

CITY OF YACHATS

CITY COUNCIL REGULAR MEETING

October 11, 2017

Minutes

Mayor Gerald Stanley called the October 11, 2017 regular meeting of the City Council to order at 6:00 pm in the Room 1 of the Yachats Commons. Council members present: Mayor Gerald Stanley, Jim Tooke, Max Glenn, Greg Scott. Absent: Barbara Frye. Staff present: City Manager Shannon Beaucaire, Code Enforcement Officer Joan Davies. Audience: 34.

I. Announcements, Correspondence and Proclamations

Mayor Stanley announced Councilor Frye is away. Mayor Stanley called attention to the California fires and its impact on two persons in the room with relatives in evacuation zones.

Mayor Stanley announced Lincoln County Sheriff Landers is interested in starting a Citizens Advisory Committee and instructed interested parties to contact the Sheriff's office.

A. Introduction of Dr. Lesley Ogden – CEO for Samaritan Pacific Communities Hospital

Dr. Ogden gave a presentation on the new Newport hospital project, including guiding principles, their partners, and a timeline for construction. The project began in June 2016 and is currently in Phase One of initial building. She stressed there would only be two entrances (Main and Emergency) which should help visitors to not get lost. She reviewed the proposed floor layouts and the location of various services, labs, and clinics. Dr. Ogden noted the architectural design was tailored to a coastal environment, with water drops and curved wave lines. She reported structural steel will go up in October and a roof will be up by December. Their website is www.samhealth.org/newhospitalnewport. An audience member asked about services that are currently only provided in Corvallis, and Dr. Ogden indicated the new hospital will be able to do more. Linda Hetzler (Drift Inn) asked about long-term employment of workers. She explained her belief in hiring people for the long-term and how that impacts a community. Hetzler asked about whether "the latest and greatest" equipment need be purchased for all areas. Dr. Ogden stated the hospital uses equipment until "it dies." Carly Kerr asked about coverage for a particular insurer.

B. Cape Perpetua Communications Coordinator – Tara Dubois

Tara Dubois thanked the City for supporting her position and noted a packet in the meeting packet explaining the work plan. She asked for feedback on their work and how they could be more supportive of the City and local businesses. Mayor Stanley asked Dubois about the most meaningful aspects of her work. Dubois cited the volunteer appreciation events and citizen science projects as of special import. She highlighted the upcoming Land/Sea Symposium on Thursday, November 16, 2017 in the Commons. Councilor Glenn stated he was impressed on the planning that went into the collaborative effort and the declaration of cooperation. Paul Engelmeier indicated the presentation today is for information and no action is required of Council at this time. Charlie Plybon noted they have been waiting for the summer season to taper off before extending outreach to local businesses.

C. Proclamation regarding Domestic Violence Awareness Month – My Sisters' Place

1 Manager Beaucaire read the Proclamation into the record. Councilor Scott moved to adopt the
2 Domestic Violence Proclamation: Aye – 4; No – 0.
3

4 Lisa Norton of My Sister's Place handled out a packet about My Sister's Place, noting the
5 "Community is the foundation of healing. How do you support survivors?" component is of special
6 significance. Norton emphasized the importance of being open to people who need support and
7 how abusers often appear to be upstanding citizens. Norton announced the "Awake to Rhythm"
8 event is this Saturday, October 14, 2017. Mayor Stanley encouraged everyone to participate in the
9 Saturday event. Joan Kittel noted the daytime events are free and highlighted a weaving workshop
10 by the Siletz Tribe member. Kittel mentioned various performers and stated the Yachats
11 Community Drum will be at the evening music portion. The organization will be honoring the
12 Yachats Ladies Club and the Brooks Foundation for their contributions.
13

14 Mayor Stanley announced Leland is making an address on Pollinator Programs as part of Yachats
15 Arts and Sciences on Sunday, October 15, 2017.
16

17 **D. Ocean View Drive proposal –Lincoln County Counsel Wayne Belmont & Public**
18 **Works Director Roy Kinyon**

19 Wayne Belmont summarized their intent is to settle the 804 Trail Project which involves the transfer
20 of Ocean View Drive to the City of Yachats. He noted many of the issues that have arisen around
21 maintaining the roads and the legal issues surrounding the use of riprap for stabilization in one
22 section. The County has begun the formal legalization process on identifying the exact road
23 location. Belmont stated the County would leave the road traffic direction(s) decision to the City.
24 Roy Kinyon explained legalization involves reconciling the squared platted lots with the travelled
25 path of the road. Kinyon stated the State of Oregon has given the County the right to maintain the
26 road in the path that it exists. He noted there are five properties where the right-of-way of the road
27 encroaches on private property. There is a public hearing on Wednesday, October 18, 2017 at
28 9:30am to begin the process of determining boundaries. Kinyon noted Ocean View Drive no
29 longer conforms to the standards of a county road, and due to revenue constraints, the County
30 cannot continue to maintain the road. Kinyon stated the County will improve sections of the road
31 and will bring the road "up to standard" before making a transfer. Kinyon asserted the "road will be
32 sound" at the time of transfer. Kinyon noted the County faces a decision of how to work through
33 the legalization and whether they proceed with legalization.
34 .

35 Scott recalled there was a work group formed to have this discussion and wondered why this topic
36 was before the Council at this time. Mayor Stanley indicated he wanted citizens to have an
37 opportunity to ask questions and give input. Scott did not believe this was the time to gather public
38 input. Manager Davies asserted that the City's position is to not proceed with the legalization as
39 that step is not necessary if the road is turned over to the City. She noted the City's priority is in
40 allowing property owners to keep their platted lots. Davies indicated the City Attorney is working
41 with County counsel. Kinyon and Belmont were open to the option of not proceeding with
42 legalization. Glenn asked if Councilor attendance at the hearing would be helpful. Kinyon indicate
43 the focus of this hearing is to hear from property owners.
44

45 Craig Berdie asked about barriers between the road and the ocean that need repair. Kinyon
46 indicated they have not started any design and the biggest barrier to repairing the barriers is the
47 midden issue. Kinyon noted they can repave what is already paved, but much archeological
48 analysis is needed to go beyond the current pavement. He anticipated any barricade
49 improvements would not be structurally sound for automobiles.
50

51 **E. Proclamation in support of Angell Job Corps**

1 Manager Beaucaire read the Proclamation into the record. Glenn expressed his pleasure in
2 working with the Jobs Corps for several years. Glenn noted there is activity in Washington DC to
3 privatize Job Corps and to close some locations. Glenn summarized some of the successes of the
4 Angell Job Corps programs, noting 496 students have been through the program in the last three
5 years. He noted this Proclamation is urgent in the face of the US Government closing programs.
6 Glenn moved to adopt the Proclamation in support of Angell Job Corps making October 15-22,
7 2017 as Angell Jobs Corps Week: Aye – 4; No – 0.

8
9 Mayor Stanley indicated he has written a letter to the Department of Labor indicating the City's
10 support of Angell Jobs Corps.

11 12 **II. Public Comment**

13 Carly Kerr Durham (248 Lincoln Ave) read her letter appealing the decision to close the case of Mr.
14 Riley's [alleged] illegal removal of two heritage trees and other vegetation at the end of Lincoln
15 Avenue in an area of public right of way. She argued removing these trees has increased the
16 water runoff and debris flow onto her property. Durham asserted Mr. Riley continued to trespass in
17 the area, remove vegetation, and steal wood even after he was told by the City Planner not to go
18 into the area in question. Durham claimed the crew of R&R Tree Service was abusive toward her.
19 She noted a flier from the American Forrest Organization asserted a single front yard tree could
20 intercept 760 gallons of rainwater in its crown as well as impact energy needs. Durham expressed
21 her dissatisfaction with responses from Planner Lewis and reiterated her claim that Mr. Riley is
22 stealing wood.

23
24 Councilor Tooke asked is there was City code that applied to this matter. Mayor Stanley stated he
25 believed Kerr deserved a written explanation in response to her petition. Mayor Stanley indicated
26 he would like to further discuss this issue at the Council's next work session after they gather
27 information on what an appeal means and where an appeal goes. Davies advised Mayor Stanley
28 that there is no formal appeal process as Kerr is objecting to what Lewis has told her.

29
30 Scott did not understand why the Council is involved in this decision, as he believes it to be
31 administrative. Davis noted the Council was involved in the initial actions. Scott recalled an issue
32 over whether there was an easement, which he believed to have been resolved. Mayor Stanley
33 did not want discussion at this time and asked again to have a discussion at the November 2017
34 Council work session. Councilors and Davies discussed options for the appropriate parties to be
35 involved in resolving this matter. Kerr emphasized trespassing and theft of wood are criminal acts.
36 Scott believed the matter is civil and not for the Council.

37
38 Morgen Brodie (258 W 2nd St) raised the issue of the southwest section of W 2nd Street and Beach
39 Street where cars are driving over the curb. Mayor Stanley noted this matter has been brought to
40 the City's attention and will be addressed by the City Manager.

41 42 **III. Minutes and Accounts Payable**

43 Glenn moved to approve the September 6, 2017 work session: Aye – 4; No – 0.

44
45 Glenn moved to approve the September 13, 2017 regular meeting: Aye – 4; No – 0.

46
47 Scott moved to approve the Accounts Payable for September 2017: Aye – 4; No – 0.

48 49 **IV. Reports**

50 **A. Council Reports**

1 Glenn reported he attended a regional broadband summit on September 21, 2017 sponsored by
2 Cascades West Council of Governments and shared some of the conclusions he drew from the
3 conference. Glenn highlighted: providers Peak, Comcast, Alyrica were present; not much of the
4 coast is covered with fiber optic; and work is focused on shared services. Tooke asked if Glenn
5 was aware of Monmouth and other small cities who were investigating doing infrastructure
6

7 Tooke attended a seminar by Oregon State University on Envisioning a Resilient Oregon Coast.
8 OSU has a grant to gather data on Oregon coast communities. He noted the issues of acute and
9 coastal hazards, protection of infrastructure, maximize life safety, minimize impacts, challenges
10 and opportunities, and long-term planning. Tooke noted they mentioned both environmental and
11 armory solutions, which raised questions about why the State stopped the riprap project on Ocean
12 View Drive. He noted Yachats is unique in that, other than Yachats Rural Fire Department, there is
13 no public safety organization to help. Tooke noted the Emergency Planning Commission is also
14 working on these issues.
15

16 Mayor Stanley reported he attended a Lincoln County Mayor's meeting on September 15, 2017,
17 the Hands Across the Bridge event on September 23, 2017, and a local public safety committee
18 meeting on the relationship between homelessness and security on September 29, 2017. Mayor
19 Stanley noted the county recently opened a 22-bed facility for men transitioning into society from
20 release from jail will open next month a 12-bed women's facility.
21

22 **B. Department Reports: Public Works, Visitors Center, IT**

23 Mayor Stanley noted the reports are in the meeting packet. Linda Hetzler noted they are asking for
24 volunteers to work at the Visitors Center. Mayor Stanley noted the Visitors Center has operated on
25 a calendar year but the City functions on a July to June year. He asked the Visitors Center to
26 switch to be consistent with the City's fiscal calendar.
27

28 **V. Business**

29 **A. Ordinance 348 Formula business amendments to YMC sections 9.04.030, 9.28.020,** 30 **9.28.040, and 9.72.050**

31 Glenn moved to adopt Ordinance 348 Amending the City of Yachats Zoning and Land Use Code
32 and Establishing Special Conditional Use Review Criteria for Formula Businesses: discussion
33

34 Mayor Stanley noted his position against this proposal because there is no reference to the
35 business size and because a gas station with a connected store is not allowed in the proposed
36 language. He noted while there was significant opposition to Dollar General, opinions varied as to
37 why. Scott disagreed that size is not considered, as it is part of general zoning regulations. Scott
38 mentioned there are allowances for setbacks and parking. Tooke noted there is language about
39 building scale being compatible with surround zoning. Tooke asserted there are different
40 commercial sections in neighboring towns, and Yachats has only one commercial strip, which
41 needs protection.
42

43 Davies reiterated Scott's point that the Municipal Code contains many references to size
44 limitations. She noted the ordinance language does allow for "automobile service stations," which
45 can include mini markets, car washes, fast food, and other related activities.
46

47 Call for vote: Aye – 4; No – 0.
48

49 Scott noted he was pleased with the use of the Comp Plan in this process.
50

51 **B. Resolution 2017-10-001 providing for increase in fees for Vacation Rentals**

1 Scott noted this version includes the amendment made at the previous Council meeting. Scott
2 moved to approve Resolution 10-17-001 Amending Resolution 2014-01-01 by Setting Fees for
3 Vacation Rental License, Inspection and Re-inspection Fees, and Violation Penalty: Aye – 4; No –
4 0.

5
6 **C. Administrative Goal No. 6 – Request of City Staff/Contractor Time**

7 Glenn moved to approve the revised Administrative Policy No. 6: Use of City Staff: Aye – 4; No –
8 0.

9
10 Mayor Stanley asked Councilors emailing another Councilor regarding City business to copy the
11 City Manager on that email.

12
13 **D. Request for funding Activities Development Director**

14 Linda Hetzler explained the history of the position and the development of a plan. The group has
15 lined up teachers and are working on a website. They are coordinating with the goyachats
16 website. She noted the motels are very interested in making the program happen. As they are
17 finalizing class plans and are ready to advertise, they need the funding.

18
19 Scott stated he wanted to see some report on outcomes in next year's analysis. Hetzler reported
20 Sandy Dunn is going be the accountant for the Chamber. She agreed it is crucial to know what the
21 City is getting for its money. Glenn expressed his excited with the proposal and how they are
22 expanding on what exists and emphasizing coastal environmental issues. Mayor Stanley noted his
23 and the Marketing Committee's excitement with the work.

24
25 Manager Beaucaire reported the money is already budgeted and available.

26
27 **E. Library Name Change**

28 Yvonne Wulff (102 Greenhill Rd) reviewed the discussion among volunteers regarding the Library's
29 name. Yachats Community Library and Yachats Public Library were the top two options. The
30 Library Commission selected the Public version for reasons explained in their report. She
31 highlighted Public Library is a well-understood identification of libraries across the country.
32 Glenn moved to change the name of the City Library to "Yachats Public Library." Aye – 4; No – 0.

33
34 **F. Council Shepherd Goals – no updates at this time**

35
36 **VI. Other Business**

37 **A. From Mayor – none**

38 **B. From Staff**

39 Manger Beaucaire reported Dahl Disposal indicated to her that people need to be cleaner with their
40 recycling. China, the primary processor of recycling, has changed their policy in receiving dirty
41 plastics. Dahl now needs to set stricter criteria for recycling. Continual violations in setting out
42 dirty recycling could result in fines or removal of the recycling container. Dahl was also concerned
43 that an increase in requests for bear-proof cans by vacation rental properties could not be met with
44 their current stock.

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46 **C. From Council**

47 Scott noted the South Water Tank is designed with an automatic shut-off in the event of a line
48 pressure drop due to a large seismic event. He indicated the north tanks do not have those
49 features and should.

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51 Mayor Stanley adjourned the regular meeting at 8:16 pm.

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GERALD F. STANLEY, Mayor

ATTEST:

City Manager, Shannon Beaucaire

Date