a community garden. The group that was using the lot is not an organized 501(c) 3, so the property owners have proposed donating the lot to the City with the provision that it remain a community garden in perpetuity. The City Planner will be contacting them on behalf of the City.

Scott said that movie night has been canceled for December; however, he has a concert video that he will be showing in his home.

The Taiko Drummers will be at the Commons Saturday night.

**II. Citizen's Concerns – None.**

**III. Consent Agenda**

- A. Minutes of November 7, 2011 Work Session, November 10, 2011 Abatement Hearing, November 10, 2011 Regular Meeting and November 28, 2011 Special Meeting**
- B. Bills for Approval**
- C. Resolution No. 2011-11-04 – Adopting Community Park General Plan**
- D. Resolution No. 2011-12-03 – Adopt the Annual Management Discussion and Analysis for 2010-2011 Financial Statements**

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

**IV. Reports**

**A. Audit**

**1. Receive Report**

Rob Wall presented the annual audit report, briefly explained the format of the report and the schedules continued in the documents required by the Federal and State governments and the Governmental Accounting Standards Board.

The City does not include depreciation schedules for the governmental funds, but it does include those for the water and sewer funds, which are ran as enterprise (business like) funds.

1 Discussion followed regarding the economic health of the City and the major activities that have  
2 been undertaken during the previous year.

3  
4 Questions were asked and answered regarding the internal controls in place.

5  
6 **2. Discussion: Contract Extension**

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8 Scott said that he requested this item be placed on the agenda because this was the last year of the  
9 three-year contract with Wall and Wall for auditing services.

10  
11 Motion to extend the contract for three years, Aye – 5, No – 0.

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13 **B. City Council**

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15 Featherkile said that the Transient Rental Task Force would have a completed report next month.

16  
17 Dunn announced the Rural Tourism Studio workshop schedule and encouraged others to participate.  
18 Dunn said that is important to have Yachats participation

19  
20 Brean said that he attended a League of Oregon Cities meeting last week at which the Governor's  
21 budgeting strategy and process was discussed. This represents a significant change in the way the  
22 State budgets.

23  
24 Brean said that he and representatives from Waldport, Newport and Toledo attended a Regional  
25 Solutions Project Meeting sponsored and facilitated by the LOC. The Regional Solutions is another  
26 Governor's Initiative.

27  
28 Brean said that he met with Rick Yecny, CEO from Peace Health in Florence to discuss a health care  
29 needs assessment, including the Yachats area.

30  
31 Rieseck said that completion of the construction on Hwy 20 east of Newport has once again been  
32 pushed out because the engineering and design has changed. They will be eliminating several  
33 bridges.

34  
35 Rieseck said that he has been trying to negotiate the best location for the EV Charging Station in  
36 Yachats. The Charging Station planned for Yachats has been downsized from a four-car station with  
37 a cover to a two-car station without a cover.

38  
39 **C. Public Works Director – John McClintock reported:**

- 40
- 41 • Representatives from Oregon Water Resources will be in town soon to discuss how to  
42 resolve the remaining items needed to perfect the Yachats River water rights.
  - 43 • The Public Works crew is nearly finished flushing the water lines. Water quality and quantity  
44 is checked during the process. The crew also checks the system for areas that need repair.
  - 45 • The survey for the land partition was completed for the lot for the reservoir south of the  
46 Yachats River. Once the County approves the plat, the City can purchase the property. The  
47 actual final cost for the reservoir will depend on the direction the City takes regarding size of  
48 the tank.
  - 49 • An Oregon State Health Department inspection of the water system was completed last  
50 month. The City should get a very good report based on the preliminary report. They found  
one small issue, which was addressed immediately.

- 1 • The gates have been installed on the steep section of road in the East Hillside LID near the
- 2 pump stations. Large warning signs have been installed indicating that there is a dead end.
- 3 • The City did not receive the Small Cities Allotment grant from ODOT this year.
- 4 • The new culvert that ODOT installed seems to be handling the flow and there have not been
- 5 any problems downstream from the culvert.
- 6 • Dyer has finished the proposed plan for the 804 S/Ocean View Drive improvement project
- 7 and it will be forwarded to the County for their approval.

8  
9 Brean explained that the estimated cost for the improvements is more than initially anticipated so the  
10 funds the County has in trust will have to be augmented with grants or other funding.

11  
12 Rieseck said that the South Gateway was discussed with the representatives from ODOT when they  
13 were here to review the Hwy 101 Refinement Plan and they want to see the sign at the City Limits  
14 instead of where it is in the County. Because there was a problem with the getting an easement from  
15 the property owner in the past, it will be installed completely within ODOT right-of-way.

16  
17 McClintock said that when the recent power outage occurred problems regarding the generator were  
18 discovered and he working to correct those.

19  
20 **D. Written Reports:**  
21 **Commissions, City Recorder, Marketing Director, and Code Enforcement Officer**

22  
23 Batchelder said that she and McClintock had a meeting with the City's Risk Management Consultant  
24 for the annual review of the City's best practices survey. A discussion regarding internal controls is  
25 always part of that review.

26  
27 **V. Public Hearing**  
28 **A. Ordinance No. 308 – Townhouse PUD Parking**

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30 This ordinance will allow the Planning Commission to make minor modifications to the parking  
31 standards when considering an application for a Townhouse Planned Unit Development.

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33 Motion to adopt Ordinance No. 308 – Townhouse PUD Parking, at this meeting, Aye – 5, No – 0.

34  
35 **B. Ordinance No. 309 – RV Use During Construction**

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37 This ordinance will clarify that a recreation vehicle can be used for temporary living only when a  
38 building permit has been issued for construction of a home or an extensive remodel of the home that  
39 has made it unlivable.

40  
41 Motion to adopt Ordinance No. 309 – RV Use During Construction, at this meeting, Aye – 5, No – 0.

42  
43 **VI Business**  
44 **A. Library Commission Membership**

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46 Motion to appoint Marilyn Kennelly and reappoint David Dunsdon and Paddy Pace, Aye – 5, No – 0.

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48 **B. Visitors Center Contract for 2012**

1 Dunn said that one proposal was received – from the Yachats Chamber of Commerce. Elements of  
2 the Yachats Marketing Plan have been incorporated in their proposal. The Chamber’s proposal is for  
3 \$51,500, which is \$1,500 less than the budget amount.  
4

5 Motion to contract with the Yachats Chamber of Commerce for the 2012 operation of the Visitors  
6 Center, contract price shall be \$51,500; and to authorize up to \$1,500 to match the Chamber’s  
7 contribution for an advertisement in the Oregon Coast Magazine Mile by Mile Guide, Aye - 5, No –  
8 0.  
9

10 **C. Resolution No. 2011-12-01 – Amending the 457 Plan for City Employees**  
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12 Motion to adopt Resolution No. 2011-12-01 – Amending the 457 Plan for City Employees, Aye – 5,  
13 No – 0.  
14

15 **D. Resolution No. 2011-12-02 – Budget Changes**  
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17 Motion to adopt Resolution No. 2011-12-02 – Budget Changes, Aye – 5, No – 0.  
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19 **E. Appoint Risk Management Coordinator**  
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21 Motion to appoint the City Recorder as the Risk Management Coordinator, Aye – 5, No – 0.  
22

23 **F. Charter Review**  
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25 Brean explained that the Charter Review Sub-Committee reviewed the current Charter and the  
26 League of Oregon Cities Model Charter and has drafted a proposed Charter for consideration. Any  
27 Charter changes must be approved by the voters.  
28

29 Brean explained the changes proposed:

- 30 • Add administrative head to the description of how the mayor serves.
- 31 • Change the mayor’s term from a two year to a four-year term.
- 32 • Changes in appointive officers to clarify the City Attorney and Municipal Court Judge  
33 appointment and specific duties. Section 33 was deleted and a new Chapter – Appointive  
34 Officers was created.
- 35 • Section 39 – Purchase or sale of property has been stricken.  
36

37 Brean said that the requirement that the voters have to approve any transaction before negotiations can  
38 begin on any purchase or sale of property has limited the Council’s ability to even have a place at the  
39 table or take advantage of any opportunities that may come up because.  
40

41 Scott said that he believes the requirement to go to the voters has really prevented the Council from  
42 acting in the best interest of the citizens.  
43

44 Rieseck said that he talked to the budget and finance committee member (Keith Perkins) who had  
45 voiced his concerns about removing the requirement at the meeting last month, and he has since  
46 changed his mind. Perkins said that he knows that every issue before the Council is fully discussed in  
47 a public forum.  
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49 Tom Lauritzen, Chair of the Finance Committee said that he is comfortable with removing the  
50 restriction because he has confidence in the Council to make the right decisions.

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Scott said that he would like to schedule a public meeting in order to provide the opportunity for a conversation with the community to educate them about the issue before the City Council moves forward to place the item on the ballot.

Discussion followed about the best approach to take regarding community education and when to take the final Council action.

Motion to schedule a public meeting in order to provide the opportunity for a conversation with the community to educate them about the issue before the City Council moves forward to place the item on the ballot, Aye – 2 (Dunn, Scott), No – 3 (Brean, Rieseck, Featherkile).

Motion to direct staff to draft the ballot title for consideration at the January meeting, and to make a concerted effort to widely publish the proposed charter and encourage public participation in the discussion, Aye – 3 (Featherkile, Rieseck, Brean), No – 2 (Scott, Dunn).

- V. Other Business**
- A. From the Council – None.**
- B. From the Staff – None.**

There being no further business before the City Council, the meeting was adjourned at 4:46 PM.

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

Attest:

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Nancy Batchelder, City Recorder