

1. 9:30 A.M. Agenda

Documents:

[2022-11-03 City Council WS Pub Hrg And Regular Meeting.pdf](#)

2. Work Session Meeting Materials

Documents:

[CIP HANDBOOK CC V1.Pdf](#)

3. Meeting Materials

Documents:

[2022-10-19 Council Meeting Summary Draft.pdf](#)  
[2022-10-03 EP Summary Minutes Rvsd2.Pdf](#)  
[2022-10-13 Meeting Summary.pdf](#)  
[2022-10-04 Parks And Commons Meeting Summary Rvsd2.Pdf](#)  
[2022-10-18 Planning Summary Rvsd2.Pdf](#)  
[2022-10-11 Meeting Summary Public Works Rvsd.pdf](#)  
[Shell Street Vacation.pdf](#)  
[P.C. Recommended Wording - Fences, Etc..Pdf](#)  
[CM Report To Council October 2022.Pdf](#)  
[2022 October Public Works Department Report.pdf](#)

3.I. Shell Street Vacation Map

Documents:

[Screen Shot 2022-11-03 At 8.36.24 AM.pdf](#)



**CITY OF YACHATS  
CITY COUNCIL WORK SESSION, REGULAR MEETING  
AND PUBLIC HEARING  
YACHATS OR  
Thursday November 3, at 9:30 am  
To Be Held Via Zoom**

Join Zoom Meeting

<https://us02web.zoom.us/j/84651149572>

Meeting ID: 846 5114 9572

One tap mobile

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Dial by your location

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+1 301 715 8592 US (Washington DC)

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Find your local number: <https://us02web.zoom.us/u/kSBzkyLt1>

**AGENDA**

**COUNCIL WORK SESSION**

- I. CIP review and discussion with CIP Coordinator Holly Hamilton

**REGULAR MEETING**

- I. Announcements, Proclamations, and Correspondence
- II. Public Comment - limited to items not on the agenda (5-minute limitation per person)
- III. New Business
  - a. Introduce new Code Enforcer, Jyl Fueling
- IV. Old Business
  - a. Monthly Summaries from Commissions and Committees

***Pause Regular Council Meeting and Open Public Hearing***

*The Yachats City Council meetings are open to the public and interested citizens are invited to attend via Zoom. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. The meeting are accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status. Sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance. POSTED 10/28/22*



## **PUBLIC HEARINGS**

- a. Shell Street Vacation
- b. Fences, Walls & Hedges, amending Chapters 5 and 9 of the Yachats Municipal Code

### ***Close Public Hearing and re-open Regular Council Meeting***

- V. Reports
  - a. City Manager Report
- VI. Other Business
  - From Mayor
  - From Council
  - From Staff

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THE CITY OF YACHATS  
CAPITAL IMPROVEMENT PLAN (CIP)  
**CAPITAL PROJECTS**



**A Guide**  
DRAFT FOR CITY COUNCIL



THE CITY OF YACHATS  
CAPITAL IMPROVEMENT PLAN (CIP)  
**CAPITAL PROJECTS**

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THE CITY OF YACHATS  
CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS PROCESS  
**GUIDE and DOCUMENTATION**



## **YACHATS' CAPITAL IMPROVEMENT PLAN**

The City of YACHATS' Capital Improvement Plan (CIP) establishes, prioritizes, and plans funding for critical projects. The CIP addresses **deferred** maintenance, identifies measures to improve **existing services**, and develop **new** infrastructure and facilities. A **CIP** works to promote **best use** of the City's limited financial resources. It functions to reduce overall costs, and assist in the coordination of public and private development.

**YACHATS' CIP** is a five-year roadmap which identifies major expenses over and above routine annual operating costs. While the CIP serves as a long range plan, it is formally reviewed and revised *annually*. As a living document, priorities may be changed due to funding opportunities or circumstances that cause a more rapid deterioration of an asset. As a basic tool for documenting anticipated capital projects, it also includes "unfunded" projects, for which new needs are identified, but specific solutions and funding have not yet been determined.

## **THE CAPITAL IMPROVEMENT PLAN and REPORT**

This updated CIP is to be a *revision* of the previous infrastructure planning review *process*. Annual planning, described above, allows flexibility. As the City works to "catch-up" to address outstanding capital needs including significant deferred maintenance, improvement projects and long-deferred development projects - and also incorporate **current and newly** forming projects on the horizon -- a CIP is essential.

**Yachats' 2023 CIP** is developed in compliance with adopted policies (*YMC Chapter 3.10.20.5*, and *Ordinance 370*). It also complies with the Yachats' Comprehensive Plan, and is a result of engaging with public, professional staff, elected and appointed City officials. A **DRAFT CIP Application and Ranking Process** and **Yachats' 2023 CIP** will be made available to the public for comments, review and modifications. Adoption by the City Council is anticipated in mid-November 2022.

Projects evaluated for the **2022-2023 CIP** fiscal year are the basis for preparation of the City's budget for 2023-4. The **2023 CIP** will differ from the **2022 CIP** by including a more detailed summary of projects; capital improvements, scoring and ranking, estimated costs, work and resource schedules, and source of funding.

The **CIP** (as with previous plans) assigns approved projects into yearly projections based on functional and project categories. As Municipal Goals and Resources shift (as with the onset of a pandemic), or different needs arise, the CIP will be evaluated to revisit or reprioritize scheduling and budgeting.

## **THE CIP REVIEW PROCESS**

New projects will be received by City Hall on a *rolling basis* and the City Manager will present potential projects to the City Council on a *monthly basis*. City Council will

## **CAPITAL PROJECTS REVIEW PROCESS**

Yachats is fortunate to have an engaged community. City Administration welcomes the many presented opportunities and has created an **APPLICATION** and **DISCOVERY** process to support this welcome level of engagement.

The **DISCOVERY** process will ensure that new projects are sufficiently vetted and funded, then reviewed, ranked and prioritized alongside of current and outstanding scheduled projects.

recommend to proceed, may request additional information, or deny applications. Approved projects go on to a more rigorous review *i.e.* due diligence (DISCOVERY) and scoring, costing and preliminary scheduling. Once through due diligence, projects are ranked and presented *twice per year* following standard grant cycles for City Council's final approval, budgeting and full scheduling.

## THE CIP REVIEW TEAM

The **Initial** CIP Review Team is to be comprised of members of City Staff (City Manager), Finance Committee and Leadership from the Commons, Public Works, and Library Commissions and appointed City Council officials. This team will work in collaboration with the CIP Coordinator and Public Works leadership to review capital project requests and rankings. It will then summarize recommendations for presentation to City Council. The operational CIP Review Team will be comprised of a smaller representation of the above members.

## FUNDING LIMITS

On an annual basis, funding for CIP projects will be limited based on municipal budget, priority, granting, and potential bonding opportunities. Funding for different project types will be developed as the CIP program evolves. Projects will be evaluated for source or sources of funding available. Current forms of funding include:

- Direct Funding
- Development or SDC Fees
- Outside Funding
  - Grants
  - Federal
  - State
  - County
  - Donations
  - Cooperative Efforts or Matched Funding
- General Obligation (GO) Bonds,
- Revenue Bonds
- Certificates of Obligation (COs)

## PROJECT CATEGORIES

Projects will fit within the five primary categories identified below. Emergency or resiliency measures will be assigned within the project specific category.

|                                |                                                                                                  |
|--------------------------------|--------------------------------------------------------------------------------------------------|
| <b>UTILITIES:</b>              | Projects involving the Water, Sewer and Storm infrastructure.                                    |
| <b>TRANSPORTATION:</b>         | Multi-modal Projects affecting streets, bike lanes, pedestrian crossings, paths and trails.      |
| <b>FACILITIES / EQUIPMENT:</b> | Projects involving buildings, structures, equipment, and vehicles the city owns/manages.         |
| <b>PARKS AND RECREATION:</b>   | Projects affecting parks and open spaces.                                                        |
| <b>TECHNOLOGY:</b>             | Projects addressing hardware, software, and infrastructure that improves or supports technology. |

## DETERMINATION OF A CIP PROJECT

A project is defined as a capital project, per *Yachats Municipal Code, Chapter 3.10.20.5, and Ordinance 370*, when it is valued at a minimum of \$5,000, is *nonrecurring*, provides at least five (5) years of benefit and is an addition to Municipal assets. Capital improvement projects include facilities, utilities, streets, parks and recreation, or common space.

## CIP CRITERIA and PROJECT RANKING:

As there are more project requests than can be funded in the five-year CIP period, as well as a backlog of outstanding projects, the CIP Review Team will conduct an internal project ranking process. The following weighting and criteria used in scoring and ranking include:

### 1. INFRASTRUCTURE (15%)

Infrastructure defines items relating to infrastructure needs for The City of Yachats as well as overall safety. Capital Expenditure Items include waterlines and water supply, sewer lines, wastewater treatment, resiliency, streets, buildings, facilities, stormwater and drainage. Projects which address employee safety issues and proactively manage risk, are included. A new raw water tank directly impacts citizens, scoring high in this category. New softball fields may not directly affect the health and public safety of the citizens, therefore scoring low.

### 2. MANAGED GROWTH (10%)

Managed growth and economic development relates to what a city does to attract housing, business, and tourism. Providing infrastructure, development and rehabilitation of the central core and civic campus would score high in this category. Re-constructing a storm drain line through a residential neighborhood would score lower in the managed growth and economic development category.

### 3. QUALITY of LIFE / HEALTH and WELLNESS (15%)

A project which serves the greatest good, for the greatest number, for the longest time has the greatest impact on a Community's Quality of Life / Health and Wellness. **QL/HW** is a characteristic that makes Yachats a favorable place to live *eg.* a park with amenities to satisfy all citizens would positively impact the overall quality of life and health and wellness of its constituents. A city maintenance building is an example of a project that does not directly affect the citizen's quality of life but improves services. Bike, walking and jogging trails, recreational amenities improve the overall health of the community.

### 4. MASTER PLAN (5%) *INTERIM PENDING COMPLETION OF MASTERPLAN*

A Master Plan provides the City of Yachats a critical supplement to the Comprehensive Plan to articulate and exceed goals set forth by City departments, commissions, and citizens at-large. Master Plans include documents that will be prepared with the assistance of consulting agencies to ensure adherence to state and industry best practices. Master Planning includes public discussion and citizen engagement to identify values and goals.

### 5. PERFORMANCE, REGULATORY COMPLIANCE, PUBLIC HEALTH & SAFETY (10%)

This includes compliance with regulatory mandates such as FEMA or environmental directives, Americans With Disabilities Act, and other Federal, State or County regulations; also self-imposed municipal ordinances, sewer line capacity, fire flow/pressure demands, stormwater/storm surge/flooding concerns based on documented professional consultants' analyses.

### 6. TIMING and LOCATION (15%)

The timing and location of the project is an important piece of a project. If the project is not needed for many years it would score low in this category. If the project is close in proximity to many other projects and/or if a project may need to be completed before another one can be started it would score high in this category.

### 7. FUNDING (15%)

Capital improvement projects can be funded through sources other than the City funds. Developer funding, grants through various agencies and donations can all be sources of external funding for a project. The percentage of total cost funded by an outside source, matching funds, and committed municipal funds will determine the score in this category.

### 8. IMPACT ON OPERATIONAL BUDGET (10%)

Some projects may affect the operating budget for the next few years or for the life of the facility. A new waste treatment plant will need to be adequately staffed and supplied, therefore having an impact on the operational budget for the life of the facility. Replacing a waterline will not require any additional resources from the operational budget. Replacing a street light with a more energy efficient model may decrease operational costs.

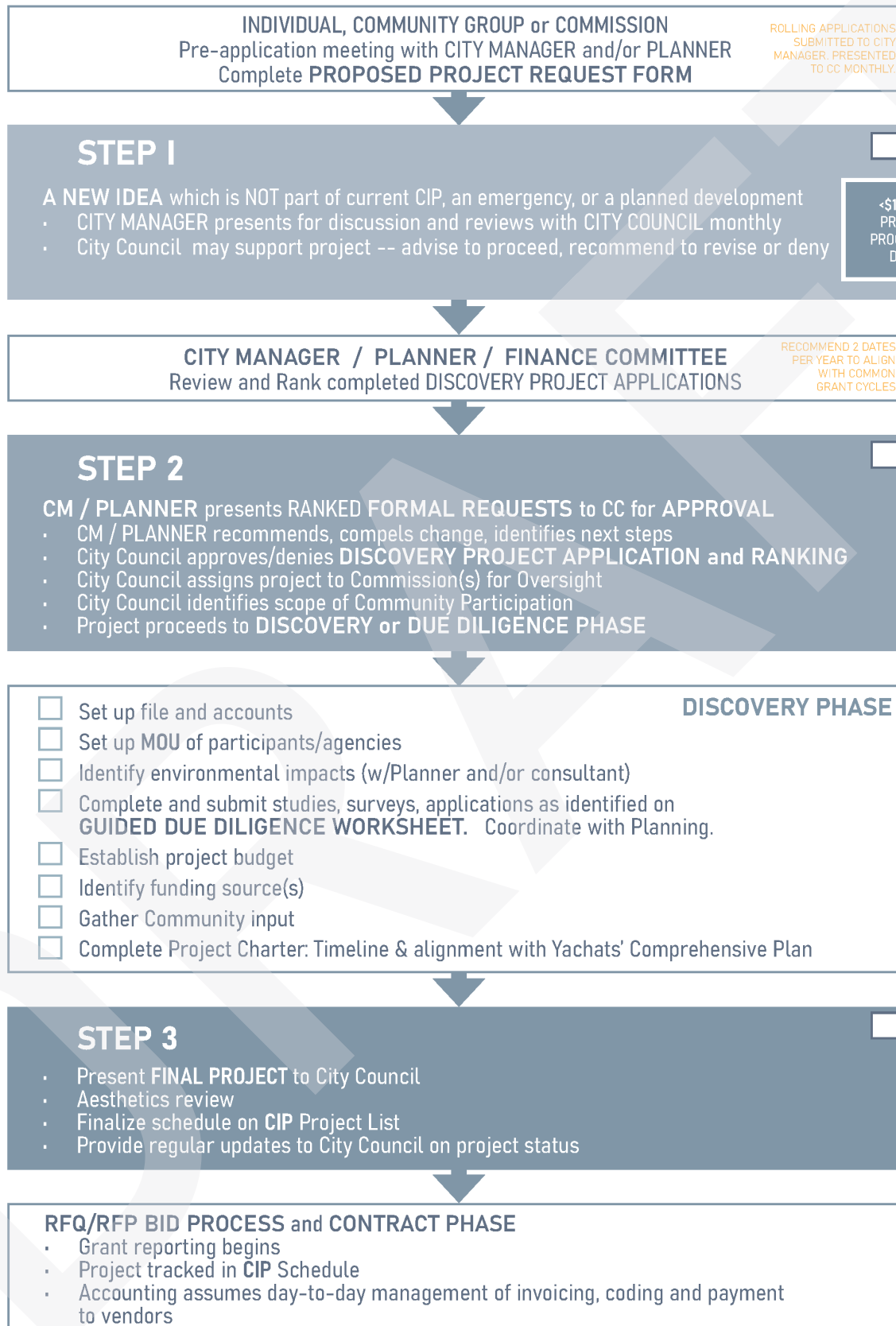
### 9. INNOVATION (2.5%)

The City of Yachats seeks to look forward to produce solutions, solve new problems, and meet new challenges that come from a rapidly changing world. Demographic, social, technological, and economic changes compel municipalities to adapt and embrace change.

### 10. OPEN (2.5%) RESERVED CATEGORY for COMMITTEE USE



THE CITY OF YACHATS  
CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS PROCESS  
**SUMMARY of CIP PROJECT DEVELOPMENT**



CIP FORM 1

NOV22

THE CITY OF YACHATS  
CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS PROCESS  
**PROPOSED PROJECT REQUEST FORM**



| PROJECT REQUEST FORM                             |           |  |  |  |  | STEP I                   |                          |
|--------------------------------------------------|-----------|--|--|--|--|--------------------------|--------------------------|
| DATE SUBMITTED:                                  | PRIORITY: |  |  |  |  | LOW                      | MED > LOW                |
|                                                  |           |  |  |  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| INITIATING COMMISSION OR COMMITTEE:              |           |  |  |  |  | MED                      | MED > HIGH               |
|                                                  |           |  |  |  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| PRIMARY CONTACT:                                 |           |  |  |  |  | HIGH                     | <input type="checkbox"/> |
| PREPARED BY:                                     |           |  |  |  |  |                          |                          |
| PROJECT TITLE:                                   |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
| GOAL OR MISSION:                                 |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
| REQUEST:                                         |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
| COMMUNITY IMPLICATIONS:                          |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
| BUDGETARY IMPLICATIONS:                          |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
| ENVIRONMENTAL:                                   |           |  |  |  |  |                          |                          |
| ADDITIONAL NOTES:                                |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
|                                                  |           |  |  |  |  |                          |                          |
| FOR OFFICE USE ONLY                              |           |  |  |  |  |                          |                          |
| DATE:                                            |           |  |  |  |  |                          |                          |
| RECEIVED BY:                                     |           |  |  |  |  |                          |                          |
| CITY MANAGER:                                    |           |  |  |  |  |                          |                          |
| SCHEDULED AGENDA DATE:                           |           |  |  |  |  |                          |                          |
| REVIEW NOTES:                                    |           |  |  |  |  |                          |                          |
| PRF APPROVED:                                    |           |  |  |  |  |                          |                          |
| PRF DENIED:                                      |           |  |  |  |  |                          |                          |
| PROCEED TO RANKING AND FINANCE COMMITTEE REVIEW: |           |  |  |  |  |                          |                          |
| ASSIGNED PROJECT CODE:                           |           |  |  |  |  |                          |                          |

## STEP 2

Attach additional pages as needed.

CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS PROCESS  
COMMITTEE and STAFF  
**RANKING WORKSHEET**



**CRITERIA and SCORING**

|                  |                                    |                                         |                                                   |                                               |                                     |
|------------------|------------------------------------|-----------------------------------------|---------------------------------------------------|-----------------------------------------------|-------------------------------------|
| PROJECT TITLE:   |                                    |                                         |                                                   |                                               |                                     |
| PROJECT #:       |                                    |                                         |                                                   |                                               |                                     |
| PREPARED BY:     |                                    |                                         |                                                   |                                               |                                     |
| DATE SUBMITTED:  |                                    |                                         |                                                   |                                               |                                     |
| PROJECT CONTACT: |                                    |                                         |                                                   |                                               |                                     |
| PROJECT MISSION: |                                    |                                         |                                                   |                                               |                                     |
| CATEGORY:        | <input type="checkbox"/> UTILITIES | <input type="checkbox"/> TRANSPORTATION | <input type="checkbox"/> FACILITIES and EQUIPMENT | <input type="checkbox"/> PARKS and RECREATION | <input type="checkbox"/> TECHNOLOGY |

**1. INFRASTRUCTURE (15%)**

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Select as applicable:

- ☐ The infrastructure project is needed
- ☐ The facility/plant/machinery has exceeded its useful life
- ☐ The resources spent on maintenance justifies replacement i.e. the Life Cycle analysis of repair vs. replacement
- ☐ The system is outdated and newer technology would provide additional data, generating revenue or capacity
- ☐ The project is required by regulation; Federal, State or County
- ☐ The project extend services to support new municipal growth
- ☐ The proposed project impacts the safety of Yachats' residents, employees - directly or indirectly
- ☐ There are safety concerns that are being addressed through the proposed project
- ☐ The project increases municipal response to emergencies throughout the community-more effective/efficient
- ☐ This project supports increased resiliency for all members of the community
- ☐ The project fosters safer and/or accessible modes of travel
- ☐ The project has been deferred over several years, note initial date

**SCORING SCALE**

**POINTS**

| 1                                                                                                                                                            | 2 | 3                                                                                                                                                                                                                                                                                               | 4 | 5                                                                                                                                                                                                                                                                                                                     | SCORE |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <ul style="list-style-type: none"> <li>The safety or infrastructure need is low</li> <li>The project addresses existing or new(er) infrastructure</li> </ul> | ↔ | <ul style="list-style-type: none"> <li>The safety or infrastructure need is moderate</li> <li>The project addresses a serious safety issue that has a limited impact</li> <li>The issue serves the broader community</li> <li>The project addresses a new or existing infrastructure</li> </ul> | ↔ | <ul style="list-style-type: none"> <li>The safety or infrastructure level of the project is high;</li> <li>The project addresses serious health/ public safety issues that has a widespread impact</li> <li>The project addresses existing infrastructure</li> <li>The ancillary benefits are well-defined</li> </ul> |       |

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CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS PROCESS  
**PROJECT APPLICATION**

THE CITY of YACHATS  
CIP REVIEW PROCESS

| PROJECT CRITERIA |                                                             | ASSIGNABLE<br>SCORE | % WEIGHTING | SCORE | WEIGHTING | TOTAL |
|------------------|-------------------------------------------------------------|---------------------|-------------|-------|-----------|-------|
| 1                | INFRASTRUCTURE:                                             | 0-5                 | 15%         | /5    | X3        | /15   |
| 2                | MANAGED GROWTH and ECONOMIC DEVELOPMENT:                    | 0-5                 | 10%         | /5    | X2        | /10   |
| 3                | QUALITY OF LIFE, HEALTH AND WELLNESS:                       | 0-5                 | 15%         | /5    | X3        | /15   |
| 4                | MASTER PLAN and COMPREHENSIVE PLAN:                         | 0-5                 | 5%          | /5    | X1        | /5    |
| 5                | PERFORMANCE, REGULATORY COMPLIANCE, PUBLIC HEALTH & SAFETY: | 0-5                 | 10%         | /5    | X2        | /10   |
| 6                | TIMING and LOCATION:                                        | 0-5                 | 15%         | /5    | X3        | /15   |
| 7                | FUNDING:                                                    | 0-5                 | 15%         | /5    | X3        | /15   |
| 8                | IMPACT ON OPERATIONAL BUDGET:                               | 0-5                 | 10%         | /5    | X2        | /10   |
| 9                | INNOVATION:                                                 | 0-5                 | 2.5%        | /5    | X0.5      | /2.5  |
| 10.              | OPEN:                                                       | 0-5                 | 2.5%        | /5    | X0.5      | /2.5  |
| TOTALS           |                                                             | 50                  | 100%        | /50   |           | /100  |



THE CITY of YACHATS  
ADDRESS  
YACHATS, OR

CONTACT:



**CITY OF YACHATS  
CITY COUNCIL  
October 19, 2022  
MEETING SUMMARY  
Zoom Meeting Summary**

**REGULAR COUNCIL MEETING**

1. (0:19) Meeting Call to Order: Mayor Vaaler on this September 21, 2022, at 2:07 pm via Zoom. Members present: Mary Ellen O'Shaughnessy, Greg Scott, and Ann Stott, Council President; Absent: Anthony Muirhead. Staff: Heide Lambert, City Manager, Kimmie Jackson, Recorder, Katherine Guenther, Asst. City Manager/ Planner and Holly Hamilton, CIP Coordinator
2. (1:41) PROCLAMATION: Domestic Violence Awareness Month Proclamation by My Sisters Place was read into the record by the Mayor Vaaler.
3. (7:05) PUBLIC COMMENT: Joann Kittel commented on child abuse awareness and why people stay in these situations and the economic barriers they are faced with.
4. (10:58) NEW BUSINESS: 2:14(00) Little Log Church & Museum Assessment Report – Tim Gross, Civil West Engineering Services, reviewed the report and options available. Mr. Gross will make some corrections to the estimate of costs on page 15, there are calculation errors on line 36 and 29, and add additional scope of work that was discussed with council. The estimated cost of the church is \$193,798, and the museum is \$95,580 total project \$289,378 will contact Lincoln County Planning regarding permitting and the fees associated. The scope of service did not factor in an outside door with ADA accessibility for a bathroom, but it can be done at the design point. The City had budgeted \$187k for this year and \$300k next year. Holly Hamilton will present a CIP report to include the status of projects to council at the November 3<sup>rd</sup> meeting.
5. (1:10:16) Introduction of the new Chamber of Commerce Executive Director, Bobbi Price: Reported on her involvement with marketing of the mushroom festival, collected information on the attendance and events were sold out. Working with community groups on Christmas activities; the Celtic festival is sold out but there will be some free events. On Oct. 29<sup>th</sup> Trunk or Treat from 3p-5p.
6. (1:16:24) Unhoused population, Citizen request, and next steps by the City – the use of the pavilion for the unhoused email from Mary Deriberprey, resident:



(email attached) Indicated she feels that the community needs to understand the situation and asking council if the pavilion can be used on stormy nights as it had been last year for the unhoused. The city is holding forums on this issue and will continue to address and include the Presbyterian Church, Pastor Bob Barrett. This is a statewide problem how to get people to services. The mayor suggested conveying to Mary Deriberprey the council had a thoughtful discussion and considerable sympathy but did not have a solution. It was not indicated who would respond to Ms. Deriberprey.

7. (1:33:00) Yachats Youth Family and Program (YYFAP) needs use of the upstairs kitchen. The Fire Marshall has indicated there are some issues with the existing kitchen in the basement. YYFAP is purchasing an island on wheels where they will store their supplies and are looking to start using the kitchen in January and should not interfere with rentals at the commons.
8. (1:39:52) Old Business: Postponing the Public Hearing on Fences, Hedges, and Walls and the Vacation of Shell Street postponed until 11/3/22.
9. (1:43:09) REPORTS: City Manager report has moved to Nov. 3<sup>rd</sup>. The Public Works Report is attached. The meeting summaries from the Commissions & Committees will possibly be included in the November 3<sup>rd</sup> meeting.
10. (1:45:22) OTHER BUSINESS: The Oct. 14<sup>th</sup> League of Oregon Cities (LOC) Bulletin advertised the Mayor's Association "A New Mayor Conference", an article that Oregon Department of Transportation (ODOT) has new guidance on speed limits on 101 and has a link for more information to forward to Public Works & Streets Commission; article on Water sustainability and other valuable information. Contact Mayor Vaaler for the link.

Councilor Scott and Linn West are working on the hi def screen for presentations in the Civic Meeting Room.

Mayor Vaaler adjourned the meeting at 3:50 pm.

Prepared by Kimmie Jackson on October 20, 2022



**CITY OF YACHATS**  
**EMERGENCY PLANNING COMMITTEE**  
**MEETING SUMMARY**  
**October 3, 2022**  
**Zoom Meeting Summary**

1. (00:17) Call Meeting to order: Chair Linn West, temporary Chair called the meeting to order at 2:00 pm and in attendance is Tracy Crews, Don Groth, James Sanders, Alex Cox, and Drew Roslund. Absent: Jill Asch and Mary Beth Selby. Staff: Kimmie Jackson, Recorder and Councilor Mary Ellen O'Shaughnessey
2. (00:50) Correspondence / Communications: 10/14/22 Volunteer Appreciation Meeting at the Commons from 2-6p. On 10/5/22 at 3:30pm to welcome the new Librarian at the Yachats Library.
3. (01:49) Reports: Fire Department – Committee Member Cox met with Chief Frankie Petrick & Shelby Knife of the Yachts Fire Department and agreed to let the city place a Conex at the fire department with no restrictions and it can be a distribution place as well. A Memorandum of Understanding (MOU) will be needed and signed by all parties. The fire department may store diesel, but the city will not be able to store fuel tanks on their property. The fire department staff will be recertified in CPR in the new year and will be able to train others.
4. Cemetery – Barbara Meade stated the Conex they have stores cemetery tools and not a possible for the city to have one there.
5. (07:30) Current Business: Acknowledge Bob Bennett's contribution as a long-term volunteer on this commission: There was discussion of the potential of having benches with plaques and have 3 volunteer names in the pocket parks to recognize long term volunteers; the committee members are supportive of this idea.
6. (09:20) Discussion points how people can be notified if there was an emergency and the needs for the city:
  - Reach out by placing newsletter articles.
  - Provide CERT Class once received.
  - The city has funds to pay for the classes for a couple of people to become certified.



- Would like to find property to house the vehicles/equipment and a Conex. It was indicated that \$10k has been budgeted in the operating expenses, and \$18k in the CIP to purchase the containers and supplies. The committee is considering replacing the south side first.
- The owner has not found a use for some of the property on Diversity Drive and Chair West and the city manager plan to approach the owner.

7. (53:35) Old Business – None

8. (53:40) New Business: Draft an article for Newsletter due the 20<sup>th</sup>, to cover winter storms.

Announced that the new hire CIP Coordinator, Holly Hamilton will be evaluating all projects and report back to council.

The Beat the Wave Race should have forwarded a check to the city and Chair West will check with city manager. Chair West stated we have not gotten any further on the Memorandum of Understanding (MOU). Chair West will reapproach the city about the two-page document and should not need much more reviewing.

The Great Shakeout event is on October 20<sup>th</sup>, volunteers could stand at the blue tsunami lines up at the designated areas and hand out magnets as they come up the street.

9. To do: Ways to approach neighborhoods:

- Homeowner Associations
- The Fireside and Overleaf Hotels have a map in the rooms, the owner of these hotels will try to contact the other hotels to see what they are doing and report back next meeting.

Still looking for a Chair, possibly Alex Cox at the December meeting.

West adjourned the meeting at 3:31pm.

Transcribed by Kimmie Jackson October 3, 2022



**CITY OF YACHATS**  
**YACHATS LIBRARY COMMISSION**  
**October 13, 2022**  
**Zoom Meeting Summary**  
**REGULAR MEETING**

1. (0:00:20) MEETING CALLED TO ORDER: Rivinus called the meeting to order at 10:02 am. PRESENT: David Rivinus, Chair, Naomi Steenson, Viki West, and Marion Godfrey (will log in shortly)
2. (0:01:13) Announcement and Correspondence – Volunteer Appreciation Event 10/14/22 at the Commons Pavilion from 2-6p, Drift Inn catering.
3. (0:02:08) Welcome Traci Miller-Altson to the Library Administrator
4. (0:02:40) Reports: The budget is at \$312k; Michelle Pelletier's invoices might be posted incorrectly and will check with finance. Report attached.
5. (0:05:16) Progress on the library expansion: the first meeting with all the parties involved will be first week of November; three members of the architect team; city planner, five members of the expansion committee, and Holly Hamilton, CIP Coordinator, it will be held at the library.
6. (0:07:32) Contracts: Received the Architect and Contractor contracts, but not sure if the contracts have been signed by the city. Will begin fundraising and work with the Friends of the Library.
7. (0:11:30) Hazardous materials removal: before construction can begin the building has to be tested for asbestos, lead and mold; once survey is done we are required to have the paperwork on the construction site; the contractor is responsible for removal/Dahl, notification timelines and fees.
8. (0:16:15) - State archeology is getting the applications ready but needs a copy of the floor plan and a site plan, but thought it was pretty simple; the delay may be with the SHPO as it can take up to four months.
9. (0:19:00) Library Administrator stated she has an overview of what's been happening, has been meeting with lots of people and Lincoln County Library District. The "Guess Candy Corn Contest" is going on now, Story Time should resume in November/December with Jane Shaw; possibly have small group classes; Chair Rivinus would like to restart meetings that used to happen in the closed hours; courses like his Dream Workshop it last 10 weeks/weekly, will be limited to 6-10 people and would like to see events such as "Meet the Author"



- 44 10. (0:30:29) From the Friends of Yachats Library: The book sale made \$3100 in sales; ADA  
45 issue came up and it was put on Facebook; verbiage will now be available to handle ADA  
46 situations; would like a donation jar at the library and a donation button on the website and  
47 will coordinate with Sue May to accomplish. Friends of the Library donated to the  
48 Halloween event, paid for the books, and the candy donation was delivered to Yachats  
49 Youth and Family Program (YYFAP); Sara Moore was added to the board, as the book  
50 coordinator and will handle the box donations from the state; received a slipcover book in  
51 black and white, 1 of 8 copies in existence, could price at \$800.00 and auction for a  
52 fundraiser.  
53
- 54 11. (0:43:37) The Halloween event will be on October 29<sup>th</sup> and Mr. & Mrs. Valentine will be  
55 giving out candy and books. The Friends of the Library will advertise and circulate  
56 information on their website.  
57
- 58 12. (0:47:36) e-books and library computers: The eBook trends are growing, it is up 28% of  
59 patrons that have pin numbers; 191 patrons have pin #'s, 105 of them have gone onto the  
60 website; 2,315 books/ audio checked out; keeping track of trends and will order books as  
61 needed and have joined the Advantage Program to order books but will look into  
62 increasing the budget which is just at \$100.00. The eBook program will be advantageous  
63 when the library has to close for construction. Computers are working fine and have gotten  
64 better responses from NBS, and they are working better.  
65
- 66 13. (0:58:17) Broken window – new window is installed.  
67
- 68 14. (0:58: 50) Preliminary discussion on book storage during construction and the need to  
69 come up with where and who will do the work to move; will need dry & secure storage,  
70 bank boxes, book bags from the Friends and something for the fragile items; consider  
71 Angel Job Corp, they would need to be paid and feed; need transportation to move;  
72 possibly keeping a small amount of books/audio books at the commons.  
73
- 74 15. (1:07:23) Preliminary discussion of community involvement in fundraising: Need to have  
75 some events coordinated with the Friends of the Library, such as a live auction. Will need  
76 items donated, refreshments, a location, the Friends of the Library can use their special  
77 books on each table to sell/auction; could sell tickets to pay for the venue.  
78

79 In person meeting still not happening at this time, but meeting summaries will be attached to the  
80 packets.  
81

82 Rivinus adjourned the meeting at 11:14 am.  
83 By Kimmie Jackson transcribed 10/14/22



**CITY OF YACHATS**  
**PARKS AND COMMONS COMMISSION**  
**MEETING SUMMARY**  
**October 4, 2022**  
**Zoom Meeting Summary**

1. (00:23) Meeting Call to Order: Chair Craig Berdie called to order on this October 4, 2022, meeting of the Parks and Commons Commission at 2:02 pm via Zoom Meeting. Members present: Dean Shrock, Michael Hempen, Adam Altson and Catherine Carey. Trails - Joanne Kittel and Bob Langley. Staff: Kimmie Jackson, Recorder and Holly Hamilton, CIP Coordinator
2. (1:25) Correspondence/Communications: Chair Berdie mentioned Special Districts are available and will do some more research on the boundaries and are also a special taxing authority and will bring back to the commission.
3. (2:57) Reports: Meeting Summary – Information only
4. (3:11) Yachats Trails Committee – Volunteers working on YIPS; the logs on the trails are starting to fail; the boardwalk boards need replacing but would like to propose completing a project to include more boardwalk areas. Kittel stated the City Manager did talk to Tim Gross at Civil West and that the preliminary plan would be sufficient to write a grant and authorized them to do so. View the Future will write a grant to supplement and start fundraising. The city is still waiting on signed easement agreements. Chair West will meet with Little Log Church & Museum members and the archeologist to discuss having the survey work include the extended length of the walkway.  
  
(24:12) Motion to recommend to the City Manager that the Parks & Commons Commission be given authorization to complete the archaeological survey work to cover the extended length of the walkway:  
Aye: Shrock, Altson, Carey, Hempen, and Berdie  
Nay: None
5. (24:49) The fire department believes the purpose of the trail is that it is an emergency evacuation trail. Discussion continued regarding the ground conditions and the purpose of the trails leading to the fire department.
6. (30:25) Discussion continued regarding parts of the boardwalk and it being unsafe. Commission Member Hempen, Witten-Carry and Bob Langley will schedule a time to walk the area and prepare a work order to submit to the city.
7. (41:45) The Day Break Running Group sponsored the event. There was no



advertisement to forewarn the community that there would be over 400 runners on the trails.

8. (50:45) Ongoing Projects: Delineators Hwy 101 –ODOT is on the third revision, as there's issues with the diameter, it does not allow for ADA space, and still in talks with ODOT as they want the city to go into phase II.
  9. (57:00) Green Space: No update, other than needing to do a study on the comprehensive total Master Plan.
  10. (58:54) Pocket Parks: Archeologist, Benches Signs, Plants, Excavator Bids: The digs are done, no relics found; dug four holes, analyzed the three layers of soil, and waiting on the report. Expecting three excavator bids and have received one for \$9,200 and \$25k, and still waiting on the third. Discussion continued about having more signs, the concern is the city could take on more liability. The City Manager did send an inquiry to the attorney on the status.
  11. (1:09:40) - Bike racks – Hempen met with Jako and will coordinate with Langley to move forward in the next two weeks. The Skate Park project is scheduled this winter. The crew will come out of Newport and will be doing fundraisers. Some commission members would like to see if there is more space to expand the skate park.
  12. (1:14:15) New Business: Parks Master Plan: Purpose and future direction: Discussion continued how to approach the Master Plan. There is going to be reconstruction of the commissions/committees and the city has advised this commission to wait on this item and maybe a subcommittee could work on a project like this; would like to include inventorying parks, trails, and other potential areas. There is a need to connect the trail on King Street easement up to Horizon Hill. Would like to approach the City Manager & Council support this project and then move forward. The county has a plat map that is available to use to look at easements for one of the work sessions.
  13. (1:53:35) Holly Hamilton identified her responsibilities and will look to each of the committees to see what projects they have, and identify how do we keep moving, ranking the projects, and developing a larger Master Plan and does expect the commission to continue its work. Also working on getting the GIS maps internally, and an archaeological component should be added.
- (2:00:35) Chair Berdie asked the commission to send thoughts to him by mid-November on what project they want to accomplish and timeframe and then distribute a report to members.



1 14. (2:04:09) Rick Urbanski, 370 Ocean View Dr. – is concerned about the work  
2 involved on the cliff side that if removal of the roots would make the ledge  
3 unstable. The work being done involves excavating 6 inches up to the vegetation  
4 line only. Mr. Urbanski mentioned he signed and forwarded the easement  
5 documents to the city.

6  
7 15. Other Business: None

8  
9 Craig Berdie adjourned the meeting at 4:08pm.

10 Prepared by Kimmie Jackson on October 4, 2022



**CITY OF YACHATS**  
**PLANNING COMMISSION REGULAR MEETING**  
**MEETING SUMMARY**  
**October 18, 2022**  
**Zoom Meeting Summary**

1. (0:13) Call meeting to order at 3:00pm: Lance Bloch, Chair, John Theilacker, Jacqueline Danos, Julie Bailey, Loren Dickinson, Tod Davies, and Christine Orchard. STAFF: Kimmie Jackson, Deputy City Recorder and Katherine Guenther, Planner
2. (0:57) Announcements and Correspondence: The Volunteer Confidentiality Form was sent out in error.  
  
(5:35) Motion made to move Old Business, Planner Report section ahead of Title 9 item:  
Aye: Bailey, Davies, Orchard, Danos, Dickinson, Theilacker and Bloch  
Nay: None
3. (8:32) Housing Needs Assessment: Upcoming final project management team meeting with the housing consultants and DLCD to review the final report and have a Q & A. 124 people responded to the survey. The Housing Seminar sponsored by the League of Oregon Cities (LOC) in Lincoln City and was attended by volunteers & staff. Topics covered the Un-Housed and received sample codes on camping and how to word code. The city should have received an email from LOC asking to push for major housing assistance funding from the State.
4. The 2022 North Coast Housing Summit will be on December 6, 2022, on behalf of Tillamook County Commissioner Erin Skaar, held at Seaside Convention Center from 8:30-3p.
5. (13:05) Parking: The report is being completed, including answering questions online that were not answered at the public meeting. The Planning Commission will receive the final draft and recommendations can then be brought to City Council for possible action. Discussion continued about parking in front of residential and commercial areas and the placement of public parking directional signs at either end of 101 near the town core area.



1 6. (23:25) Boardwalk: Detailed report attached. Authorized by City Council, the  
2 consultant contract for engineering work for final design was halted and  
3 therefore missed grant opportunities. Joanne Kittel will stay on top of the  
4 grants, how to fund and move the boardwalk project forward. The city has  
5 four easements to release before Lincoln County can transfer ownership of  
6 Ocean View Drive to the City. Discussion continued regarding  
7 decommissioned parking spaces and ODOT project changes.

8  
9 7. (42:19) Wetlands Survey Status: Planning and volunteers will be meeting in  
10 November to work on the 2011 Local Wetland Inventory to update.

11  
12 8. (46:10) Planner Monthly Report: Attached is the building activity for the year;  
13 answered questions regarding the work on 9<sup>th</sup> & HWY 101. Also discussed  
14 code enforcement and planner relationship and how that will look.

15  
16 9. (1:03:51) Title 9 Definitions Review: Draft work attached to packet and  
17 includes a City of Bend example of Building Height Measurement. Planning  
18 Commission to take a closer look at Title 9 of the City code and make  
19 changes and recommend to Council for consideration. Discussion continued  
20 covering hotel, motel, resort, inn, and hostel and whether to combine or  
21 separate the definitions. The document has proposed text changes to the  
22 definition for dwelling and vacation rentals; R-3 and R-4 Districts and  
23 licensing in Title 4. Commission considering updating Title 9 and have Title 4  
24 point to Title 9, without the standards being duplicated. Will have DLCD, Hui  
25 Rodomsky for her opinion on whether the Planning Commission can limit the  
26 number of individual vacation rentals through zoning. Definitions for porches  
27 and the Building Height Measurements will be on the next work session.

28  
29 10.(1:48:16) Minute Summary of September 20, 2022 (Informational)

30  
31 11.Other Business – November 8<sup>th</sup> is the next Planning Commission Work  
32 Session.

33  
34 Bloch adjourned the Regular Commission meeting adjourned at 4:51pm.

35 Prepared by Kimmie Jackson October 19, 2021



**CITY OF YACHATS**  
**PUBLIC WORKS & STREETS COMMISSION**  
**October 11, 2022**  
**Zoom Meeting Summary**

1. (00:16) Call Meeting to Order: Chair West called the meeting to order at 2:02 pm. Present: Ron Urban, Kevin Erdahl, Alex Cox, Linn West, Bob Bennett, Don Groth and Don Phipps. Staff: Kimmie Jackson, Recorder, David Buckwald, Wastewater Lead, Rick McClung, Water Lead, Councilor Greg Scott, and Holly Hamilton, CIP Coordinator gave a summary of how she will be participating with Public Works & commission.
2. (1:49) Correspondence / Communications: West sent out a diagram to the commission, but not part of this packet of the wastewater and water system in simple form for information, showing the system as it operates. This commission will be hearing from Planning Commission regarding the parking draft and looking to draft some proposals. This commission will also be coming up with some small projects, as funding has not been discussed yet.
3. (05:06) Public Works Report: (attached to packet) Wastewater – September was a dry month. The culvert was completed on Gender and leaks were taken care of on Shell St. and Ocean View Dr. Water made and sold is referred to on the printed water report in the packet. The Projects underway are the manual for the backwash and seismic valve and the engineering drawings. Will be pumping out the lagoon, 2.5 feet of mud accumulated over the years, it is scheduled for this weekend, it may take 10 tanker trucks to remove. The kick off meeting is next week to go over the plans with engineering and when they will start the process. Have not located any small city allotment grants. It comes out in November, and the limit was raised to 250k and hoping to obtain for E 2<sup>nd</sup> St. Public Works received an email of being reimbursed for drinking water protection plan for about \$30k and should be coming in soon.
4. (17:00) Viewed the water report and comparing water sold from 8/1 to 9/1 this year to last year; sold more water in September 2021 and increased in August 2022.
5. (22:33) Delineator update – McClung stated ODOT is still having to make adjustments; Cox and McClung will talk about options of about 30 ft long using regular delineators before going back to ODOT, believes this will be a temporary fix. Parks & Commons talked about what they wanted to see but they may not be



1 ODOT legal and not durable. Chair West will talk to the Parks & Commons chair  
2 to clarify. The timetable has not been established, but still needs to be put out for  
3 bid, then have a start date and progress from there. The AIG is still being  
4 corrected and could start in springtime. The round bumps on the ground on 101  
5 had been destroyed by ODOT using their front loaders to scoop them up in the  
6 wintertime and should be advised not to destroy them if they are replaced.

- 7
- 8 6. (34:14) Fee proposal for Geotech – The property next to the water plant is rock  
9 and was hard to do the Geotech study. The cost is about \$40k for in in-depth  
10 study and would like to move forward it is \$15k more. The city will need extra  
11 water tanks and for the city's future. Consensus of the commission is to move  
12 forward with the extra cost to move forward on the additional work.
- 13
- 14 7. (38:36) Storm Water Master Plan is starting soon, McClung will be the squeaky  
15 wheel to get this going.
- 16
- 17 8. (39:16) Finance Report (Groth) Discussed the public works reports and each  
18 budgeted items. Streets received first payment from the State Hwy; Chair West  
19 will confirm with City Manager and questions on the report and report back at  
20 next meeting. Will need to discuss having an SDC study/evaluation and how do  
21 we get this on paper, and forward to finance committee to review. Finance  
22 meeting should be in November and Councilor Scott stated that he has been  
23 pushing for an extension of the URD as well, there are several other financial  
24 issues to be addressed.
- 25
- 26 9. (1:10:29) Emergency Preparedness - Fire Dept. & Conex: discussed emergency  
27 preparedness and all was positive, the fire department is happy to have our  
28 container on their property; they will have their own container adjacent; we still  
29 need to decide on a location and prepare. The city has budgeted to purchase the  
30 Conex and supplies, and take the contents from the south to replace. The city  
31 has been stalled over a year and a half but will be on council agenda for  
32 November and will be giving a presentation. The shakeout is Thursday the 20<sup>th</sup>, a  
33 flash will be on the website announcing participation at 10:10am. The committee  
34 is encouraging people to grab your Go Bag and get past the blue tsunami line.
- 35
- 36 10. (1:16:08) ODOT wants to move forward on Phase II project. The preapplication  
37 was approved and in November, the application has to be completed. Need to  
38 figure out how the starting costs, possibly \$150k, but everything is an estimate.  
39 Ona does not have the sidewalk; at the end of the HWY 101 project they



1 discovered a retaining wall was needed to float the sidewalk that's why it  
2 stopped. It, sidewalk, will pick up where we left off and continue south.

3  
4 11.(1:25:50) Current Business: -The survey of Speeding on Streets is prepared in a  
5 pdf map of the city grid, done by walking most of the streets. Findings were  
6 speed limit signs are inappropriate, some signs are behind overgrown  
7 brush/trees; suggested 15mph for all of the side streets, standardizing the speed  
8 on all streets; use cross walk signs, stop here sign and white lines across the  
9 road. It is a low-cost solution and should be at every intersection entering off and  
10 on Hwy 101. Phipps will identify locations for placing speed signs for the next  
11 meeting and how to approach ODOT again about lowering the speed on 101.

12  
13 12.(1:43:12) Mid Coast Water Partnership is still active, McClung said he will give a  
14 report next month.

15  
16 13.(1:44:50) CIP's status for Master Plan work – The raw reservoir development on  
17 new property is the largest at 1.5 million and not sure what the new tanks are  
18 going to cost. The projects have to be on the CIP list to apply for grants. The  
19 Scada and slide gate are in the CIP, and the slide gate vendors are backed up,  
20 and may have to wait for the finance committee to make any adjustments in the  
21 list. Wastewater items listed on the Master Plan is prioritized and is mostly in  
22 progress stages.

23 Streets are at a holding place at this point. Gimlet gates have been held off;  
24 properties are being sold and this project needs further discussion and final  
25 council direction. 2-3 streets that require an overlay but can be identified and put  
26 on the CIP list. On the south side of Hanley, Dahl has been backing down the hill  
27 and accelerates and have broken up the road, and the major reconstruction on  
28 W. 2<sup>nd</sup> St. is in worse condition and will need to look into reconstruction of that  
29 street. The intersection of W 2<sup>nd</sup>/Hwy 101 & Beach was limited due to the  
30 underground utilities and the relocation was going to be about \$400k and the city  
31 chose not to move forward. There is still need for proper signage for that area,  
32 and the post office entrance and exit.

33 14.(2:06:45) Old Business: Street Inventory Status and Street Lighting study is  
34 moved to next meeting

35  
36 15. Informational: Summary Minutes of August 8, 2022

37  
38 Next Meeting: Tuesday, November 8, 2022, at 2:00pm and no further business to  
39 discuss, meeting adjourned by West at 4:10pm.



1

2

Prepared by Kimmie Jackson Deputy Recorder on 10/11/2022.

**From Jim Paul March 29, 2022**

**Subject:** March, 2021 Request to the City of Yachats to Vacate the Abandoned Remaining Portion of the Shell Street Right of Way South of Mitchell Lane

We are the owners of 42 Mitchell Lane and 268 Yachats Ocean Road, and we request a meeting with either or both of you to discuss and resolve a matter that for understandable reasons has been pending for over a year. At the request of the City Manager, in April, 2021 the Yachats Public Works and Streets Commission ("PWSC") considered this matter and recommended approval of our request by the City and passed it on to the Mayor and City Manager for further action. (See the February 8, 2022 email to me from the Chair of the PWSC, Linn West, copy in a separate envelop delivered to you at City Hall today).

The matter concerns the 82.5 feet of abandoned City right of way of the only remaining portion of the Shell Street right of way south of Mitchell Lane (all of this is south of the bridge immediately north of the midpoint of The Yachats Inn as shown on the map enclosed with the copy of the package which was sent to the City Manager on March 2, 2021, another copy of which we are hand delivering to you at City Hall today).

We are requesting that the City, on its own motion pursuant to ORS 271.130 (entitled "Vacation on City Governing Body's Own Motion"), vacate the abandoned 82.5' by 30' parcel and convey it to us, as the two adjacent landowners to become part of our two residential properties. The March 2, 2021 letter to City Manager Shannon Beaucaire (and Linn West, Chair of the PWSC) explains the several reasons why we think this makes sense.

In summary, most of the Shell Street right of way was vacated by the City years ago and conveyed to the Yachats Inn to allow for its expansion, leaving the remaining small parcel south of Mitchell Lane unattended and effectively abandoned. The City rarely, if ever, maintained that parcel perhaps because it was not used for any public purpose. And the City has made it clear to us that it does not want nor intend to maintain the parcel in the future. For the last sixty or so years any maintenance was done by the owners of our two lots. But the City's neglect allowed portions of the parcel to become overrun with invasive species, 8 to 10 feet tall in places, which invaded our lots and became a real problem. In short, the City has abandoned the parcel and does not want the maintenance and liability required by a landowner. We want to maintain and beautify it.

After the PWSC recommended approval of our request and passed it back to the Mayor and City Manager last April it apparently slipped through the cracks as more important matters overwhelmed us all in the last year, as you well know.

Please let me know by email or at(xxx)xxx-xxxx if there is anything further we may provide. And please let me know if you would like to meet with us to discuss this further. And please let us know when you will take this matter up so we can attend and be able to answer any questions that may arise.

Thank you.

Jim Paul, for Linda Siegel and John Aviani and my wife Maggie and me, owners of 42 Mitchell Lane and 268 Yachats Ocean Road

Sent from my iPad

Sent from my iPad

CITY OF YACHATS  
APPLICATION FOR CONSIDERATION OF A STREET VACATION

\$250 FEE

RECEIVED: 9/13/22 <sup>KLG</sup>

Applicant: JAMES T. & MARILYN A. PAUL, AND John Ariani & Linda Siegel

Address: 268 YACHATS OCEAN RD 42 Mitchell Lane

Telephone: 541 541-2249 Fax: \_\_\_\_\_

Email address: STPHASE2@GMAIL.COM stegavito@gmail.com

Area/Street for Vacation

Consideration: REMAINING ABANDONED SHELL ST. RIGHT OF WAY SOUTH OF  
Attach a map with area marked MITCHELL LANE, 825' x 30'

Please state reasons why this vacation should be considered by the City of Yachats:

SEE ATTACHMENTS

Street vacations are governed by Oregon Revised Status (ORS) Title 25 sections 271.005 to 271.230.

Yachats Code states: Proceedings to vacate a public street right-of-way by any abutting property owner shall be initiated by filing an application for consideration with the City Recorder on forms provided by the Recorder. A filing fee of two hundred fifty dollars (\$250.00) shall accompany the application. The city recorder shall refer the application to the Public Works and Streets Commission and, if necessary, the Planning Commission (hereafter "Commission(s)") for initial review. Any costs related to said vacation application and petition process over and above the initial fee shall be paid in full by the applicant.

Following review of the application by the Commission(s), the Commission(s) shall determine whether the vacation of the street as proposed is in the public interest and if there appears to be no reason why the applicant should not commence the petition process. In reviewing the application the Commission(s) shall determine if vacating the right-of-way would adversely effect the general vehicular or pedestrian traffic circulation system of the City and where current or future water and sewer lines and easements are or will be necessary.

The City shall notify the applicant of the Commission(s)'s determination. The determination made by the Commission(s) shall not be considered to be a recommendation, nor shall it be considered by the applicants to be the final determination of the City. Applicants may choose whether to rely on the Commission(s)'s determination in making their decision to pursue the petition process. Following notification, applicants who choose to pursue the vacation shall proceed with the vacation process as set forth in the Oregon Revised Status Title 25, Sections 271.005 to 271.230.

Petitions submitted with sufficient consent by the owners of abutting and area property shall be presented to City Council. The Council may deny the petition after notice to the petitioners, or if there appears to be no reason why the petition should not be allowed in whole or in part, the Council shall fix a time for a formal hearing upon the petition.

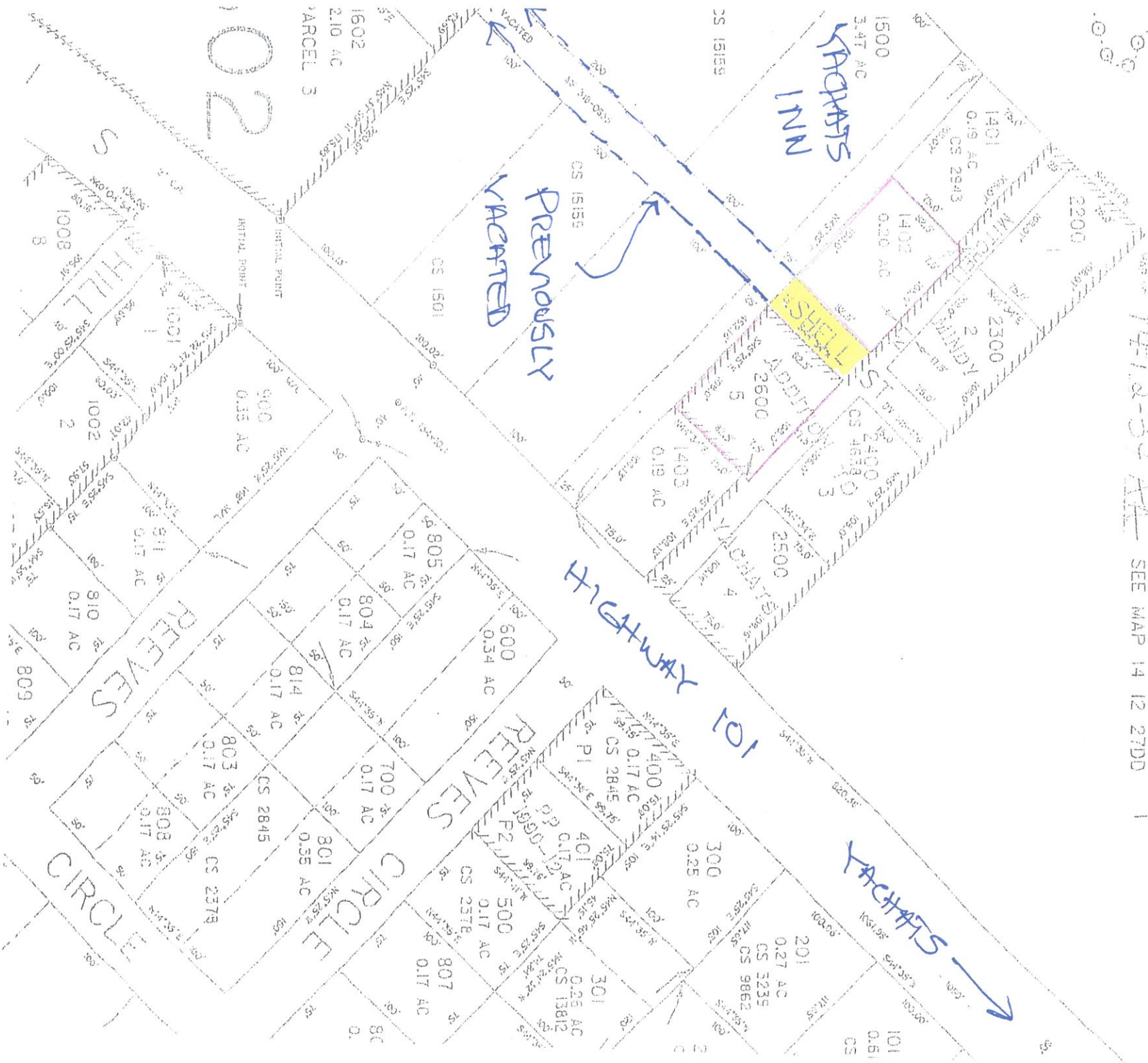
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(a)  $\frac{1}{2}$

Quesada

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Lane

This letter is written on behalf of two residences whose properties adjoin the remaining portion (82.5 feet by 30 feet) of the Shell Street right of way between the Yachats Inn and Mitchell Lane. We are Jim and Maggie Paul, 268 Yachats Ocean Road (Lot 1402), and John Aviani and Linda Siegal, 42 Mitchell Lane (Lot 2600). We are the only two properties, other than the Yachats Inn, that adjoin this remaining small piece of the Shell Street right of way. I am enclosing an 8" by 11.5" map which shows the location of our lots and the Yachats Inn and the right of way. We are suggesting that the City, on its own motion as contemplated by ORS 271.130 (entitled "Vacation on City Governing Body's Own Motion"), vacate the 82.5' by 30' parcel and convey it to become part of our two residential properties.

There are several reasons why we suggest it is in the City's best interest to do this, and why it seems appropriate under the circumstances. Although the City has owned the right of way for many decades, it is rarely maintained because there is no known public purpose for this small parcel, leaving it to

*R*

the owners of our two lots to deal with all maintenance and issues that arise. And although representatives of the City recently cleaned it up, they have made it clear they do not want or intend to maintain the parcel, forcing us to deal with maintenance (and any other issues).

Our suggestion to you has been triggered by invasive species overgrowing the right of way in the last couple of decades or so and the City has not dealt with those invasives or otherwise maintained it. In brief, years ago ( I am not sure when; much of what we know comes from neighbors who have lived here for many years) the Yachats Inn agreed with the City vacating most of the Shell Street right of way so the Inn could be expanded. The owners of our two lots consented as I understand it. That left the 82.5' by 30' unused portion of the right of way between the Inn and Mitchell Lane. As we understand it that small parcel never had a public use, other than perhaps some occasional foot traffic.

The parcel is not used for ocean access. Ocean access is not an issue. Mitchell Lane and the Yachats Inn property

remain the well used access to Yachats Ocean Rd and the ocean.

Although it was and is City property, it is our understanding that most of the parcel was maintained for about 60 years by the owners of our lot, 268 Yachats Ocean Road, and more recently by the owners of the Aviani/Siegal Lot, 42 Mitchell Lane. The Yachats Inn may have also participated in maintenance of a portion of the parcel. I have been told by several people that previous owners of our home landscaped portions and used it as a garden for decades.

Maggie and I have owned 268 Yachats Ocean Rd. for 6 years and continue to maintain and garden portions of the parcel. John and Linda have done the same for many years on portions of the parcel closest to their lot.

For more than the last 7 years portions of the parcel have been largely overgrown with various invasive and other unsightly species, some growing 8-10 feet high or higher and encroaching under over and through the prior fencing causing much work and expense for us. And, as noted

A

above, the City has not maintained the parcel over the years. And, repeated requests to the City did not cause it to do so. They finally cooperatively cleaned it up a few months ago. However, agents of the City have indicated they do not intend to regularly maintain the parcel. Frankly, it is our clear impression that the City would like to be relieved of any responsibility for maintenance and liability.

Also enclosed is a copy of my February 12 letter to City Manager, Shannon Beaucaire asking for guidance as to how to proceed. She has suggested we submit to the City's Public Works and Streets Commission for its review before it goes to the City Council if I understood her correctly.

Also enclosed is "Draft No. 3" of my proposed ordinance by which the City would accomplish the vacating process on its own motion.

Please let me know if we can provide any further information.

We believe that gathering the individuals who will decide this matter here at the parcel in question for a 15 minute site visit,

which will undoubtedly make everything clear to everyone, would be helpful.

Oregon Revised Statutes section 271.190 requires written consent from all adjoining landowners to the subject parcel before the City can vacate it. That means, of course, the Yachats Inn, John and Linda, and Maggie and I must agree that the City can abandon the remaining right of way and convey it to our two adjoining lots through the vacating process. Please call me if you wish at : **541-529-2299**

Finally I also enclose a form of consent that I suggest the adjoining landowners sign—per section 271.190—to indicate our agreement with the City vacating the parcel.

Thank you for considering this matter.

Jim Paul

A handwritten signature in black ink, appearing to read "Jim Paul", written in a cursive style.

Sent from my iPad

6

[REDACTED]

Amendments to YMC Titles 5 and 9 as approved  
by the Planning Commission on September 20th and recommended to be  
forwarded to City Council for consideration and possible adoption.

(Note: text with strikethrough is to be deleted; underlined text is new, to be added.)

**Section 5.08.060 Maintenance of property – Nuisances.**

C. To allow a construction site where there has been no noticeable progress toward completion for a period of six (6) months or more to become unsightly with construction debris, mud, standing water, overgrown vegetation, open ditches, or uneven bare ground;

To keep or maintain a structure in such condition that it would be considered a “dangerous building” under the following definitions:

1. A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially susceptible to fire and which is so situated or occupied as to endanger any other building or property or human life. Every fence shall be maintained in a condition of reasonable repair, and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation.

**Section 5.08.090 Fences.**

- ~~A. Barbed Wire. No owner or person in charge of property shall construct or maintain a barbed wire fence, or permit barbed wire to remain as part of a fence, along a sidewalk or other public way; except such wire may be placed above the top of other fencing not less than six (6) feet, six (6) inches high.~~
- ~~B. Electric Fence. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or other public way or along the adjoining property line of another person.~~
- A. Every fence shall be maintained in a condition of reasonable repair, and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation. Residential fences shall be constructed of material specifically designed and manufactured for fencing purposes. Use of any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous materials shall be prohibited. (refer to Section 9.04.030 of YMC for definition of “selvage”).

### **Section 9.04.030**

“Clear-Vision Area”: Means the triangles at the junction of streets, alleys, and driveways as defined in YMC Section 9.64.010.

“Hedge”: Means an evergreen planting which is grown as a Sight-Obscuring Fence between two properties.

“Required Yard”: Means the area of a lot within the building setbacks. The size of the Required Yard varies with the zoning of the property.

“Screening Buffer”: Means a fence, hedge, or wall that blocks at least seventy (70) percent of the view between uses. The buffer shall not be less than five (5) feet in height, nor more than eight (8) feet in height, except in a Clear-Vision Area.

“Selvage”: Means the finished top edge of a chain-link fence, consisting of either knuckle or twist (barb). Knuckle selvage is rounded and safer because it has no sharp points to catch on clothing or people, and is appropriate for residential chain link systems. Twisted or barbed selvage has sharp ends for high security purposes and is appropriate for commercial or high-security fence systems.

“Sight-Obscuring Fence” (or, “Sight-Obscuring Screen”): Means a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

### **Section 9.12.040**

B.7. Where a residential use abuts another residential use, or a non-residential use, or a residentially- or non-residentially zoned lot, a fence, wall, or Sight-Obscuring Fence may be established and maintained immediately adjacent to the abutting property line provided it is no more than six (6) feet in height (except where the Clear-Vision Area would be impaired as defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by Conditional Use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or Sight-Obscuring Fence is placed above a retaining wall immediately adjacent to a property line, the combined height of the wall and fence shall not exceed eight (8) feet.

### **Section 9.16.040**

B7. Where a residential use abuts another residential use, or a non-residential use, or a residentially- or non-residentially zoned lot, a fence, wall, or Sight-Obscuring Fence may be established and maintained immediately adjacent to the abutting property line provided it is no more than six (6) feet in height (except where the Clear-Vision Area would be impaired as

defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by Conditional Use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or Sight-Obscuring Fence is placed above a retaining wall immediately adjacent to a property line, the combined height of the wall and fence shall not exceed eight (8) feet.

## **Section 9.20.040**

B7. Where a residential use abuts another residential use, or a non-residential use, or a residentially- or non-residentially zoned lot, a fence, wall, or Sight-Obscuring Fence may be established and maintained immediately adjacent to the abutting property line provided it is no more than six (6) feet in height (except where the Clear-Vision Area would be impaired as defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by Conditional Use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or Sight-Obscuring Fence is placed above a retaining wall immediately adjacent to a property line, the combined height of the wall and fence shall not exceed eight (8) feet.

## **Section 9.24.040**

B7. Where a residential use abuts another residential use, or a non-residential use, or a residentially- or non-residentially zoned lot, a fence, wall, or Sight-Obscuring Fence may be established and maintained immediately adjacent to the abutting property line provided it is no more than six (6) feet in height (except where the Clear-Vision Area would be impaired as defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by Conditional Use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or Sight-Obscuring Fence is placed above a retaining wall immediately adjacent to a property line, the combined height of the wall and fence shall not exceed eight (8) feet.

## **Section 9.48.010 General Requirements**

G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a Sight-Obscuring Fence of not less than five (5) feet in height ~~where vision clearance is required~~ and not to exceed eight (8) feet except in Clear-Vision Areas as defined in YMC Section 9.64.010.

## **Section 9.64.010 Design Standards**

9.64.010(A)(2): No temporary or permanent obstruction (e.g., structure, fence, or shrub vegetation) ~~between greater than~~ three (3) feet in height shall be placed in Clear-Vision Areas on streets, driveways, or alleys, as shown in the Clear-Vision Area Diagram ~~figure~~ below. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above grade.

9.64.010(B): Fences, Hedges and Walls. Fences, ~~hedges~~ Hedges, and ~~walls~~ Walls may be located within required yards, but shall not exceed three (3) feet in height ~~in any required yard which abuts and runs parallel to a street other than an alley~~ within the Clear-Vision Area diagram below. Hedges that front Highway 101 are exempt from this height requirement as long as the height does not interfere with ~~clear~~ Clear- vision Vision requirements of Section 9.64.010(A)(3).

## **Chapter 9.68 – Manufactured Dwellings, Manufactured Dwelling Parks and Recreational Vehicles**

9.68.030 (C)(15) Buffering or screening, if required by the Planning Commission, shall ~~be sight-obscuring fence, wall, evergreen or other suitable planting at least six feet high, or higher~~ be screened with a Screening Buffer (see definition in YMC Section 9.04.030).

### **Section 9.72.050 Standards and procedures governing conditional uses.**

9.72.050 (G)(3) Outdoor storage shall be on the side or rear of the building, and shall be screened with a ~~sight-obscuring fence, hedge or wall~~ "Screening Buffer" (see definition in YMC Section 9.04.030).



# CITY OF YACHATS

PO Box 345 (501 N. Highway 101), Yachats OR 97498

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Relay Oregon 800-735-2900 (TDD)

## City Manager's City Council Report October 2022

|                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Elected Officials</b>                                                                                                                                                                | <ul style="list-style-type: none"> <li>-Met with Mayor regularly and individual council members at least monthly</li> <li>-Worked with council members on the county committees and projects that they are participating in</li> <li>-Have two candidates for Mayor and three candidates for two Council chairs in the next election 11/8/22</li> </ul>                                                                                                                                                                                                                         |
| <b>City Hall Operations:</b> <ul style="list-style-type: none"> <li>●Finance Committee</li> <li>●Budget Committee</li> </ul>                                                            | <ul style="list-style-type: none"> <li>-Updated processes for Utility Billing, Business Licenses, and Tax payments</li> <li>-Met with Mayor Vaaler and Council President Stott to discuss nominations and possible appointments for new members of the Finance Committee</li> <li>-Met with National Business Solutions to review the commons coverage</li> </ul>                                                                                                                                                                                                               |
| <b>Personnel</b>                                                                                                                                                                        | <ul style="list-style-type: none"> <li>-Contracted with LGPS to assist city with Personnel services, to update handbook and policies</li> <li>-Hired part time CIP (Capital Improvement Plan) Coordinator to create a rating system for CIP projects, update current CIP, begin next FY23/24 CIP</li> <li>-Hired part time Code Enforcer</li> <li>-Assessing all city facilities and starting a maintenance plan</li> <li>-Hired part time local contractor to do regular maintenance on buildings</li> <li>-Creating two new job descriptions for utility positions</li> </ul> |
| <b>Volunteer Groups:</b> <ul style="list-style-type: none"> <li>●Polly Plumb</li> <li>●Food Pantry</li> <li>●View The Future (VTF)</li> <li>●Cape Perpetua Collaborative</li> </ul>     | <ul style="list-style-type: none"> <li>-Hosted Volunteer Appreciation Party with over 50 attending</li> <li>-Met with numerous concerned citizens wanting to collaborate to serve the needs of the unhoused in our community</li> <li>-Polly Plumb had a wonderful Banner Auction and has already sold out the Celtic Festival Nov 11-13</li> <li>-VTF started grant writing for Walkway project</li> </ul>                                                                                                                                                                     |
| <b>The Commons and Pavilion:</b> <ul style="list-style-type: none"> <li>●Yachats Youth and Family Programs (YYFAP)</li> <li>●Yachats Chamber of Commerce</li> <li>●Skatepark</li> </ul> | <ul style="list-style-type: none"> <li>-YYFAP will be renting the upstairs kitchen starting January 1, 2023</li> <li>-YYFAP planned an extensive Trunk or Treat at the Commons October 29th</li> <li>-Yachats Chamber hosted a fantastic Mushroom Festival</li> <li>-Dreamland Skatepark Designs offered to design a new skatepark and will host a community input meeting in the Spring</li> </ul>                                                                                                                                                                             |
| <b>The Little Log Church Museum:</b> <ul style="list-style-type: none"> <li>●Friends of The Little Log Church Museum</li> </ul>                                                         | <ul style="list-style-type: none"> <li>-Civil West Engineering provided City Council a presentation at Oct 19<sup>th</sup> meeting</li> <li>-There was music in the garden by Big Band that was well attended</li> </ul>                                                                                                                                                                                                                                                                                                                                                        |
| <b>Water/Wastewater Operations</b>                                                                                                                                                      | <ul style="list-style-type: none"> <li>-Engineering Earthquake Valve on the South Tank and Backwash System</li> <li>-Working with Waldport and South Lincoln PUD to update agreements</li> <li>-Completing Drinking Water Source Protection Plan Grant</li> </ul>                                                                                                                                                                                                                                                                                                               |
| <b>Public Works and Streets Commission:</b> <ul style="list-style-type: none"> <li>●Emergency Preparedness Committee</li> <li>●Water Conservation Group</li> </ul>                      | <ul style="list-style-type: none"> <li>-Exploring completing the 2<sup>nd</sup> and 3<sup>rd</sup> phase of ODOT sidewalk project</li> <li>-Working with Attorney, ODOT on contract for Delineations to be placed on Highway 101 in curve before bridge</li> <li>-Working with the County to incorporate Oceanview Drive</li> <li>-Incorporating Master Plans in the FY23/24 CIP</li> </ul>                                                                                                                                                                                     |



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|                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning Commission</b>                                                                     | -Proposing new code; Fences, Walls and Hedges<br>-Assessing Housing Study and Parking Study recommendations                                                                                                                                                                                                                                                                                                                                                      |
| <b>Library Commission:</b><br>●Friends of the Yachats Library                                  | -New Library Administrator started<br>-Contact signed to start construction on the library expansion<br>-Fundraiser contracted to raise additional funds for expansion project                                                                                                                                                                                                                                                                                   |
| <b>Parks and Trails Commission:</b><br>●Walkway Design Group<br>●Adopt A Sidewalk Garden Group | -Pocket Parks (Sunset North park and Sunset South Park) while waiting on getting jurisdiction of Oceanview Drive and the SHPO archaeological study, will host an open house for community input about benches and signage<br>-The Walkway Design Group fundraising for Walkway project<br>-Adopt-A-Sidewalk-Garden installed the last retention wall for planting and planted 138 Heather bushes and 300 Daffodil bulbs<br>-Identified need for Master Park Plan |

## CITY MANAGER NOTES:

In the month of October, I attended the annual League of Oregon Cities (LOC) statewide conference. There I attended lectures on the importance of Social Infrastructure, how to recruit and retain commissioner/committee members, partnering with the private sector in emergency preparedness, and improving communications between elected officials and their constituents.

\*\*\*If you volunteer for the city or a group that works with the city and do not see your group mentioned, please email me and let me know to add you to my report. There is so much fantastic community support and great work being done, I do not want to leave anyone out!

**Date:** November 2, 2022

**To:** Heide Lambert, City Manager

**From:** Public Works Department

**Re:** October 2022 Public Works Report

Rainfall at Yachats Public Works:

|                           | <u>Inches</u> |             |             |             |
|---------------------------|---------------|-------------|-------------|-------------|
|                           | <b>2022</b>   | <b>2021</b> | <b>2020</b> | <b>2019</b> |
| <b>October</b>            | 2.35          | N/A         | N/A         | N/A         |
| <b>Rain year to date:</b> | 38.38         | N/A         | N/A         | N/A         |

Total water produced: **4,517,000 gallons**

Total water accounted for: **4,310,910 gallons** Water loss efficiency: **95%**

Total wastewater treated: **3,526,000 gallons**

The following is a list of what was done by Public Works staff in October 2022.

**Streets:**

- Side-arm Mowing.
- Signs repaired at E.7<sup>th</sup> St. and on La De Da Lane.
- 4<sup>th</sup> St. parking signs installed.
- Gimlet cleaned of leaf debris.

**Storm Drainage:**

- Culvert located and cleaned out on Aqua Vista.

**Water Treatment Plant:**

- Water systems operations.
- Plant Maintc.
- Cleaned Reedy Creek screen.
- Reedy Creek water line repaired.
- WTP lagoon maintc.
- Contracted Salmon Creek pond clean out.
- Heard Farms removed 18,000 gallons of silt from WTP lagoon.

### **Distribution Sys:**

- Meter reading.
- Meter maintc.
- 27 radio readers installed.
- Water leak repaired on 2<sup>nd</sup> St.

### **Wastewater Treatment Plant:**

- Wastewater systems operations.
- Plant maintc. & clean-up.
- Biosolids operations.
- 1 load of biosolids to Heard Farm.
- SBR basin #1 brought back online.

### **Collection Sys:**

- Lift station inspections.
- Degreased Lift Stations.
- Investigated sewer lateral complaint.
- Riser installed on Shellmidden.
- CCTV'd 90 feet on 8<sup>th</sup> St, 170 feet on Gimlet and 113 feet on E2nd St.

### **Public Works:**

- Shop maintc. and clean up.
- Fleet maintc. & repair.
- Equipment maintc. and repair.
- Multiple locates.
- Brush box handling.
- PW administration.
- Piles picked up for Trails crew.
- Equipment fueling.
- Fire extinguisher inspections.

Rd State  
Natural Site

198

57

Mitchell

