



CITY OF YACHATS

CITY COUNCIL MEETING

August 21, 2019

Approved Minutes

I. Meeting Call to Order

Mayor W. John Moore called the August 21, 2019 regular meeting of the City Council to order at 6:00 pm in Room 1 of the Yachats Commons. Council members present: W. John Moore, Jim Tooke, Max Glenn, James Kerti, and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire, Water Plant Lead Rick McClung. Audience: 17.

II. Announcements, Correspondence, and Proclamations

None.

III. Public Comment

1. Mary Ellen O'Shaughnessey (520 Marine Drive) spoke about hiring a half-time Code Enforcement Officer. She reviewed her experience in Human Resources at the University of Illinois. She asked Council to inform residents of what was happening in terms of a hire and suggested setting deadlines. She stressed the importance of residents getting involved in recruiting someone to do the job.

2. Rhonda Moran (214 Coolidge Lane) expressed concern over vacation rentals and noted illegal rentals or people bartering their houses. She noted Councilor Glenn has suggested putting the larger homes in a separate category. She did not believe the larger homes should get priority or special treatment and saw that as an insult to the hotels. She was shocked that rental home owners did not have to show proof of insurance every six months.

Mayor Moore explained the process the Council has been taking to establish a permanent ordinance for vacation rentals. He hoped to have this done by the end of September 2019.

Steve Davies (91 Highway 101) asserted that the vacation rental ordinance was presented as temporary and it sounded like Council had already decided to keep it. He suggested a lottery system would make the whole process fair. He asked that any Councilor who has relatives with rental properties should recuse themselves for having a conflict of interest. He argued the noise ordinance was unenforceable and did not address the vacation rental issues. He asked that there be a measurement related to a noise ordinance, such as a 70-decibel limit in the evening.

IV. Consent Agenda

1 **A. July 3 and 17, 2019 Minutes**

2 **B. Resolutions Memorializing Council Action**

3 1. 2019-84 Regarding Ocean View Drive striping and traffic

4 2. 2019-85 Appointing Dawn Keller to the Parks and Commons Commission

5
6 Councilor Vaaler questioned the appropriateness of singling out the C&K Market in Resolution
7 2019-84. Manager Beaucaire noted this was the first time that the Council decided to have
8 traffic flow southbound rather than northbound, and she wanted to provide a rationale for that
9 change. Councilor Glenn stated the Market was the only business with the largest trucks.
10 Councilor Kerti asked Manager Beaucaire if there was a downside or risk to not having reference
11 to the C&K. Manager Beaucaire stated there was a need to have a permit for the largest sized
12 trucks and this statement would help support the basis for that permit. Council favored keeping
13 the language as is.

14
15 Vaaler raised another issue about the language around using temporary tape striping until
16 Council votes to do otherwise. Kerti suggested keeping the language as is because it represented
17 the intent of the Council at this time.

18
19 Councilor Tooke noted a typo where “competed” should be “completed.”

20
21 **Councilor Kerti moved to approve the consent agenda: Aye – 5; No – 0.**

22
23 **V. New Business**

24 **A. US Census Presentation and Resolution**

25 Jim Graham, Partnership Specialist with the 2020 US Census, indicated the census is required by
26 the US Constitution in Article 1, Section 2. He presented arguments on the importance of census
27 data in planning, establish power, and ensuring fairness. He noted they will be offering an online
28 option to complete the census this time. He reviewed all of the ways they try to reach all people
29 in multiple languages and formats.

30
31 Graham reported the Census is hiring people to help conduct the Census, and people can learn
32 more at 2020census.gov/jobs.

33
34 Graham asked the Council to adopt the resolution for the US Census.

35
36 **Vaaler moved to adopt Resolution 2019-87 to have the City of Yachats participate in the 2020**
37 **US Census: Aye 4; No – 1 (Kerti).**

38
39 **B. Regional Water Planning with Guest Jim Adler**

40 Jim Adler indicated he was part of a group of private citizens who were working to provide
41 water security for everyone in the county. He stated they have asked Lincoln City to restore the
42 Central Coast Water Council to examine the possibility of storing raw water behind a dam on
43 Rocky Creek. Adler indicated all cities in the County except Toledo will have met their projected
44 supply limits in about 20 years.

1 As Adler noted \$300 million was spent on straightening Highway 20 to save 15 minutes of travel
2 time, he speculated there should be money for a damn that could provide security for the County.
3 Glenn clarified that this project was in addition to the work of the Mid-Coast Water Partnership.
4

5 Adler stated he recently learned there is a large aquifer beneath the ocean floor along this area of
6 the coast. He has spoken with a hydrologist who will be showing him the mapping that has been
7 done of the aquifers.
8

9 Steve Davies recalled a previous Council meeting where Councilors discussed purchasing land
10 for raw water storage. Tooke explained there was a group working with agencies to purchase the
11 Evans/Betz property but they could not reach an agreement on the purchase price.
12

13 **C. Lincoln County Tobacco Retail Licensing with Faire Holliday**

14 Faire Holiday and Jess Palma, specialists with the Lincoln County Health Department, wanted to
15 provide education and to explain their next steps. Holiday provided data on smoking-related
16 deaths and how many people start smoking each year. Palma noted 182 people are lost due to
17 smoking in Lincoln County each year. Holiday noted about 90% of smokers start before they
18 reach 18 years of age and Oregon is one of the easiest states to purchase tobacco.
19

20 Holiday explained how the Retail Licensing Program operates. Palma reported \$35.5 million per
21 year or \$100,000 per day due to medical costs and lost productivity around tobacco related
22 disease. She noted Oregon is one of nine states that does not have a state tobacco licensing
23 program. She added that four Oregon counties have implemented a licensing program and
24 sixteen others are looking into establishing a licensing program.
25

26 Vaaler noted the Council has to approve new applications for liquor licenses and asked if this
27 would also be true for tobacco licenses. Palma indicated that such a decision would be up to the
28 individual jurisdictions. Mayor Moore asked if the City would retain the fees for the license.
29 Holiday stated they can only set a fee to cover their costs so fees would likely go back to the
30 Health Department.
31

32 **D. Resolution 2019-86 Moving Ending Fund Balances to Capital Reserves**

33 Manager Beaucaire explained there were ending fund balances from the Highway project and the
34 south water tank. The Finance Committee reviewed the situation and recommended returning the
35 monies to reserves.
36

37 Glenn moved to adopt Resolution 2019-86 moving ending fund balances in Funds 200 and 668
38 to Capital Reserves: discussion
39

40 Tom Lauritzen stated these monies had nothing to do with the Highway 101 project. He
41 explained these monies came from water reserves and never had anything to do with Highway
42 101. He indicated these were all monies taken from water reserves. Manager Beaucaire clarified
43 that the \$200,000 for the Highway 101 loan would still be outstanding.
44

45 Manager Beaucaire indicated she would take the matter back to the Finance Committee.
46

1 Glenn withdrew his motion.

2
3 **E. Utility Rate Study**

4 Manager Beaucaire asked Council whether they wanted the water rates to generate \$100,000 or
5 \$200,000 to go into reserves. She noted there was over \$390,000 for water and sewer CIPS this
6 year and almost \$500,000 for next year.

7
8 Mayor Moore suggested \$200,000 seemed more reasonable. Vaaler asked if the study could
9 examine multiple amounts. Kerti and Tooke asked if there was documentation to review before
10 voting and what question they were voting on. Kerti wanted to know where other monies that go
11 into reserves were coming from.

12
13 Mayor Moore indicated he would get additional information for the second Council meeting in
14 September 2019.

15
16 Vaaler asked Manager Beaucaire to have the study look at multiple scenarios if this would not
17 increase the cost. Manager Beaucaire indicated she would verify with the contractor that this
18 request would not add to the cost.

19
20 **VI. Public Hearing**

21 **A. Ordinance 360 Sign Code Update**

22 Mayor Moore opened the Public Hearing on Ordinance 360 on the sign code update at 7:20 pm.

23
24 Mayor Moore thanked the Planning Commission for the effort put into this sign ordinance.

25
26 Planning Commission Chair Helen Anderson reported this work was begun in early 2017 and the
27 Commission held a public meeting early in the process to get input from citizens on what they
28 want for a sign code. She explained that at the time, Planner Lewis had recently completed a
29 sign code overhaul for Waldport, and the Commission decided to start with that language. She
30 indicated the Commission transferred what was in the City's existing sign code to the new
31 format.

32
33 Anderson explained the City Attorney provided feedback on a tricky issue around free speech,
34 whereby sign limitations must not constitute a violation of free speech. She noted the
35 constitutional issue of not restricting free speech. She explained there were two levels of
36 interpretation. The strict interpretation was basically that if one had to read a sign, there was a
37 violation of free speech. The intermediate interpretation allowed for some identification of a
38 sign based on the topic of content.

39
40 Anderson provided an example of the Commission having stated that only American flags can be
41 placed in the flag holes on the sidewalk in front of the Commons. The attorney explained that
42 was a violation of free speech because you had to see what the flag was to apply the regulation.
43 She noted the Commission changed the code language to indicated that only City staff could
44 place signs on that sidewalk, and that staff could decide what gets place there.

1 Anderson noted one issue where the Commission did not agree with the attorney was over
2 allowing open/closed signs. The attorney had asserted that the sign must be read in order to
3 determine if it was an open/closed sign, and therefore the regulation is a violation of free speech.
4 Anderson stated the Commission believed that since no particular group was being discriminated
5 against in allowing this extra signage, they could use the intermediate interpretation and allow
6 that regulation.

8 Anderson also noted there was a stipulation for nonconforming signs that if a repair cost more
9 than fifty percent of the replacement value, the sign must be brought up to code. She explained
10 that this stipulation meant that any sign that exists before the code goes into effect can remain as
11 long as a repair does not cost more than fifty percent of the replacement value.

13 Anderson indicated she met with Vaaler who had numerous questions. The Planning
14 Commission reviewed Vaaler's questions and have made five minor changes. Vaaler stated that
15 there was a definitions section in the Code that Council did not have which clarified some issues,
16 such as what an integral sign was.

18 Planner Commissioner Lance Bloch clarified 9.44.030.F pertained to signs that were carried on a
19 vehicle, such as in a truck bed, and does not include painting on a vehicle or bumper stickers.
20 Kerti clarified that the fifty percent of value was not cumulative. Kerti also clarified that banners
21 displayed in yards for sports teams or other decorative purposes are considered yard art. Glenn
22 clarified that an existing sign can remain until it needs replacement or a repair that costs more
23 than fifty percent of the value.

25 Anderson noted the following changes:

- 26 1. 9.44.030.A: add "blinking" so that the clause reads, "such as blinking strings of lights"
- 27 2. 9.44.050.B: add to end of sentence the clause "except as described in section
- 28 9.44.060.A.2."
- 29 3. 9.44.060: strike "unless a substantial structural alteration is made."
- 30 4. 9.44.080.B.2(a)(i): strike "(all of the allowable sign footage on the façade)"
- 31 5. 9.44.080.B.2(a)(iv)(1): add to end of sentence, "or installed in the plane of the pitch of
- 32 the roof."
- 33 6. 9.44.120.D: "within the Ordinance" should read "within this Chapter."

35 There was no public testimony.

37 Kerti moved to approve Ordinance 360 amending Yachats Municipal Code Chapter 9.44 on
38 Signs: Aye – 5; No – 0.

40 Mayor Moore closed public hearing at 7:42 pm.

42 VII. Reports

43 A. Financial Report

44 Manager Beaucaire explained the documents in the packet were a first glance at the reports that
45 would be generated from the new Springbrook software. She added that she would be adding a
46 column for notes. Vaaler asked if the water and sewer components could be presented

1 separately. Tom Lauritzen asked why the transient rental income line was so far under budget.
2 Manager Beaucaire explained that the accountants had not yet entered all of the data.
3

4 **B. Council Reports**

5 Kerti reported he attended the Parks and Commons Commission meeting where safety concerns
6 were raised over the parking spaces at the intersection of Ocean View Drive and Highway 101.
7

8 Mayor Moore reported:

- 9 1. He met with Bob Bennett, the City Manager, and the Newport Public Works Director
10 where the parking issue was discussed. He noted some of the spots are on Ocean
11 View Drive and those will be addressed once Ocean View Drive is transferred to the
12 City.
- 13 2. He attended the Oregon Mayors Association meeting in Medford for three days, noting
14 he:
 - 15 a. Toured the police station, the Holly Theater, Pear Blossom Park planned for 500
16 housing units (20% low income), and Hope Village transient lodging facility
17 with 30 housing structures for temporary use (noting people only spend a few
18 months there).
 - 19 b. Met with an ODOT representative and Sarah Means, a representative for the
20 Yachats area for the State, and talked about reconfiguring the problematic
21 intersections in the City.
 - 22 c. Attended conference sessions on Communications in Small Cities, Economic
23 Development, Legislative Updates, and Managing the City Manager.
 - 24 d. Reviewed of a 32-acre park with w15 ballfields funded through a public-private
25 partnership.
 - 26 e. Toured the Harry and David plant where he learned they make 19,000 pounds of
27 Moose Munch per day.
- 28 3. He is attending today and tomorrow the Coastal Caucus Economic Summit in Florence
29 along with Councilors Tooke and Glenn.
30

31 Tooke reported he attended the panel on infrastructure for water at the Coastal Caucus.
32

33 Glenn reported he was impressed with the caucus of legislators who meet on Thursdays at 7:00
34 am. This group of both Representatives and Senators of all parties form a consensus and agree
35 all representatives will support that issue.
36

37 Tooke reported he and Councilor Glenn attended the open house at Angell Job Corps. He noted
38 they support six trades: urban forestry, plumbing, carpentry, painting and sheet rock, masonry,
39 and automotive repair. He explained how they help get the students into apprenticeship programs
40 positions. Glenn added that Job Corps tracks graduating students and added that Bryan Wilson
41 will meet with the Council in October 2019.
42

43 Vaaler reported the Public Works and Streets Commission discussed the Clean Sweep and Chair
44 Bob Bennett was going to prepare a summary of the Commission's recommendations. She
45 reported there was unanimous concern over the cost of the event, but they did not want to end the

1 event. She also reported she and Tooke went on a tour of the Hancock Property. Vaaler also
2 indicated there was a League of Oregon Cities Small Cities meeting in Yachats.
3
4
5

6 **C. City Manager Report**

7 Manager Beaucaire reported:

- 8 1. There would be heavy equipment in the area with the work on W 1st and E 2nd Streets.
9 She indicated they were posting weekly updates on the website on the progress.
- 10 2. County Public Works Director Kinion reported the County will be paving Ocean View
11 Drive on September 5 and 6, 2019. She asked that the section from the State Park to W
12 7th be paved on Thursday and the State Park to Highway 101 on Friday. She indicated
13 they would be notifying impacted residents and businesses. Manager Beaucaire
14 indicated they will have an easement draft at the September 18, 2019 Council Meeting.
- 15 3. Planner Mattison will be at September 4, 2019 meeting to discuss housing options.
- 16 4. There are screen shots of the tracker system and a sample report on the facilities usage in
17 the meeting packet.
- 18 5. The auditors will be back on site on September 16, 2019.
- 19 6. She will be organizing CIS projects and would be prioritizing projects.
20

21 **VIII. Other Business**

22 **A. From Mayor**

23 Mayor Moore reported the League of Oregon Cities paid over half of his expenses for the
24 Mayors Conference.
25

26 **B. From Council - none**

27 **C. From Staff - none** 28

29 Mayor Moore adjourned the meeting at 8:11 pm.
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35 _____
W. JOHN MOORE, Mayor

36
37 ATTEST:
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41 _____
Shannon Beaucaire, City Manager

Date