

1. 9:30 A.M. Agenda

Documents:

[2021-02-04 Council Agenda.pdf](#)

2. Meeting Materials

Documents:

1. Demolition Permit Memo.pdf
2. Requirements For Commission Membership .Pdf
- 3.Recommendations From P And C.pdf
- 2021-163 RES Parks Commons Chg Mtg Dte.pdf
- 5.YYFAP Proposal.pdf
6. Memo On Budget Committee.pdf
- 7.ORS 294.414 - Budget Committee - 2020 Oregon Revised Statutes.pdf



CITY OF YACHATS
CITY COUNCIL WORK SESSION & COUNCIL MEETING
Yachats OR
Thursday, February 4, 2021 at 9:30 am
To Be Held Via Zoom

AGENDA

POSSIBLE QUORUM OF PLANNING COMMISSION

Join Zoom Meeting

<https://us02web.zoom.us/j/83310136094?pwd=Y0V3N0EvckkBZ0UreG5KeituZVRxUT09>

Meeting ID: 833 1013 6094

Passcode: 461144

One tap mobile

+13462487799,,83310136094#,,,,*461144# US (Houston)

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Dial by your location

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Passcode: 461144

Find your local number: <https://us02web.zoom.us/j/83310136094?pwd=Y0V3N0EvckkBZ0UreG5KeituZVRxUT09>

Work Session

- I. Continuation of discussion on how Council can work well with our commissions
- II. First discussion of how Council will reach out for public input (time permitting)

Regular Council Meeting

- I. Announcements, Correspondence, Proclamations
- II. Public Comment: **Topics not listed on the agenda**
5-minute limitation per person

The Yachats City Council meetings are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance. Posted 01/28/2021

- III. New Business
 - a. Discussion about planning position, code enforcement, demolition permits, and other topics for planning commission consideration; GUESTS: PLANNING COMMISSIONERS (scheduled to commence at 10:30 AM)
 - b. Eligibility requirements for appointments to commissions; Timetable to fill commission vacancies
 - c. Recommendations from Parks and Commons Commission
 - d. Discussion of Budget Committee membership
 - e. Update by city manager on all current grants and grant applications
- IV. Old Business
 - a. Clarification of process to fill vacant council seat
- V. Other Business
 - a. From Mayor
 - b. From Council
 - c. From Staff

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1400 Queen Ave SE • Suite 201 • Albany, OR 97322
(541) 967-8720 • FAX (541) 967-6123

MEMORANDUM

DATE: January 15, 2020
TO: City of Yachats
FROM: Justin Peterson, Planner, OCWCOG
RE: Demolition Memo

Summary

The City of Yachats received a concern from a citizen about a single-family dwelling in poor condition located at 771 Radar Road. A single-family dwelling built in 2004 and the single-family dwelling in poor condition are located on the subject property. The dwelling built in 2004 is located on the central portion of the lot. The dwelling in question is located on the southern portion of the lot. My understanding of the history construction was started on the single-family dwelling in poor condition but was never completed and has sat vacant since.

City of Yachats Demo Permit

The City of Yachats does not have a demo permit.

Lincoln County Demo Permit

I reached out to Lincoln County about a demo permit and the County does not have a demo permit.

Department of Environmental Quality (DEQ)

“In accordance with Oregon Department of Environmental Quality (DEQ) regulations, certain categories of buildings must be inspected for the presence of Asbestos Containing Material (ACM) prior to any demolition/renovation activities. This applies to all facility owners, including but not limited to manufacturing facilities, public and private building owners and operators, commercial facilities, and apartment complexes, and all residential buildings with four or fewer dwelling units constructed prior to January 1, 2004” (City of Bend Demolition Permit). A licensed contractor should be familiar with the DEQ requirements.

More information can be found at: <https://www.oregon.gov/deq/Hazards-and-Cleanup/Pages/Asbestos-Information.aspx>

Benefits of a City Permit

The benefits of a permit would include but are not limited to:

- Ensuring all departments review the permit
- Verifying that any DEQ requirements were met
- Allowing the City to track data about housing
- Creating a debris removal timeline

Examples

In a quick search I found several cities that have demo permits including Bend, Corvallis, and Toledo.

Commission membership requirements per Commission rules

5.11 Membership.

The **Planning Commission** shall consist of seven members appointed by the Mayor with the approval of Council.

Pursuant to ORS 227.030, no more than two (2) voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of occupation, business, trade or profession.

All commission members must reside in the City.

All commission members must have resided in the City for no less than six months prior to appointment.

5.21 Membership.

The **Parks and Commons Commission** shall consist of seven (7) members, appointed by the Mayor with consent of the Council. **One member of the commission may reside outside the City limits.**

5.31 Membership

The **Public Works & Streets Commission** shall consist of seven (7) members, appointed by the Mayor with consent of the Council.

One member of the commission may reside outside the City limits.

5.41 Membership.

The **Library Commission** shall consist of five (5) members, appointed by the Mayor with consent of Council.

One member of the commission may reside outside the City limits.

NOTE: Section 2.08.020(C) of the Yachats Municipal code concerns membership on the Public Works and Streets Commission, the Parks and Commons Commission, and the Library Commission.

C. All commission members must reside in the City. One member of the parks and commons commission may reside outside the City limits. One member of the Library Commission may reside outside the City limits. (Ord. 177 § 2, 1995)(Ord. 249, Amended, 01/20/2005)

Contrary to the Commission rules, it does not allow for any member of the Public Works and Streets Commission to reside outside the city. Either the Municipal Code or the Commission Rules needs to be amended so they are in agreement.

RECOMMENDATIONS TO COUNCIL FROM PARKS AND COMMONS

(1) At the January 21, 2021 meeting, the Parks and Commons Commission made a recommendation to change their meeting time to the first Tuesday of the month at 2 PM. At the meeting. Should Council wish to follow this recommendation, this could be accomplished by passing Resolution 2021-163.

(2) At the January 21, 2021 meeting, the Parks and Commons Commission made a recommendation to allow up to two of their commission seats to be occupied by individuals residing outside the city limits. The current limit is one member; see commission rules 5.21 and Yachats Municipal Code Section 2.08.020(C).

(3) At the December 17 meeting of the Parks and Commons Commission, the following motion was passed by a 6-1 vote (Dawn Keller voting No).

“Parks and Commons Commission recommends that City Council accept YYFAP’s proposal to occupy the 750 sq. ft. previously occupied by city staff, terms of the agreement to be determined by Council and YYFAP.”

The proposal was not received from outgoing Parks and Commons chair John Purcell, but its existence was noted by current chair Dawn Keller. The wording of the motion is from the taped minutes.

Report to City Council from the January 21, 2021 Parks & Commons Commission

- Due to an administrative error, there was an unreported recommendation to the Council regarding rental to YYFAP from the Dec 2020 P&C meeting. The error was discussed and corrected. No further action on this matter was taken.
 - The Commission unanimously asked the Council to amend 5.21 of the Commission Rules to read "**Two members** of the Commission may reside outside the City Limits."
 - No applications for the vacancy on the Commission had been received at the time of this meeting.
 - The Commission discussed which capital projects it would like to see funded from now through FY 21-22. Projects included:
 - interior and exterior painting of the Commons
 - landscaping of the open space in the Commons Park
 - putting "a better face" on the front of the building
- Commissioners all have assignments and we will be putting the pieces together and adding more to create an evolving, unified plan for the Commons, Commons grounds, & Commons grounds.
- The Facilities Manager was asked to explore the feasibility of having an onsite custodian.
 - The Commission would like to change its regular meeting time to the first Tuesday of every month at 2pm to allow us to get ahead of the newsletter deadline.

Dawn Keller



**CITY OF YACHATS
RESOLUTION NO. 2021-163
A RESOLUTION AUTHORIZING THE PARKS & COMMONS COMMISSION TO
CHANGE ITS MONTHLY MEETING DATE**

WHEREAS, At its January 21, 2021 meeting, the Parks & Commons Commission made a recommendation to the City Council to change its monthly meeting date from the third Thursday at 2:00 pm, to the first Tuesday of each month at 2:00 pm, and

WHEREAS, The City Council discussed the recommendation at the February 4, 2021 meeting, and

NOW THEREFORE, the City of Yachats resolves that the Parks & Commons Commission's meetings be held on the first Tuesday of each month at 2:00 pm.

Passed and adopted February 4, 2021. This Resolution is effective upon adoption.

Attest:

Leslie Vaaler, Mayor

Shannon Beaucaire, City Manager



yachats youth

and family activities program

po box 151 • yachats, or 97498 • 541.547.4599 • yachatsyouth.org

September 6, 2020

TO: Members of the Parks and Commons

FROM: Yachats Youth Program Board

RE: Proposal for YYFAP to move Offices and Afterschool to City Hall Space including the storage room, bathroom and offices down the hall

The board of directors of the Youth Program would like to respectfully submit a proposal to move our office and afterschool program to the Commons space that is currently occupied by Yachats City Hall.

The youth program has been in existence now for 25 years. As time has gone by it has grown in scope and service. The City and Parks and Commons have been great supporters, and we are appreciative. Our early childhood programs are in rooms 4 and 7 upstairs in the Commons and we have worked to make improvements to those spaces, through grants and donations.

Currently our afterschool program, offices, and kitchen are in the basement. While we appreciate the structural changes that made staying in the basement more safe, there is still a concern for children and staff evacuating in an earthquake, fire or Tsunami. There are also no bathrooms and review by a certified plumber made it clear they could not be added down there. The basement has never been ADA accessible. If we move our afterschool program to the upstairs space we would be able to accommodate children with special needs if they wished to attend our program. Our licensing has granted us a waiver thus far, but the Childcare Division actually requires ADA accessibility.

The square footage of 750 square feet would allow us to have up to 21 children afterschool, so long as we continue to also have access to the gym

on most rainy days, and the playground on sunny ones. We do not feel there would be much that would need structural change, it looks like we can make the space work by tearing down the counter, doing some patch work, bringing up cubbies from downstairs and perhaps putting in some new carpet, and some other items we may find once we get in and start working on the space. YYFAP would cover the costs of adjustments needed to make the space better suited to our use.

Given the new requirements for spacing of office staff due to Covid, the upstairs offices would allow our staff to have their own workstations and not have to share air space and germs. We would also have a space to store documents which are now stored under the upstairs bathrooms.

We would be interested in moving our kitchen and cooking operations upstairs too, if we could share the space in that larger kitchen. We have shared in the past when the basement was not safe and it worked well. We have been cooking in the basement for the last seven or eight years all the while fighting a rodent population that is common in old basements.

At this point we will be beginning our preschool year remotely, and at present, given Covid, we don't plan to hold afterschool activities until next school year. If Covid allows we may open for other programming and summer camp next year.

So in essence, we can be very flexible with the city as they vacate the premises. If there is a need for storage, etc. as they get settled into their new space, this could be accommodated.

Our office hours are flexible, especially during Covid, but staff could be in the building from 8 am to 6:30 pm. The kitchen space would be used from 10:30 am to 4:30 pm most days, once we reopen and children are in the building for preschool. Afterschool runs 3:45-6:00 pm and would be in that space upon reopening. (Fall 2021 is our current plan.) Summer programs if we are able to have them, run usually M-TH and either from 9-1 or 10-2 (so midday) in that school aged space. (We usually run them in the preschool room too.)

Again, we have appreciated the support of the City and the Parks & Commons Committee members throughout the years. We feel the Youth Program is a vital resource for the citizens and working members of this community. We hope you will give consideration to our proposal to move

upstairs to a safer, cleaner, more accessible space for our community's youth.

Respectfully,

The Yachats Youth & Family Activities Board of Directors
and Alice Beck, Executive Director

MEMO CONCERNING BUDGET COMMITTEE

DON GROTH (Seat B)

Resolution 2018–05-07 reappointed Don Groth to seat B and indicates a term ending December 31, 2021.

BRAD WEBB (Seat E)

Resolution 2019-68 reappointed Brad Webb to this position through December 31, 2020.

LANCE BLOCH, DAWN KELLER, JOHN PURCELL: (Seats A, C, D)

Resolution 2019-67 memorializes their appointments. It did not specify the length of their respective seat letters nor appointment termination dates .

Our deputy recorder has provided the information that Lance Bloch was assigned to seat A, Dawn Keller to seat C, and John Purcell to seat D.

Resolution 2018–05-07 appointed James Kerti to seat C with term ending December 31, 2021, a seat he vacated when he became a City Councilor. As the holder of seat C, Dawn Keller's appointment inherits that termination date.

Seat D and E's terms expired on January 31, 2018. If we match John Purcell's term with Brad Webb's, John Purcell's term expired on December 31, 2020. This seat is vacant.

The Oregon statute covering the composition of the budget committee is ORS 294.414.

Seat A, held by Lance Bloch, should expire December December 31, 2022, if we are to fulfill directive (5) of ORS 294.414. to stagger terms.

ORS 294.414¹

Budget committee

- (1) Except as provided in ORS 294.423 (Governing body of certain municipal corporations to be budget committee), the governing body of each municipal corporation shall establish a budget committee in accordance with the provisions of this section.
- (2) The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; **and** if there are no electors willing to serve, the governing body shall be the budget committee.
- (3) The members of the budget committee shall receive no compensation for their services as members of such committee.
- (4) Appointive members of the budget committee may not be officers, agents or employees of the municipal corporation.
- (5) Appointive members of a budget committee that prepares an annual budget shall be appointed for terms of three years. The terms shall be staggered so that, as near as practicable, one-third of the terms of the appointive members end each year.
- (6) Appointive members of a budget committee that prepares a biennial budget shall be appointed for terms of four years. The terms shall be staggered so that, as near as practicable, one-fourth of the terms of the appointive members end each year.
- (7) If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the governing body of the municipal corporation shall fill the vacancy by appointment for the unexpired term.
- (8) If the number of members of the governing body is reduced or increased by law or charter amendment, the governing body of the municipal corporation shall reduce or increase the number of appointive members of the budget committee so that the number thereof shall be equal to but not greater than the number of members of the governing body. To effect a reduction, the governing body of the municipal corporation may remove such number of

appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three, if the terms of the appointive members are governed by subsection (5) of this section, or four, if the terms of the appointive members are governed by subsection (6) of this section, equal or approximately equal groups as to terms. In case of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three or four, as appropriate under this section, equal or approximately equal groups as to terms.

- (9)** The budget committee shall at its first meeting after its appointment elect a presiding officer from among its members. [Formerly 294.336]

¹ Legislative Counsel Committee, *CHAPTER 294—County and Municipal Financial Administration*, https://www.oregonlegislature.gov/bills_laws/ors/ors294.html (2019) (last accessed May 16, 2020).