CITY OF YACHATS

CITY COUNCIL PUBLIC HEARING

June 12, 2019

Approved Minutes

I. Hearing Call to Order

Mayor W. John Moore reopened the Public Hearing of the City Council continued from June 5, 2019 on June 12, 2019 at 10:00 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. Audience: 5.

II. Hearing on Water Rate Adjustment – Nathan Bernard

Mr. Bernard was not present at the meeting.

At 10:06, Council discussed how long they should wait to allow Mr. Bernard to arrive. Mayor Moore reviewed the due diligence taken by the City on notification of the continued hearing to Mr. Bernard, including a certified letter that was picked up from the Post Office. Manager Beaucaire read the regulations on public hearings on decision appeals which indicated the appellant did not have to be present to conduct the hearing.

Mayor Moore reviewed the facts of the case.

Mayor Moore noted bill has not been paid to date. Manager Beaucaire explained that, per Admin Policy 19, the City only allows relief on two months of charges. Manager Beaucaire noted the City offered relief for the two highest months during the four-month leak period, noting $459.20 for sewer and $417.90 for water was credited on April 17, 2019. She reviewed the volumes of water used during this period.

Councilor Glenn clarified the balance due on the April 17, 2019 bill was $2,309.68 and $2,888.16 was due as of today.

Manager Beaucaire explained that, after 45 days of a past due balance, a property can be red-tagged where the owner is notified that payment in full due within seven days. Manager Beaucaire stated the red tag specifically states the amount due and the date that amount must be paid by to avoid water being shut off by the City.

Glenn asked if the tenant was responsible for the water bill if the owner did not pay.

Councilor Tooke noted on the April 1, 2019 monthly statement, the name Nathan Bernard bill was crossed out and 430 North LLC was written in. Manager Beaucaire thought that name was Mr. Bernard's LLC.

Glenn asked if 430 Highway 101 N was ever declared blighted by the City. Manager Beaucaire was not aware of any such declaration. Mayor Moore added that he had know of only two instances, one concerning a structure near Lemwick and the other a home on Ocean View Drive that has since been cleaned up.

Councilor Kerti asked if the City had disputed any of the facts presented by Mr. Bernard. Mayor Moore showed a google satellite image of the area and where Mr. Bernard had stated the break was under the sidewalk. Mayor Moore showed that the meter box was approximately four feet in from the sidewalk. Mayor Moore suggested that a normal installation of a water line would not go back under the sidewalk from the location of the meter box. Manager Beaucaire explained there were assertions Mr. Bernard had used heavy equipment in work on the building.

Kerti asked if this was a "natural cause" water leak as specified in Admin Policy 19. Manager Beaucaire explained that after noting a large water bill, a letter is sent to the customer that stated the customer can send a request for evaluation along with the plumbing bill indicating a repair was made, and the City might be able to provide some compensation for the sewer portion of the bill. Manager Beaucaire believed the intent of Admin Policy 19 was to reward customers who discover leaks and address them.

She stated that when she showed Admin Policy 19 to Mr. Bernard, he asserted the policy did not apply to him because his was not a natural cause. Manager Beaucaire indicated this was the only policy the City had regarding compensation for water leaks. Mayor Moore stated that the Citizen's Handbook described that the City can proceed with cutting service after 45 days of nonpayment and that the customer was responsible for 100% of all metered water including water leaks.

Tooke asked if the plumber who fixed Mr. Bernard's water line had been called. He had not.

John Deriberprey (1660 Highway 101 N) stated he discovered his sewer line had been broken near the highway when he first moved in. He discovered a four-foot section of sewer line was missing. The only work in the area had been done by Pioneer Telephone. He took photos of gray line below area that was missing. PUD and Pioneer both denied their responsibility. He finally got Pioneer to cover his repair costs. He stated he got a credit for the sewer portion of his bill for one month.

Tooke referred to the customer history in the hearing packet, noting the significant increases in water use each month from January through March. Manager Beaucaire noted he came to the City in March to address the issue. Bernard explained at that time there was a problem with

receiving the water bills. She stated Mr. Bernard got the water evaluation request to the City on April 1, 2019. Tooke clarified the mailing address was a post office box in Yachats.

Mayor Moore suggested the prudent course of action was to ask for payment or to shut off the water. Councilor Vaaler stated Manager Beaucaire had done more than required to accommodate Mr. Bernard, and Vaaler agreed they should demand payment right away and expressed her concern that the tenant would have their business impacted.

Manager Beaucaire explained the owner was the primary responsible party for water bills even though the tenant can pay the bill.

Mayor Moore indicated the shutoff date was seven days from the date of notice.

Kerti clarified that Mr. Bernard could ask for reimbursement at a later time.

Manager Beaucaire indicated a red tag notice sent by certified mail and by personal delivery.

Manager Beaucaire noted she would need to talk to the city attorney to ensure no confidentiality issues were being violated in informing the tenant of the building of the situation.

Glenn expressed concern over protecting the City Manager from retaliation.

Kerti moved to deny Mr. Bernard's request for waiver of water charges based on the information provided to the Council to date, to request immediate payment of the current bill, and per the Admin Policy 19 forty-five-day past due stipulation, to order shutoff of water services on June 19, 2019 if the bill is not paid in full: Aye – 5; No – 0.

III. Other Business

A. From the Mayor - none

B. From the Council - none

C. From Staff - none

With no further business before Council, Mayor Moore adjourned the meeting at approximately 12:50 pm.

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W. JOHN MOORE, Mayor

ATTEST:

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Shannon Beaucaire, City Manager Date