



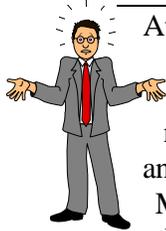
NEWSLETTER



CITY OF YACHATS

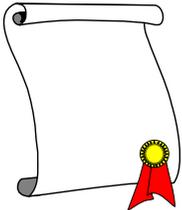
April 2001

MEETING NOTICE ADEQUATE



At the meeting on April 12, Mayor Lee Corbin stated that it is always the City's posture to give adequate notice of all meetings to the citizens and the media. The notice for the March 26 special meeting was faxed to the press shortly before 4 p.m. on Friday, March 23, 2001. Although the News Times newspaper article said that the meeting had been held without giving adequate notice to the media, it is the City's opinion that while the News Times office is closed over the weekend, *more* than 24 hours notice was given, which meets the law.

That same notice was posted, locally in the normal locations before noon on Friday, March 23.



CITY COUNCIL UNANIMOUSLY DECLARES APRIL 27, 2001 VERGIL BACKES DAY

WHEREAS Vergil Backes has always served the community with a congenial manner, helpful disposition, and a quick and lively sense of humor; and

WHEREAS Vergil Backes has always brightened up the Post Office by sharing with the community his beautiful flowers and holiday decorations; and

WHEREAS Vergil Backes will always be considered a Postmaster Extraordinaire by the Yachats community; and

WHEREAS Vergil Backes is retiring from public service on April 27, 2001;

NOW THEREFORE, the City of Yachats does hereby proclaim **THAT APRIL 27, 2001 BE DECLARED VERGIL BACKES DAY**

We call upon the people of Yachats to recognize, on this the day of his retirement, the service they have received from this Exceptional Postmaster.

Mayor's Message

The First 100 Days

Please don't be offended! I certainly have no illusions that the job of Mayor of Yachats bears any similarity to that of the President. However, it does strike me that the first 100 days in any new job frequently sets the tone for the future so let's look at where we are. First, I must admit that I am enjoying the challenge and that the job generally is fun—at least the majority of the time. We have a compatible although opinionated council that is willing to discuss all sides of an issue and to support the majority vote. We have a dedicated staff that is willing to entertain potential new ways of doing things. Although we can always stand more, we even have a reasonable amount of public interest and input.

As to our accomplishments, here are a few highlights.

- The council in February adopted an ambitious set of goals and objectives for 2001.
- An intergovernmental agreement has been signed with Newport and Lincoln City for participation in the potential development of Rocky Creek as a long term (25-50 years) water solution.
- Discussions with Toledo, Seal Rock, Waldport, Southwest Lincoln Water District and Yachats have been held to determine feasibility of obtaining water from Toledo.
- Yachats, Southwest Lincoln Water District and Waldport are evaluating the potential for cooperative water efforts particularly for emergency needs.
- We are on track to have a revised Water Conservation and Management Plan ready

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for submission to the State Water Resources Department by July 1.

- We are excited by the potential for a raw water holding pond to be developed across the river from the water treatment plant. This would significantly impact our ability to provide adequate water through the dry months.
- A task force has been formed to study alternative means of funding The Commons.
- A task force is in formation to work in conjunction with ODOT to tie together the Village Circulation Plan, the work of the Gateways committee, the parking study committee and traffic calming for highway 101.
- We have identified and applied for a major grant from State Parks for the trail system. Additional grants are also being sought.
- I've had informative meetings with State Parks, U.S. Forestry Service, Water Resources Department, Coastal Mayors and the League of Oregon Cities.

There is plenty to be done. Suggestions, concerns or criticisms will always receive consideration. Come see us during Council office hours, Mondays from 9 am to 11 am. Thanks for your interest.



NOXIOUS WEED ORDINANCE AMENDED

On April 12, 2001 City Council adopted Ordinance 222, which amended Municipal Code Section 5.08.110. Following is the

text of the code, which will be effective on May 12, 2001.

A. No owner or person in charge of real property shall permit, grow or allow noxious vegetation to grow on the property. Noxious vegetation is declared a nuisance, and its presence is non-conforming with the Yachats Comprehensive Plan. Some species of noxious vegetation are declared public health hazards.

B. The owner or person in charge of real property shall abate noxious vegetation from the property, and do so in a manner that will prevent weeds and other noxious vegetation from going to

seed or propagating by other means. The owner and the person in charge shall be jointly and severally liable for the cost of abatement and may be liable for personal injury or damage resulting from the presence of noxious vegetation knowingly propagated on their property.

C. For purposes of this section, "noxious vegetation" is defined as: introduced "weed" species and native vegetation that is, or is likely to become

1. A health hazard, including plants such as Scotch Broom and others that may seasonally cause severe allergic reactions, and plants such as Poison Hemlock which is extremely toxic if ingested. Any such vegetation shall be prima facie evidence of a health hazard.

2. A fire hazard, including native and introduced grasses, bushes, weeds or other noxious vegetation allowed to grow in vacant lots or other open areas. Any such vegetation shall be prima facie evidence of a fire hazard.

3. A traffic hazard, including the presence of trees, bushes, or other tall vegetation that impairs the view of the public thoroughfare, street corner, path, or trail making use of the thoroughfare hazardous. Any such vegetation shall be prima facie evidence of a traffic hazard.

4. An invasive vegetation competitive with, and destructive to native vegetation and desired landscape and garden plants.

5. A regionally abundant weed of economic importance and which is listed as a noxious weed by Oregon State Department of Agriculture Weed Control Board "B" list and other designated weeds. Of significance, or potential significance in the Yachats area are the following:

- a. Canada thistle
- b. French broom
- c. Gorse
- d. Himalayan blackberry
- e. Japanese knotweed
- f. Poison hemlock
- g. Purple loosestrife
- h. Scotch broom
- i. Waterweed (Elodea)
- j. Tansy ragwort

D. No owner or person in charge of property shall allow noxious vegetation to be on property or in the right-of-way of a public thoroughfare abutting the property.

E. An owner or person in charge of property, and including any property in the right-of-way of a public thoroughfare abutting the property, shall cut down or destroy noxious vegetation determined by the city to be necessary if it is or to prevent it from becoming a health or fire hazard, or, in the case of

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weeds or other noxious vegetation, from invading an environment otherwise occupied by native vegetation or ornamental plants not listed as noxious vegetation by a County of State Weed Board.

F. Questions regarding vegetation identification and methods for the control or eradication of noxious vegetation shall be referred to the Lincoln County Vegetation Management Committee or to the Oregon State Department of Agriculture weed control division, and to the Oregon Revised Statutes, Chapter 570.

WATER EMERGENCY CURTAILMENT ORDINANCE GETS FIRST READING

City Council read Ordinance No 222 for the first time at the meeting on April 12. The ordinance will amend the Yachats code to provide the manner and method of declaring a potential water shortage emergency condition. It will also provide for the prohibition or restriction of the use of water for certain purposes once that emergency is declared.

Mayor Corbin explained this is one of the requirements of the City's agreement with the Oregon Water Resources Department.

City Attorney, Mike Dowsett, explained that he had modified the original draft that had been on file in the City offices so he recommended that the City Council read the ordinance for the first time at the April meeting and have the second reading and adoption at the May meeting. Dowsett said that in the interim he will submit the modified draft to the Oregon Water Resources Department and the consultants who are working on the water and sewer master plans. The ad-hoc committee that developed it will also be given the opportunity to comment. If they make any suggested changes, those will be added to the final draft, which will be filed with the City office for public review before the next meeting.

Councilor Sue Smith said that she would like to see the committee review the requirement that all users reduce their normal usage by a certain percentage during a Phase 3 emergency because it penalizes the consumers who already conserve.

The ordinance will be read again and considered for adoption at the May meeting.



LONG RANGE FINANCIAL PLANNING FOR COMMONS DISCUSSED

Mayor Lee Corbin has formed a task force for the purpose of looking into new sources of stable long term funding for the Yachats Commons. Two meetings have been held and a schedule for the next three meetings has been established: April 26, May 10, and May 24 at 1 p.m. at the Commons building on Highway 101 in Yachats.

Any citizens from the greater Yachats area with input or suggestions to offer are encouraged to attend one or more of the meetings or write down suggestions/questions/concerns and send them to City Hall at PO Box 345, Yachats, 97498, attention Commons Funding Committee.

Suggestions being investigated range from privatizing the management; a special taxing district; grants; dues; merging the Visitors' Center with the Commons; a new rental rate schedule; selling off land; to a gas tax.

Committee members are: Joni Bicksler, Ed Pfannmuller, Jim Dutcher, Sue Smith, Cy Kauffman, Judy Taylor, and Marc LeBoss. Nancy Otterson, City Recorder, is providing historical, budget and legal data.

ALCOHOL USE POLICY LEFT UNCHANGED



Blythe Collins-Niskanen, Acting Chair of the Parks and Commons Commission reported to City Council that the Commission had reviewed the

alcohol use policy and decided that it should be acceptable as it stands. Collins-Niskanen said that the current policy requires that all OLCC regulations be followed.

Councilor Paul Plunk said that he still has a problem with the policy because renters are not supervised and there could be a big problem if someone said they wanted to rent for a family reunion and it turned out to be a

fraternity party. However, Plunk said that while he does not agree with the policy he would not make a motion to change it.

City Council agreed that because the recommendation was to leave the policy as is, no further action was required. City Council did approve the amended alcohol use permit application form that had been recommended by the Parks and Commons Commission several months ago. Approval had been tabled until the Commission could review the policy as well, in case changes in the policy would require further changes to the application form.



THE WHALE IN THE PARK FOUNTAIN WILL SPOUT SOON

Council approved

The Parks and Commons Commission recommendation that the Whale in the Park pressure pump be turned on from Memorial Day through Labor Day each year, and that while the pump is running, it be set a 1 minute intervals, with a 5-second cycle, for 12 hours per day. It was recommended that if the City should need to initiate phase 1 water curtailment, the pump be shut down until such time as the curtailment is lifted.



BUDGET COMMITTEE MEMBERS APPOINTED

City Council appointed Larry Nixon to serve a three-year term, and Marcia Callahan to complete a one-year term.

Nixon, who has served as a member of the committee in the past, also has experience as a member of the Public Works & Streets Commission and City Council.

Marcia Callahan has lived in Yachats for about two years. Callahan has budget preparation experience as part of her medical business office background.



IN OTHER CITY COUNCIL BUSINESS

} William Kennelly Ullman resigned from the Parks and Commons Commission.

} City Council approved an application for alcohol use in the Commons for a private birthday part.

} City Council agreed to wait until a job description for the Finance Committee has been drafted before filling the current vacancy.

} City Council reviewed their objectives and Goals for the year.

} City Council approved organizing a Spring Cleanup Day. Two large dump boxes will be placed behind the Commons one weekend in May. Citizens may use this opportunity to do a little spring cleaning and dispose of the items in the dump boxes. Yard debris and hazardous materials will not be accepted. **(Exact date to be announced later.)**

} City Council briefly discussed their entry in the annual La De Dah Parade.

} City Council briefly discussed challenging the census figures released because they are less than 10 years ago, and less than the Portland University figures. These figures affect the City budget because all State revenue sharing and tax allocations are paid per capita.

} City Council discussed pending State Legislative bills regarding room tax.



YACHATS CITY COUNCIL ANNOUNCES THE FOLLOWING VACANCIES:

1 - Public Works & Streets Commission

1 - Partial year Term ending December 31, 2001

2 - Planning Commission

1 - Partial year Term ending December 31, 2001

1 - Two Year Term ending December 31, 2002

2 - Parks and Commons Commission

2 - Two Year Term ending December 31, 2002

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Volunteers are required to attend the monthly meetings and may be asked to attend training sessions.

For a complete description of the duties and requirements, please ask at City Hall.

Those interested in serving on the Commissions can pick up a Volunteer Application Form at City Hall, 441 N. Hwy 101, between the hours of 8:30 am and 4:30 p.m.



A REPORT FROM THE CITY RECORDER - WATER METERS AND BILLING PROCEDURE

By Nancy Otterson, City Recorder

Currently the City is in the process of converting to electronic meters and a hand held computer system, which includes a touch wand for reading. Automated data entry of the meter readings is done by transferring the hand held to the office computer. Because of this, the process for meter readings will change slightly, as will the billing procedure. This month will be the first month the meters will be read using the new system.

The hand held computer system will help reduce the errors made in the field because the wand will automatically read the newer electronic meters (even when the meter is underwater) and safeguards built into the system will alert the operator if the manually entered readings are outside certain parameters and could therefore be erroneous.

Once all the old meters are replaced with electronic meters the touch wand will eliminate all human error.

After all the meters are read the hand held system will be connected to the workstation in City Hall and the meter reading data is transferred directly to the billing software. This eliminates ALL human error in the office. Under the old system the billing clerk would go through the meter book page by page and entered the data into the computer

manually - at which point the numbers could be mis-keyed.

WHEN THE CITY RECEIVES A QUESTION OR COMPLAINT ABOUT A BILL

the City Hall staff receives a complaint or question about a bill the first thing that the billing clerk does is check the book and the computer to make sure that it was not a mistake entering the information from the book. If it was - then an adjustment is made, the customer is told the correct amount to pay, and the staff offers an apology for the mistake.

If it is not a mistake made in the billing process then the meter is re-read to make sure that it was correct. If the reading was a mistake, then an adjustment is made, the customer is told the correct amount to pay, and the staff offers an apology for the mistake.

If the meter reading appears to be correct then the staff contacts the property owners to let them know that the billing is correct and we try to assist them in determining a cause. Some times, in the course of the conversation the customer remembers an unusual event that would account for the large billing. We provide them with information about simple things they can do to look for leaks such as putting food color in the toilet tanks and auditing their meter operations.

If the property owner finds a leak that did not go into the sewer system and lets us know that, we adjust the sewer portion of the bill.

Meters and the meter connections are checked by City crews if there appears to be a problem, and/or if the property owner requests it. If the meter is old and may be malfunctioning it is replaced.

Any property owner may request to have a meter tested. If the meter tests bad there is no charge. If the meter tests good the property owner is charged for the testing.

In all cases, the staff makes every attempt to find and correct a mistake or assist the property owner to determine the cause so that it can be fixed. Sometimes we just do not find a reason. There may have been a toilet that stuck open just once, there may be a leak that is so small it can not be found, or there

may be a leak that is located in an area that has enough natural drainage it never appears on the surface. Sometimes it may be unauthorized use, such as the time neighbor kids were filling water balloons (without permission) and left a faucet on for several days.

A recent problem (which we believe was related to a major water break in the main south of the bridge) affected over 20 homes, and it has taken us two months to put all the pieces together. Because it happened at the same time that meters were being read the problem showed up on some bills in February (March 1 bill) and some in March (April 1 bill). As the complaints came in, we attempted to deal with each in the normal manner. It was not until we received more information, developed a color coded map, contacted the meter vendors to ask questions, and did some brainstorming to find a pattern that we were able to see the "big picture." Once we realized that it was a widespread problem we calculated the necessary adjustments and wrote letters to all those affected to let them know. However, we still have some unanswered questions for which we may never have answers. Sometimes things just happen and the older meters are more likely affected.

In a recent memo to City Council, I suggested that after we have successfully completed the conversion to the hand held meter reading system and have used it for several months that Council consider replacing all the old meters. The 2001-2002 budget, if adopted as proposed will provide \$80,000 for this improvement to the system. The meters would pay for themselves in several years because readings that are more efficient will result in more accurate bills, and those bills are generally higher. We would see a major reduction in staff time for meter reading, billing, and complaint resolution. Sometimes dealing with a compliant can take hours and hours. Better customer relations is also a **very** important factor to consider.



COMMONS NEWS

Susan Garner, Commons Coordinator

The Commons has been undergoing incredible changes in the last year. A new stairway was built, closets were created, a new coat of paint has brightened up the building. Many thanks to the US Forest Service who awarded a grant for making these improvements. And many, many thanks to all those volunteers who consider this building such an important part of our community. It is difficult to imagine this town without this community center.

Even as changes have been made and are still going on, the Commons continues to be a focal point for many events and organizations. The Waldport High School and Middle School are both holding their prom and end of the year dance here. The Friends of the Commons are organizing another year of farmer's market at the Commons, beginning Saturday, May 26, Crafts on the Coast is also planning another great arts and crafts show for that weekend and several piano recitals and dances are scheduled for the coming months.

Parks and Commons Commissioner Barbara LeBoss is working on setting up a brown bag lunch and social time for the Commons with seniors in mind. A flyer should be coming in the mail for you to fill out.

Come to the Commons. Use the exercise equipment in Room 7, admire the children's art down the hall and come to some of the Big Band dances and other great happenings around the building. A weekly calendar is posted on the bulletin boards and every event has a crew of volunteers posting flyers around town to announce their event.

REMINDER: Farewell party for our esteemed Post Office manager Vergil Backes on April 28 from 2-4 pm.



THE NUISANCE ORDINANCE AND HOW THE CITY HANDLES COMPLAINTS

This time of year the City Hall staff starts hearing complaints about lots that are not maintained or trees that are blocking views, etc. It is the City's policy to first establish if the complaint is a public or private nuisance. If it is determined that the complaint effects a relatively few number, such as the immediate neighbor, in most cases it is considered a private nuisance. It is always best if neighbors can work things out amicably, so the complainant will be asked to contact the other property owner to request action, such as mowing the lot or trimming the tree branches. If the situation can not be worked out that way, or if the complainant does not get a response, the City will mail a complaint notice giving the property owner a limited time to correct the problem to the satisfaction of the complainant. If no action is taken, and if the original complainant wishes to continue the issue, a citation will be issued, and a municipal court hearing date set. At the hearing the original complainant will have the opportunity to make their case to the Judge. The majority of complaints received by the City are handled in this manner. In all past cases, a resolution has been worked out before a citation was issued.

If it is determined that the nuisance is a public one, testimony of the original complainant will be made a part of the record, and the City will act as complainant.

Yachats City Code - Section 5.08.060 - Maintenance of property

It is declared a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city:

A. To so maintain such premises as to permit the same to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes appreciable harm or is materially detrimental to proximal properties or improvements; or

B. To keep or maintain such premises so out of harmony or conformity with the landscaping and maintenance standards of adjacent properties, as to cause substantial diminution in the enjoyment, use or property value of such adjacent properties;

C. To keep or maintain a structure in such condition that it would be considered a "dangerous building" under the following definitions:

1. A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly

installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially susceptible to fire and which is so situated or occupied as to endanger any other building or property or human life,

2. A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or flammable substance of any kind especially liable to cause fire or other danger to the safety of such building, premises or to human life,

3. A structure which has been damaged by fire, earthquake, wind, flood or other natural force to a point that it is a danger to other buildings, property or human life,

4. A structure which is kept or maintained in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases,

5. A structure in such weak or weakened, dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse. (Ord. 174 § 10, 1995)

BUILDING PERMIT QUESTIONS

City staff frequently receives questions regarding the need for building permits for various home improvement projects. There are some types of projects that do not require a permit. Fences not over 6 feet high; accessory buildings not over 120 square feet or a height of 10 feet tall; patio covers; porches; sidewalks; driveways; and some decks are examples.

While these projects do not require a building permit there are many other factors that need to be considered before proceeding. A quick visit with the City Planner before you start could eliminate problems and additional expenses "down the road." Some things can be confusing. For example a deck less than 30" high does not need a permit, but if it is more than 8" high it must be considered when determining total lot coverage. Lot coverage, easements, set-backs, and safety concerns are some of the things the Planner may be able to help you with.

The City Planner is in Wednesday and Thursday from 9:00 to 4:30 each week and is available to discuss your plans before you start.