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**CITY OF YACHATS  
CITY COUNCIL MEETING  
Civic Meeting Room, Yachats Commons  
November 12, 2013  
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, Lynne Dimmick and Barbara Frye. Audience: 30.

**I. Announcements and Correspondence**

**A. Oath of Office – Barbara Frye, City Council**

**B. Phil Schuster – Requesting Inspection at 270 West 2nd Street**

Schuster requested the City conduct an inspection because he is concerned about safety and health issues at the vacant house.

Brean said that the City received a letter today from Steve Cash of Dark 30 Sports, which is the organization that sponsored the Oregon Coast Gravel Epic (bicycle race) complementing Marketing Director, Andrea Scharf on her work in coordinating the event.

**II. Citizen's Concerns**

Jim Adler said that was asked to deliver a copy of a letter to the City Council from Mary Deriberprey to the Chamber of Commerce concerning the results of a survey she conducted among the business owners who will be affected by the Hwy 101 project and asking them to amend their letter of support.

Burgundy Featherkile said that it is hard to do your job if you do not have the right tools. The City Recorder does not have the proper tool to keep up with the Municipal Code. The Recorder has been working with the Code in Word, which is much like using a hammer to pound in a screw. The Council has been putting off purchasing the proper software for years, and it is time to get her the proper tools.

Featherkile also said that she does not think that software should not be built in-house. There are many cities out there that are using software that already exists.

Featherkile said that she would like to see the City Council have a discussion about the current software database project. Featherkile questioned if that project is something that the City should be doing, how many people it will serve, and how much staff time it will involve.

**III. Consent Agenda**

**A. Minutes of October 7, 2013 Work Session and October 10, 2013 Regular Meeting.**

**B. Bills for Approval**

**C. Resolution No. 2013-10-02 – Commission Membership**

**D. Resolution No. 2013-11-01 – Adopt Management Discussion and Analysis for the 2012-2013 Audit Report**

**E. Resolution No. 2013-11-02 – Commons Policy - Reservations**

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

1  
2 **IV. Guest - Jessica Dole: Invitation for Yachats Participation – Hwy 101 Scenic Byway**  
3 **Enhancement Group Cape Perpetua to Sutton and Honeyman**  
4

5 Jessica Dole presented a slide show with maps and plans for Hwy 101 when it was first  
6 constructed. Dole invited Yachats to participate in the Scenic Byway Enhancement Group that is  
7 working on the current plans.  
8

9 Dole said that she will send out a notice when the group meets next.

10  
11 Scott said that it would be nice to have an agreement in place that gave the YIPS volunteers  
12 authorization to remove invasive species in the Cape Perpetua area so that they did not have to  
13 get that permission each time.  
14

15 **V. Appeal Hearing**

16 **A. Appeal: Transient Rental License Suspension – 509 Ocean View Road**  
17

18 City Attorney, Ross Williamson present by telephone.  
19

20 Attorney Dennis Bartoldus, Attorney for the Thompsons present  
21

22 Bartoldus submitted documents for the record, including copies of the record provided to his office  
23 by the City Recorder.  
24

25 Bartoldus stated:

- 26 • The current Municipal Code does not state that the surfaced areas are to be used by the  
27 renters, and he noted that there is an Ordinance on the Agenda for the meeting today that  
28 will amend that.
- 29 • The City record shows that the Code Enforcement Officer signed off on the Inspection  
30 Report on May 11, 2013 indicating that the map was in place.
- 31 • A modified map has been drawn, which shows no parking in the grass that they would like  
32 to post in the house, if the City agrees.
- 33 • Many times the cars parked in the City Right-of-Way were actually from the Transient  
34 Rental next door.
- 35 • Some times when there were cars in the grass it was family and friends of the Thompson's.
- 36 • The Code Enforcement Officer issued a letter in July in which he stated that parking in the  
37 grass did not raise to the level of a violation, but it is bothering the neighbors.
- 38 • Beachside Vacation Rentals has been the local contact for the Thompson's home.  
39 However, some of the calls have been made to the Luton's home rather than the office.
- 40 • An agreement between Beachside Vacation Rentals and the Thompsons has been drafted,  
41 signed, and submitted for the record. If the agreement between Beachside Vacation  
42 Rentals and the Thompsons can be resubmitted on the City Form, if that form is adopted as  
43 part of the Ordinance on the agenda for the meeting today.
- 44 • The Thompsons were not given notice of the October Hearing, and in fact were told that  
45 there were no violations in the July letter. So, they were very surprised when the license  
46 was suspended.
- 47 • Mr. Thompson has calculated that he has spent 1.3 million dollars in Yachats since they  
48 purchased their first home in town in 1971.
- 49 • The Thompsons have been working to resolve the issues now that they have been made  
50 aware of the concerns.

1  
2 Bartoldus said that the Thompsons are requesting the suspension be lifted.  
3  
4 Code Enforcement Officer, Don Niskanen said that he sent a copy of the first two complaints and  
5 called the Thompsons. Mrs. Thompson said that she did not want people parking on the grass.  
6  
7 Niskanen said that when he called Ms. Luton of Beachside Vacation Rentals she said that they did  
8 not take care of booking the home, and that they just cleaned the house.  
9  
10 Niskanen said that he had not seen the parking map until he received a copy of it with Mrs.  
11 Thompson's letter before the October hearing.  
12  
13 David Luton and Joie Luton were present. Mr. Luton said that they have their number posted at  
14 the house, and in the evening, the calls are forwarded from the office to their home.  
15  
16 Luton said that he has responded to calls as late as 11:30 p.m. for things such as loud renters.  
17  
18 Luton said that he has also gone out there because vehicles at the house next door were creating  
19 a problem.  
20  
21 Mrs. Luton said that she never told the Code Enforcement Officer that she was only the  
22 housekeeper.  
23  
24 Luton said that this is the first and only year that she has received calls about cars parking on the  
25 grass, and it was her understanding that parking on the grass was allowed.  
26  
27 The Lutons said that they have the Thompson home on their website, and have rented the home  
28 on occasion.  
29  
30 When asked how many days a year the home is rented, Mrs. Thompson said that it was rented  
31 between 180 and 200 days a year.  
32  
33 Mrs. Thompson said that November is usually one of their best months. They have cancelled  
34 rentals for November and have turned down others.  
35  
36 Kathy Perkins said that she has filed 10 formal complaints for violations including too many cars,  
37 cars parked on the grass, boats, tents and motor homes at the property, and no response from the  
38 local contact people.  
39  
40 Perkins said that she has called to complain in the past, but the recent complaints were filed based  
41 on the Code Amendment that was adopted earlier this year.  
42  
43 Bartoldus rebutted:  
44     • Niskanen stated that he had not seen the map until the letter he received in September,  
45       however the inspection report he signed in May indicates that the map was posted.  
46     • There was only one instance where a boat was at the home. Other times the boats were  
47       associated with the home next door.  
48  
49 Bartoldus stated that his clients were willing to make any other changes needed.  
50

1 Brean asked if there were any others that wished to speak on this issue. There were none and  
2 Brean closed the public testimony portion of the Hearing.

3  
4 Frye asked if there have been complaints filed on the other home.

5  
6 Niskanen said that he has received complaints, mostly about trash. The manager of the other  
7 house has responded and taken care of those problems.

8  
9 Brean said that the response today is what he had hoped for last month. The proposed solutions  
10 submitted today indicate that the owners will be taking the necessary steps to resolve the previous  
11 problems.

12  
13 Brean said that the proposed solutions submitted today have changed his mind about how he  
14 voted last month. And, if the City has the wrong number on the web site that can be easily  
15 changed.

16  
17 Scott said that he has not changed his mind about the suspension.

18  
19 Scott said the City Council goes to great lengths to develop Code to protect residents in Residential  
20 Zone from businesses operating in that zone. A home that is rented 180 to 200 times a year is a  
21 business.

22  
23 Motion to reinstate the license, effective today, that the proposed solutions be implemented, the  
24 new map be posted in the home, and the correct number for the local contact person(s) be verified  
25 and posted, Aye – 4, No – 1 (Scott).

26  
27 **VI. Reports**  
28 **A. City Council**

29  
30 Scott said that he will not be present for the December meeting and so he would like to request  
31 that any discussion about his database project be scheduled for the January meeting.

32  
33 Dimmick said that she has asked the City Hall staff for a list of the yard maintenance businesses  
34 and she will be talking to them this month.

35  
36 **B. Public Works Director – Blanchard reported:**

- 37
- 38 • The Combs Circle overlay project was completed in October. After evaluating the street,  
39 the engineer's estimate would have exceeded the entire budget for the year. By doing  
40 some of the prep work in-house the cost was reduced, to the City will be able to complete  
41 some of the patching and other repair work that had been planned.
  - 42 • Still waiting for the letter to come back from the Oregon Water Resources on the specific  
43 steps required to continue the Yachats River Diversion Project.
  - 44 • Will not be able to update the Water Master Plan until that letter is received.
  - 45 • Continue to work on the plans for the Hanley Terrace Looping Project. Working on a  
46 schematic that shows where the connections will be so that the water can be pumped  
47 through the various pressure zones.
  - 48 • The engineer's estimate for the Hanley Terrace Looping Project came in at quite a lot  
49 more than expected, but some of the work may be completed by the City crew, which  
would reduce the cost.

- 1 • Oregon Water Resources has given the City until 2043 to perfect the water rights on the
- 2 Yachats River, as long as progress is being made on projects such as the looping
- 3 project and the reservoir south of the Yachats River Bridge. So some of the priorities in
- 4 the CIP could be shifted so that those projects can be completed while the Diversion
- 5 project is moved out closer to the 2043 date.
- 6 • The Lincoln Street water line project has been completed. The budget for that project was
- 7 \$20,000. The total cost will be a little over \$19,000, which is under budget and about half of
- 8 what it would cost to have contracted services.
- 9 • A contractor was hired to clean out and seal three manholes as part of the Inflow and
- 10 Infiltration repair scheduled for this Fiscal Year.
- 11 • The public works building roof project is complete and came in under-budget.
- 12 • Waiting on the electrical plans for the ADA doors in the Commons.
- 13 • The Library siding project was completed and was under-budget.
- 14 • Waiting on the designs for the UV enclosure, decant center and the generator
- 15 enclosures.
- 16 • Did some roof repairs on the Commons, removed the old railings that had enclosed the
- 17 diesel tanks, and have ordered the new railing for the stairway from the multi-purpose
- 18 room.
- 19 • Looking at the possibility of connecting power to the emergency containers so that a
- 20 dehumidifier or heater can be used to control the mold that is forming on the boxes.
- 21 • Working on a plan for fueling. Carson Oil has given the City a quote for freestanding
- 22 tanks and other options are being explored.

23  
24 **C. Written Reports - Commission Minutes, City Recorder, City Planner, Marketing**  
25 **Director, and Code Enforcement Officer, attached.**  
26

27 Marketing Director, Andrea Scharf said that the bike race was quite successful in getting people to  
28 Yachats and there will be a race in 2014.

29  
30 The committee was able to get \$5,000 in local sponsorship for that race and a donation of \$5,000  
31 in food. The funds are with the Port of Alsea since they were the fiscal agents.

32  
33 Scharf said that while her position will expire at the end of the year, she is recommending that the  
34 position be extended for at least one day a week for the first six months in 2014 while the Budget  
35 Committee and City Council decide if the position will be included in the next fiscal year.

36  
37 **VII. Public Hearings**

38 **A. Ordinance No. 322 - An Ordinance Amending The Yachats Municipal Code Section**  
39 **9.52.050(B) – Hazard Areas**  
40

41 Brean opened the public hearing and asked if there was any testimony. There was none, and  
42 Brean closed the public hearing.

43  
44 Motion to adopt Ordinance No. 322 - An Ordinance Amending The Yachats Municipal Code  
45 Section 9.52.050(B) – Hazard Areas, at this meeting, Aye – 5, No – 0.

46  
47 **B. Ordinance No. 323 - An Ordinance Amending The Yachats Municipal Code Title 9 –**  
48 **Zoning And Land Use Code, Sections 9.04.030 - Definitions And Section 9.72.050.D –**  
49 **Standards For A Home Occupation**  
50

1 Brean opened the public hearing and asked if there was any testimony. There was none, and  
2 Brean closed the public hearing.

3  
4 Batchelder said that one statement that the Planning Commission recommended was not included  
5 in the draft of the Ordinance, and read that phrase into the record.

6  
7 Dunn said that she had a home business, and asked if she should recuse herself. There was  
8 consensus that because there would be no financial gain or lose, she would not be required to  
9 recuse herself.

10  
11 Motion to adopt Ordinance No. 323 - An Ordinance Amending The Yachats Municipal Code Title 9  
12 – Zoning And Land Use Code, Sections 9.04.030 - Definitions And Section 9.72.050.D – Standards  
13 For A Home Occupation, at this meeting, Aye – 5, No – 0.

14  
15 **VII. Business**

16 **A. Liquor License Application – J. Scott Cellars**

17  
18 Motion to recommend to the OLCC that the Liquor License for J. Scott Cellars be approved, Aye –  
19 5, No – 0.

20  
21 **B. Ordinance No. 324 - An Ordinance Amending The Yachats Municipal Code Chapter**  
22 **4.08 - Transient Rental Licenses, Section 4.08.030 – Standards**

23  
24 Brean explained that because significant changes were made to this draft following the Council  
25 Work Session last Thursday, and the current version was not available for public review for a full  
26 week this is considered the “First Reading” and action will be taken at a subsequent meeting.

27  
28 Brean explained that this Ordinance would clarify the wording regarding parking and local contact  
29 responsibilities.

30  
31 It was suggested that a definition for on-property parking be added to clarify the language.

32  
33 **C. Proposed Ballot Title**

34  
35 Brean said that the City Council has discussed the need for additional parking for years. The  
36 Council must get voter approval before property can be purchased to provide that parking.

37  
38 Scott said that he has reviewed the Village Circulation Plan that was adopted years ago and he  
39 believes that the City has made improvements in all of the areas listed in that plan except for at the  
40 North and South entryways.

41  
42 Scott said that he believes the funds could be used for other things such as a Library expansion,  
43 improvements to the Ocean View Drive/804 S trail, or improvements to the Community Park and  
44 Trails. All of these would be able to use at least some Visitors Amenities funding.

45  
46 If the City owned the Visitors Center, it is true that the City would not have to pay rent, however the  
47 City would have to pay for the building upkeep.

48  
49 Scott said that if the main reason for the ballot is to purchase land for a visitor center with some  
50 parking the ballot should more clearly indicate that as the main purpose.

1 Brean said that until the City has the voters' approval to purchase property the City cannot work to  
2 solve problems. Once the City has the voters' approval then the Council can start to work toward  
3 the solution. The City Council would not go out and just buy any piece of property. Before any  
4 money is actually spent, the City Council would do a detailed cost-benefit analysis.

5  
6 The filing deadline for the May 20, 2014 election is February 28, 2014. There was consensus to do  
7 some more work on the wording before action is taken on this ballot title.

8  
9 **D. Discussion: Public Works Department Operations Structure Changes**

10  
11 Brean explained that when the previous Public Works Director left, and he, as the Mayor, was  
12 acting as Interim Public Works Director the Water Treatment Plant Operator and the Wastewater  
13 Treatment Plant Operator were asked to take on some more of the Director's duties. For that, they  
14 were paid a premium for working Out of Class. When the new Public Works Director was hired, the  
15 two Operators continued to work in that way and have continued to draw that Out of Class pay.  
16 The proposed modified job descriptions would include those duties as a regular part of their duties,  
17 and a salary schedule would be created that is appropriate for those positions.

18  
19 Scott said that the union contract negotiations are coming up soon and he thinks it is time to do a  
20 job classification study, since it has been quite some time since that was done.

21  
22 There was consensus to discuss this with the Finance Committee at their meeting, and continue  
23 the discussion at a future meeting.

24  
25 **IX. Other Business**

26  
27 **A. From the Council – None.**

28  
29 **B. From the Staff – None.**

30  
31 There being no further business before the City Council, the meeting was adjourned at 5:00 PM.  
32  
33  
34

35  
36 \_\_\_\_\_  
37 Ronald L. Brean, Mayor

38 Attest:  
39  
40

41 \_\_\_\_\_  
42 Nancy Batchelder, City Recorder