



CITY OF YACHATS
CITY COUNCIL REGULAR MEETING
SUMMARY MINUTES
October 23, 2024

The regular meeting of the City Council was called to order by Mayor Craig Berdie at 1:00 p.m. in the Civic Meeting Room of the Yachats Commons. Members present: Mary Ellen O'Shaughnessy, Council President, Councilor Barry Collins, Councilor Anthony Muirhead (via Zoom), and Catherine Whitten-Carey; Staff: City Manager Bobbi Price, Recorder Kimmie Jackson.

I. Announcements

The League of Oregon Cities conference was attended by City Manager Price and Mayor Berdie. Details of the conference were deferred to the mayor's comments at the end of the meeting.

II. Citizens' Concerns

Brad Webb expressed concerns about the targeting of the transient rental industry and the city's handling of public information.

Jacqueline Danos asked for an update as to why the grant was not awarded to the city from the Department of Energy.

III. Public Hearings

There was a question raised to the public regarding whether the ordinance should pass after one or two hearings. No objections were noted about passing it after a single hearing.

Chapter 8.22 Water Shortage - The council discussed proposed amendments to the water shortage regulations, motivated by an agreement with Southwest Lincoln to purchase water, and considered the impact on hotels doing laundry during water shortages. There was concern about having special exceptions where the construction industry could apply for an exception in a drought. The council and city manager indicated they may be able to make a reasonable amendment for exceptions and bring it back for a second reading.

Title 9 Amendments aimed at clarifying definitions and addressing issues with the current language. The council reviewed the changes and discussed the calculation of building height, grandfathering of existing structures, and the possibility of variances.

1 The meeting focused on refining the city's zoning and development codes, including
2 conditional use permits, site plans, and new standards for hotels, motels, and resorts.
3 Resident Theilacker hoped the Council would ultimately adopt these amendments which
4 have been put forward by the planning commission which they have worked on for over
5 three years and gave a bit of history behind the changes.
6

7 Additional comments can be submitted to either the city planner or the city manager,
8 and we will consider those on the second reading of this amendment. In conclusion, the
9 hearing focused on the process of passing amendments, with most participants
10 supportive of the proposed ordinance changes and adjustments.

11 Closed Public Hearing at 2:07 pm

12 **VI. Consent Agenda:**

13 The consent agenda was reviewed, city projects, and updates, including the
14 supplemental water agreement, the new Commons person, water loss efficiency, and
15 the potential for improvements to the adjacent water plant.

16 The motion was made to approve the consent agenda and passed unanimously.
17

18 **New Business**

19
20 **Don's Place** - The presentation by Don's Place discussed changes to the winter shelter
21 program, including extended operating hours, on-site facilities, and partnerships for
22 support services. More information can be found on the city's website at the agenda
23 center.

24 **The Log Church Museum** - project bids came in significantly higher than estimated,
25 leading to a decision to rebid in the spring. The council approved a \$370,000 budget for
26 the Log Church restoration, with contributions from the Friends group and city funds.
27 The motion was called to proceed with the bid from top to bottom contractors to begin
28 work on the restoration of the little log museum. The vote was called: Ayes: Muirhead,
29 Mayor Berdie, Collins, and Carey. Nays: None.
30

31 **The FEMA Pre-Implementation Compliance Measures** - (PICMs), focus on ensuring
32 flood insurance compliance with the Endangered Species Act. This arose after FEMA
33 lost lawsuits alleging inadequate consideration of endangered habitats. Cities
34 participating in the National Flood Insurance Program must choose one of three
35 temporary compliance options by December 1, 2025:

- 36 1. **Adopting a Model Code:** Implementing FEMA's pre-designed code with public
37 hearings and amendments, though it may already largely align with existing
38 codes.

2. **Permit-by-Permit Assessment:** Each new development would require extensive habitat and biological assessments, potentially increasing costs significantly.
3. **Moratorium on Floodplain Development:** Halting development in floodplains, though many communities resist this due to potential legal risks.

The City Council is exploring these options, assessing local impact, and awaiting further educational resources and state guidance before making a final recommendation.

4. **PUD Franchise Agreement** - The document centers around a discussion on updating a franchise agreement between Central Lincoln PUD and the city of Yachats. The main points are:

- ✓ **Expired Agreement:** The existing franchise agreement, which allows for the attachment of banners, flags, and flower baskets to light poles, has expired. A new draft includes minor updates and a proposal to increase the franchise fee.
- ✓ **Franchise Fee Increase:** Currently, Yachats charges a 3.5% franchise fee to residents, lower than the 5% other municipalities charge. Increasing it to 5% could generate an additional \$24,000 annually. This would result in a line-item display on residents' utility bills, making the fee more transparent.
- ✓ **Revenue and Intentions:** The revenue increase could help offset city expenses, as property tax revenue is capped. Council members discussed reserving this additional revenue for large projects like infrastructure improvements or housing. Some hesitancy was expressed over raising fees, considering recent increases in utility costs.
- ✓ **Vote Outcome:** The council voted to raise the franchise fee to 5%, with a majority in favor and one abstention. The agreement will include attempts to remove the clause that mandates showing the fee as a separate line item if permissible under state law.

Ongoing Business

1. **SDC** - Members proposed stopping the prepayment of System Development Charge (SDC) fees and develop an administrative policy to tie SDC fees to building permits, which the council agreed to.
2. **Rocha 25-year Lease Update** -
The council instructed the city manager to reject the counteroffer and explore alternative options, with the mayor suggesting reaching out to a conservation group to potentially purchase the property.

Next Steps for reference:

- City Manager to move forward with increasing the Central Lincoln PUD franchise fee from 3.5% to 5%.
- City Manager to explore removing language about disclosing franchise fees over 3.5% on bills, if permissible.

- City staff to stop accepting prepaid System Development Charges (SDCs) until the policy is clarified.
- City administration to develop an administrative policy for accepting SDCs tied to building permits.
- City administration to review existing code on SDC payments and provide recommendations.
- The mayor is to contact conservation groups about the potential purchase of Rocha property.
- City Manager to respond to Rocha property counteroffer with the city's original offer.
- City staff to proceed with bids from Top to Bottom Contractors for Little Log Church Museum restoration.
- Friends of Little Log Church Museum to continue fundraising efforts for interior improvements.
- City Manager to transfer \$100,000 from the Visitor Amenities Fund for Little Log Church project.
- The Planner to prepare a comparison of the existing flood code vs. the proposed FEMA model code.
- City staff to attend upcoming educational sessions on FEMA flood regulations.
- City Council to consider options for FEMA flood regulation compliance at the next meeting.
- City staff to budget for full City Council attendance at the next League of Oregon Cities conference.
- City Hall staff to participate in the Halloween event on Saturday from 3-5 PM.

1
2 Adjourned at 4:49 pm
3 Kimmie Jackson Recorder