



CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

July 3, 2019

Approved Minutes

I. Meeting Call to Order

Mayor W. John Moore called the July 3, 2019 work session and regular meeting of the City Council to order at 9:30 am in Room 1 of the Yachats Commons. Council members present: W. John Moore, Max Glenn, James Kerti, Jim Tooke, and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire, Clerk Kimmie Jackson, City Planner Dave Mattison, and Facilities Manager Heather Hoen. Audience: 41.

II. Work Session Discussion Topics

A. Ocean View Drive Transfer & Traffic Circulation

Mayor Moore introduced Roy Kinion (Lincoln County Public Works Director) and Steve Ward (Westech Engineering) and noted the recommendation from Westech was to conduct a traffic study. Ward stated he recommended that the City apply for TSP/ODOT grant to cover the costs of a comprehensive transportation study, including multiple modes of transportation. He argued the City needed better data. He also noted that there have been issues with the ADA features in the Highway improvements. He recommended keeping Ocean View Drive as it is, without striping, after the County finishes with its improvements. He indicated the process could take two years to complete.

Mayor Moore noted a recommendation from the plan could be to widen the intersections off 101 to the side streets. Mayor Moore also noted this study would address the speed zone on the north end of town and possible crosswalk near Fistera. Ward indicate he has found ODOT to be cooperative in other cities. Mayor Moore stated he received feedback at mayor's meetings that other cities were surprised the City did not have a transportation plan.

Councilor Vaaler was against the idea of doing a transportation study at this time. Vaaler asked about the process of applying for a grant. Ward explained the granting process and schedule. Vaaler clarified that there would be hose-count set ups and some people monitoring at intersections. Ward added there would be outreach to the public for their input. Ward noted the City would be in good shape to get funded as it currently does not have a plan.

Manager Beaucaire explained the Council of Governments (COG) has provided input on what the City could do between now and the time the grant was applied for to improve the chances of receiving the grant. Rick McClung noted the City was the first to see the new ADA standards

1 implemented. Glenn asserted this circumstance could provide justification for ODOT to “fix”
2 the issues created. Tooke asked about the sign at W 2nd indicating entry to the State Park.
3 Manager Beaucaire reviewed the pros and cons of a transportation plan.
4

5 Vaaler clarified that ODOT would have significant input on how things are done, but Ward
6 indicated his experience showed ODOT does compromise. He provided an example from the
7 City of Creswell where the city and ODOT worked together. Vaaler suggested the Council
8 consider the past experience with ODOT and the Highway project.
9

10 City Planner Dave Mattison stated he worked with Tillamook on three different transportation
11 plans and ODOT was a great supporter of the city’s vision. He noted one long-term benefit of a
12 transportation plan was that things could be amended and it would make the city eligible for
13 many grants and would increase the priority of funding Yachats.
14

15 Commissioner Kerti clarified that Ward did not want to put down permanent striping but would
16 be open to some temporary striping. Ward noted they will get complaints no matter what they
17 did. Kinion indicated he felt uncomfortable leaving the road without striping during the winter.
18 He wanted to transfer the road after paving so that the matter was under City control.
19

20 Kinion asked for an instruction to proceed with contracting for paving within a few weeks,
21 otherwise they would be looking at paving next year.
22

23 Kerti clarified with Ward that striping would not impact safety issues with large trucks. Tooke
24 asked for the cost of permanent striping. Kinion stated if they do it in August, they can add it to
25 the work they will be doing on Yachats River Road for minimal costs, and if stripers are needed
26 at a different time, it could cost around \$5,000. Kinion noted that permanent striping must be
27 grinded out to be removed, which still looks like a stripe. He added that temporary striping
28 would last through the winter.
29

30 Tooke indicated he would favor paving, temporary striping, and applying for a grant for a
31 transportation plan. Kerti clarified that it was extremely rare for a city to not have a
32 transportation plan.
33

34 Glenn observed that he was hearing more input from citizens saying they wanted the street left as
35 is, and as such he did not see issues with delaying decisions until a transportation plan was
36 developed.
37

38 Vaaler expressed strong opposition on keeping the traffic two-way in the dangerous sections,
39 noting the City would be irresponsible for allowing the additional erosion caused by two-lane
40 traffic to continue.
41

42 Kinion indicated he would start the paperwork for bidding on paving with a window of paving
43 for September 2019. The City would then have until then to decide if they wanted a temporary
44 centerline or other type of striping. Ward recommended raised reflector markers for dividing
45 pedestrians and vehicle traffic, but he would not recommend installing these on a temporary
46 basis. Kerti clarified that Ward, if forced, would recommend one-way northbound traffic from
47 2nd to 7th and one-way toward the highway from the south entrance.

1
2 Mayor Moore indicated the City could have focus groups with businesses who have large truck
3 deliveries to discuss the best way to get their deliveries. Mayor Moore asked Kinion how this
4 delay would impact the work of the County. Kinion stated the delay would not impact the work
5 they were planning on finishing. Kinion indicated they could do the paving this summer and put
6 in some type of temporary striping. He added the guardrails were waiting on the results of the
7 archeological study.

8
9 Glenn clarified that the transportation plan could be amended. Glenn suggested going ahead
10 with one-way traffic from 2nd to 7th. Tooke did not think it was viable to have the only access to
11 the park via 2nd Street.

12
13 Mayor Moore reported that Manager Beaucaire talked to State Parks about the visitor count to
14 the parks. The State Parks Director provided the following numbers:

- 15 1. 216,857 at the south entrance – includes both direction of traffic
- 16 2. 121,554 on 2nd Street

17
18 Mayor Moore noted much of the traffic count on Ocean View Drive at the south end was locals
19 going to and from the post office.

20
21 Council agreed to make a decision on striping and traffic flow by September 2019.

22
23 Mayor Moore asked about installing “One Lane” signs at the section on the south end of the
24 State Park. Kinion indicated such signs could be installed.

25
26 Councilor Glenn stated he appreciated Ward’s recommendation and was excited about a
27 transportation plan, especially about the potential of ODOT redoing some intersections.

28
29 Manager Beaucaire asked for input on how she should proceed in conversations and negotiations
30 with the county. Kinion indicated Wayne Belmont was willing to write into the transfer
31 agreement things that the county would be responsible for. Kinion suggested they could do the
32 transfer after the paving.

33 34 **B. Vacation Rentals**

35 Mayor Moore stated he heard concurrence on several items under considerations:

- 36 1. Continuing with ordinance subject to some modifications
- 37 2. There should be a cap, perhaps at 125 or a percentage of homes or slightly lower
- 38 3. Limit vacation rentals to four bedrooms (there are five with five or more rooms).
- 39 4.

40 Sandy Sturgess (360 Ocean View Drive) asked for an explanation for the four-bedroom limit.
41 Mayor Moore noted the significant impact of traffic from a larger vacation rentals. Vaaler added
42 that these larger homes put stress on water demands. Mayor Moore reported there were 133 total
43 licenses with 11 at one bedroom, 65 at two bedrooms, 47 at three bedrooms, 5 at four bedrooms,
44 and 5 at five or more bedrooms.

45
46 Lawrence Calkins (Ocean View Drive) stated he was bothered by the dogs from vacation rentals
47 that use his yard as a bathroom.

1
2 Mayor Moore summarized that Council needed to address:

- 3 1. License fees
- 4 2. Transferring licenses and possible associated fees
- 5 3. Using a compliance tracking company
- 6 4. Enforcement
- 7 5. Requiring a conditional use in R-1 zones
- 8 6. Allowing home sharing (renting room within a home)
- 9 7. Revisit inspection frequency and fee
- 10 8. Waiting list procedure
- 11 9. License holders with no activity
- 12 10. Limits on events held on property

13
14 Glenn asked about overlay zones. Mayor Moore stated it would be difficult for Yachats to do
15 overlay zones given its size.

16
17 Kerti asked that Council select a few items for each meeting to aid in preparation and focus.

18
19 Tooke stated he understood that many owners want to transfer a property to their heirs. Tooke
20 noted this process would need to be structured so that there was no sale. He stated if they
21 grandfathered in people, he would not vote for a cap as the city would be giving privileges to a
22 certain class of property owners. Vaaler shared Tooke's concern that certain properties have
23 privileges. She noted the attorney said licenses are owned by the city, not the owner. Glenn
24 indicated he was favorable to the idea of selling the rights in a transfer but was now backing off
25 of that based on the attorney's comments. Kerti believed that people who inherit a vacation
26 rental should be allowed to continue to use that property as a vacation rental. Kerti and Vaaler
27 noted this issue relates to how they manage the waiting list.

28
29 Mayor Moore raised a point of caution in that one vacation rental owner has expressed his desire
30 to have his children inherit the property but also said in private that he wanted to sell the property
31 to his children. Council concurred they were willing to consider a method to transfer properties
32 to heirs.

33
34 Manager Beaucaire reported she provided an outline of five options for code enforcement. She
35 noted the three technology-based options of the Citizens Request Tracker feature on the new
36 website (in process), an option for CP Connect with more robust features on the website, and a
37 third-party company to track short term rentals. She explained the features that Host
38 Compliance, a third-party company, offers such as monitoring single bedroom rentals and a 24/7
39 hotlines.

40
41 Glenn suggested they could use a company like Host Compliance until a more long-term code
42 enforcement system was implemented. Mayor Moore speculated only a small percentage of
43 rentals would fall under situations Host Compliance would detect. Vaaler concurred it might be
44 premature to use a company for this purpose. Tooke suggested that code enforcement was a
45 significant issue for this city. Manager Beaucaire indicated she was talking to the Sheriff's
46 Office about a shared code enforcement to be implemented in FY2021. Manager Beaucaire

1 explained the cost of a temporary code enforcement person. She noted out of 67 complaints over
2 the past year, 7 were regarding vacation rental complaints.

3
4 Kerti clarified Host Compliance would only look at unlicensed rentals. Manager Beaucaire
5 stated that is a large component of their work as most cities have low compliance level. She
6 added they could have 24/7 hotlines and the ability to audit calendars/reservations.

7
8 Mayor Moore summarized that Council concurred that they would proceed with the Citizens
9 Request Tracker and look at the complaints they receive. Tooke saw issues with illegal additions
10 and inadequate parking/too many cars.

11
12 Candy Neville (1430 King Street) stated that the ordinance hurts people who have had long-term
13 vacation rentals. She wanted the City to discard this entire ordinance and start clean.

14
15 Bill Stinette (979 Ocean View Drive) stated it would be financially infeasible for his daughter to
16 maintain their vacation rental without having it as a vacation rental. He was not in favor of
17 putting a minimum amount of rental days.

18
19 Jamie Michelle (Sweet Homes) argued that expensive homes were not part of the affordable
20 housing stock. She asked what the City has done to measure the effects of the ordinance since
21 the new resolution has going into place. She argued the cap has led to no improvements in
22 affordable houses, only a few complaints are about vacation rentals, and the City has missed out
23 on transient rental taxes (she estimated \$18,000).

24
25 Paul Thompson (1153 Driftwood Lane) argued that there were fewer complaints on vacation
26 rentals because of the system that has not worked. He suggested people no longer complain
27 because nothing comes of it when they do complain.

28
29 Sandy Sturgess (360 Ocean View Drive) stated she felt vacation rentals were experiencing an
30 undeserved bad reputation.

31
32 Bill Watson (272 Highway 101 S) asked that Council consider having an open enrollment period
33 if they consider transferring licenses.

34
35 Wendy Snidow (Coastal Homes) stated that these limitations severely and negatively impact the
36 real estate market.

37
38 Lawrence Bryce (384 Combs Circle) asked why the City would not transfer a license with a sale.

39 40 **C. Emergency Access on Gimlet Street**

41 Ward reported breakaway gates require frequent repair and it was dangerous to keep open the
42 gate. He was leaning toward using an electronic gate that would open for vehicles going
43 downhill. He noted there might be some easement issues with Gimlet. Mattison agreed the
44 steepness of the roadway was unsafe to have ongoing public use. Mattison recommended
45 securing an easement for Public Works to access the pump station. Ward emphasized that the
46 road is not public.

1 Vaaler stated the road goes across four lots. Mattison clarified lots 6800 and 6900 do have
2 easements, while 6500 and 7000 do not. McClung stated the previous Mayor and Council asked
3 Public Works to install the gates and Public Works has been using that road to service the pump
4 station. Vaaler asked about pedestrian traffic in that area. Ward stated he would not want the
5 liability of having that road for public access, even on foot. Ward explained that if the City did
6 not make the roadway public, the gate is not an issue because it is private land. He noted the
7 home owners association controls both gates and has the ability to decide whether to open them.
8 The City would need a key to access the pump station easement if the easement were obtained.
9 McClung was not certain if the pump station was built on city right of way.

10
11 Council concurred it made sense to get an easement for the properties of concern.

12
13 Tom Lauritzen (Shell Street) recalled Lawrence Musial and others coming before Council to turn
14 over the streets to the City. Lauritzen believed a previous Council accepted the streets from the
15 home owners association. Ward suggested that the Council might have accepted them but the
16 paperwork was never filed.

17
18 Vaaler asked Ward if the City should consider a gate on City property should the homeowners
19 open the gates. Ward indicated if the road is a public right of way, it should not have a gate.

20
21 Glenn asked about LIDs in that area. McClung stated that there were open LIDs for those lots.
22 ward explained the LIDs had been settled and that it was just a matter of continuing the
23 assessments.

24
25 Ken Johnson stated he was assured the roads were given to the City when he purchased his home
26 and now there was a sewer line going under the roadway.

27 28 **D. Commissions/Committee Structure**

29 Mayor Moore explained he attended the Commission chairs meeting on Monday. He reviewed
30 questions asked and discussion with the chairs. He noted he asked the Parks and Commons
31 Chair whether he wanted to have the Council direct them or have Parks and Commons meet with
32 the Little Log Church and Museum and make a recommendation to Council.

33
34 Mayor Moore reported two Commissions asked to have a Council liaison. Public Works and
35 Streets asked for Councilor Vaaler. Parks and Commons asked for Councilor Kerti. Mayor
36 Moore explained they would not be voting members but would be there to answer questions and
37 provide feedback. Kerti asked if he would be authorized to speak for Council. Mayor Moore
38 indicated liaisons could give their view on the tenor of the Council.

39
40 Mayor Moore stated the chairs would decide at a later time whether to have a retreat between the
41 chairs and Council.

42 43 **E. Review of Council Goals**

44 Postponed to next meeting.

45 46 **REGULAR MEETING**

47 **III. Announcements, Correspondence and Proclamations - none**

1
2 **IV. Public Comment (topics not on the agenda)**

3 JD Deriberprey (King Street) stated that the Yachats home school group had asked Parks and
4 Commons to create a fenced in area on the ballfield so the children could play in an area without
5 dog waste. He noted the Commission initially had a positive reaction to the idea but expressed
6 disfavor with the idea the second meeting. He asked that Council have some means of allowing
7 citizens to redress Commission decisions. He was also opposed to having a greater police
8 presence in Yachats because of fear of profiling.
9

10 **V. New Business**

11 **A. Public Works & Streets Commission Recommendation**

12 Mayor Moore reviewed the three recommendations from the Public Works and Streets
13 Commission.
14

15 Recommendation 1 was to notify large users of over or under billings. Vaaler reviewed the
16 history of calculations of over and under billings. Vaaler indicated she was going to
17 independently calculate the rates to see if she thought one calculation more valid, but then found
18 some ambiguities in the relevant ordinances. She indicated she found Resolution 2015-12-01
19 and a corrected version of that resolution. She reported the approved document dated February
20 1, 2016 stated water rates were to be adjusted effective July 1 according to the construction cost
21 index applicable to Yachats of the preceding year ending December 31. She noted ambiguities
22 in the language. She noted office staff could not recreate the rate increases that were applied
23 between 2015-2018.
24

25 Mayor Moore stated that Recommendation 2 was to publicize these users, and the City has
26 determined this action would be a violation of the law.
27

28 Mayor Moore shared Vaaler's concern that the City was not sure of the amounts of over and
29 under charges. Council agreed that the users should not be notified if they do not know the
30 numbers with certainty. Bob Bennett clarified that his and Tom Fisher's analysis was to look at
31 the last five months to confirm that the problems continued.
32

33 Tom Lauritzen stated he made a public records request and used the actual volumes for meter
34 readings to calculate. He argued that staff made errors in the implementation procedure. He
35 suggested the City move forward with fixing the errors. Lauritzen added he spoke with the
36 previous City Manager who indicated the index numbers were derived from a northwest 20-city
37 composite that engineering firms subscribed to.
38

39 Lauritzen and Council discussed the history of the implementation. Vaaler asked that Council
40 make a decision today about fixing the current system. Council discussed whether users should
41 be charged for under charges or refunded over-payments. Manager Beaucaire noted the
42 adjustment index varied based on the 12-month period over which it was averaged. Manager
43 Beaucaire noted several issues that still needed to be address before making decisions.
44

45 Kerti, Tooke, and Glenn wanted clarification on what they were actually deciding on. Glenn also
46 had concern about going back to a large user and asking for a substantial amount of money.
47 Vaaler believed the City had to refund over-charges.

1
2 Bob Bennett, Chair of the Public Works and Streets Commission, noted the inaccurate charging
3 problem was continuing and needed to be fixed. He noted the Commission made a
4 recommendation to move forward with a rate study, but they needed to review the capital reserve
5 projects to determine what should be included in the rates. He noted there was \$4 million in
6 CIPs. Bennett suggested that Council needed to determine who would be working with the
7 people doing the study and the goals of a billing system.

8
9 The City Manager and Council discussed how the rates factored into the new accounting
10 software. She also noted that there were more than ten accounts that could have issues around
11 what they were being charge.

12
13 Glenn moved to contract with Oregon Association of Water Utilities to conduct a water rate
14 study on water and wastewater systems: Aye – 4; No – 1 (Vaaler).

15
16 Mayor Moore stated Bennett could work with Manager Beaucaire to provide the necessary input.

17
18 Mayor Moore expressed concern over making changes in billing now and asked if changes
19 would need to be implemented in the conversion to the new utility billing system. He explained
20 they do not know what would come out of the water rate study, and the multiple changes was not
21 ideal. Vaaler noted a difference between a correction and an adjustment.

22
23 Lauritzen argued that the City did not need to spend money on a study as they already know the
24 user groups and how they should be charged.

25
26 Manager Beaucaire stated that if Council wanted to incorporate changes in the current billing
27 structure to be effective for the transition to the new utility billing software, she would need the
28 numbers for the changes by Friday as the implementation would start on Monday. Bennett
29 indicated he did not have the numbers. Lauritzen stated he did have them. Vaaler indicated she
30 was willing to work on the Fourth of July holiday, with Bennett and Lauritzen, if they so desired,
31 to determine the numbers.

32
33 Helen Anderson (77 8th Street) stated it would not be a good idea to cause disfavor with the large
34 users by making a change now and then having another change four months from now. She
35 speculated the animosity among large users created by multiple adjustments was not worth the
36 \$3,000 of lost income during these three months. Bennett noted it would take a few months to
37 make a decision on rates once the City had the results of the water study.

38
39 Tooke and Kerti agreed that it would be better to make a change once. Glenn suggested it would
40 be easier to explain the rate adjustments if it were supported by a professional analysis.

41
42 Tooke moved to wait until the water rate study was completed before implementing any water
43 and wastewater rate changes: Aye – 4; No – 1 (Vaaler).

44 45 **B. Ocean View Drive Traffic Circulation Plan**

46 Glenn moved to pursue grant funding to conduct a traffic system analysis and to develop a
47 transportation plan: Aye – 4; No – 1 (Vaaler).

1
2 **C. Emergency Access on Gimlet**

3 Vaaler moved to instruct the City Manager and the City Planner, as appropriate, to obtain
4 easements for access to the pump station and to the sewer and water lines on Gimlet Lane: Aye
5 – 5; No – 0.
6

7 Glenn moved to have the City Manager work with the homeowners association to have the City
8 retain gate access in order to service the pump station while the City was in negotiation for
9 easements and to maintain the gate access after the easements are obtained: Aye – 5; No – 0.
10

11 **D. Reports**

12 **i. Finance** – no comments

13 **ii. Planning**

14 Mattison explained his Planners Report. Mattison asked Council about the format of the report.
15 Council agreed the current report format was sufficient.
16

17 **E. Yachats City Charter Certification**

18 Manager Beaucaire noted there was no action required from Council.
19

20 **VI. Other Business**

21 **A. From the Mayor**

22 Mayor Moore announced Council will be decorating the manure spreader at 10:30 am on July 4,
23 2019.
24

25 **B. From Council** - none

26 **C. From Staff** - none
27

28 Mayor Moore adjourned the meeting at 1:05 pm.
29
30
31

32 _____
33 W. JOHN MOORE, Mayor
34

35 ATTEST:
36
37

38 _____
39 Shannon Beaucaire, City Manager

Date