



CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

December 5, 2019

Draft Minutes

I. Meeting Call to Order

Mayor W. John Moore called the December 5, 2019 work session and regular meeting of the City Council to order at 9:30 am in the Multipurpose Room 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 and Clerk Kimmie Jackson. Audience: 17.

II. Discussion Topics

A. Council and Commission Rules

Mayor Moore recalled Council previously started revising the Council and Commission Rules but delayed that work until the completion of vacation rental work.

1. Council Rules

Mayor Moore reported the Contents section has not yet been updated.

Page 4, Item 1: Change “run the organization” to “administer, supervise, and lead the organization”

Page 5, Item 2.5: Change work session meeting day from Wednesday to Thursday

Page 6, Item 3.1.6: Strike from the last sentence, “and their remarks shall be limited to the question under discussion or agenda items.”

Page 7, Item 3.2.1: Replace “The following items” with “The following actions”

Page 8, Item 3.3: Change to “has adopted the latest edition of Modern”

Page 8, Item 3.2.5: Discussion of posting location. No changes made.

Page 10: Item numbering should be:

3.4.1 Consent Agenda

3.5 Public hearings

3.6 Voting Procedures

3.7 Duty to Vote

3.7.1 Reconsideration of Actions Taken

3.7.2 Absentee Voting

1 Page 10, Item 3.8: Mayor Moore noted he included a statement to request input from
2 Commissions in November before the January goal setting session.
3

4 Page 11, Item 3.8.1: Vaaler suggested deleting the statement about ranking the goals. Kerti
5 favored the idea of having a more modest list rather than prioritizing a long list. Vaaler did
6 not favor limiting the number of goals. Council agreed to strike in the third bullet: "Council
7 shall rank the goals in priority order."

8 Page 11, Item 4.2: In third sentence, change "before the meeting" to "after the meeting"

9 Page 11, Item 4.3: Change the first sentence beginning with, "All agenda packets..." to
10 "City staff will make the best effort to post electronic packets to the City's website and the
11 document library one week before the Council meeting."

12 Page 11, Item 4.3: Delete the second sentence beginning with, "An email will be sent..."
13 Manager Beaucaire suggested Councilors to sign up for notification of packet posting to the
14 website through Notify Me

15 Page 11, Item 4.1: Change heading from "Deadline" to "Public Submission"

16 Page 11, Item 4.1: Change to read, "Public submission of topics for inclusion on future Council
17 agendas shall be submitted to the Mayor and/or City Manager for consideration."

18 Page 14, Item 6.4: Glenn asked to update Administrative Policy 6 to match this language. Mayor
19 Moore indicated they were incorporating the Administrative Policies into the Council Rules
20 so that there would be no need for the Administrative Policy.

21 Page 14, Item 6.1: Vaaler asked for clarification on policy around minor edits. Mayor Moore
22 indicated some changes are made and were then sent to the City Attorney for further
23 revision. Change the last bullet point beginning with, "During public meetings..." to
24 "During public meetings, if Councilors suggest substantive edits to an existing ordinance,
25 amendments to the ordinance shall be prepared and reintroduced."

26 Page 15, Item 6.4: In second sentence of bullet beginning with, "Councilors should never express
27 concerns..." change "about staff performance" to "about staff or contract resource
28 performance"

29 Page 15, Item 6.4: In last bullet point, delete the last sentence, "All emails must be copied to the
30 City Manager for retention purposes." Kerti suggested moving this bullet point to Item 6.1
31 on General Conduct. Council agreed this bullet point should be moved to Item 6.1.

32 Page 15: Add a new section 6.5 Sanctions. Mayor Moore read a paragraph on details of
33 sanctions for violations of these rules. Vaaler suggested an edit on the last sentence where a
34 semi-colon after "allegation" should be a comma. Change "the findings" to "any
35 investigation and findings."

36 Page 15-16: Renumber existing 6.5 to 6.6 and existing 6.6 to 6.7.
37

38 Vaaler asked about who can contact the City Attorney, noting that current rules stipulate only the
39 Mayor and Council President can contact the attorney directly. Mayor Moore noted the other
40 three Councilors have the right to call an executive session on personnel or to add an agenda
41 item. Council agreed that no changes to the document were needed.
42

43 Kerti asked where Exhibit B originated and asked if it was adopted in the August 2018 revisions.
44 Manager Beaucaire explained the memorandum was from 2017-18 and it was adopted though a
45

1 resolution for the Council Rules on August 1, 2018.

2 3 **2. Commission Rules**

4 Mayor Moore noted the contents has yet to be updated.

5
6 Section 3.1: Mayor Moore highlighted the new language on Commissions sending their slate to
7 Council in November for Council appointment in December.

8 Section 3.4.1: Mayor Moore explained there were members of Commissions going to the City
9 Manager about their requests when those requests were not necessarily that of the entire
10 Commission.

11 Section 3.4.1 first bullet: Change “between the Commission and the City Manager/Council” to
12 “between the Commission and the City Manager/Mayor...” Council further discussed the
13 role of Council liaison on the Commissions and Committees. Glenn had concern about
14 speaking for the Council during these other meetings. Minute Taker Anderson clarified that
15 only Commission Chairs are to speak to City Manager or Mayor about Commission
16 business. Manager Beaucaire added that Council will be discussing roles at the goals
17 workshop in January 2020.

18 Section 3.4.1, Bullet 6: In bullet beginning with, “State the nature...” insert the word “suggest”
19 into the phrase as follows, “and if a vote is needed, suggest the language...”

20 Section 5.21: Change “The members of the Commission may receive...” to “The members of the
21 Commission shall receive...”

22 Section 5.14: Change “City Council shall designate a city staff” to “City Manager shall designate
23 a city staff”

24 Section 5.23, Bullet 3: Change “Maximize income” to “Enhance income”

25 Section 5.23, Bullets 9 & 10: Kerti noted the reference to the Village Circulation Plan and asked
26 how that might relate to a future Transportation Safety Plan. Mayor Moore indicated he
27 could review the items addressed to ensure appropriate items were assigned to the Public
28 Works and Streets and Parks and Commons Commissions.

29 Section 5.31, Bullet 3: Change “The members of the Commission may receive...” to “The
30 members of the Commission shall receive...”

31 Section 5.33: Glenn noted there was roles forthcoming from the Emergency Preparedness
32 Committee that falls under Public Works and Streets.

33 Kerti noted the document indicates Public Works and Streets serves as sponsoring Commission
34 for Emergency Preparedness. Kerti suggested they have similar statement for Trails under
35 Parks and Commons. Mayor Moore indicated he would make the change.

36
37 Vaaler recalled when Council was considering revisions to the City Charter, she and Kerti had
38 raised issues around how Council vacancies would be filled. She indicated she provided a draft
39 to the Mayor about what she was suggesting. Mayor Moore reviewed what the Charter currently
40 stated. Mayor Moore indicated he has asked the City Manager to get an opinion from the
41 attorney about a situation where three Councilors become unavailable so that there would be no
42 quorum to appoint replacements.

43
44 Mayor Moore closed the work session at 10:43 am.
45

1
2 **REGULAR MEETING**

3 Mayor Moore opened the regular meeting of the City Council at 10:50 am.
4

5 **III. Announcements, Correspondence and Proclamations**

6 Glenn announced that Breakfast with Santa will be on Saturday, December 7, 2019 at the Lions
7 Club at 9:00 am.
8

9 Mayor Moore announced the City Tree Lighting ceremony will be at 5:00 pm on Friday,
10 December 6, 2019.
11

12 Vaaler announced that the Little Log Church was having a reading of A Child's Christmas in
13 Wales at 7:00 pm on Friday, December 6, 2019 and a classical guitarist concert at 7:00 pm on
14 Saturday, December 7, 2019.
15

16 Kerti announced the Annual Solstice Bonfire will be at 4:30 pm on Saturday, December 21,
17 2019.
18

19 Tooke stated the Yachats Presbyterian Church had a fundraising event for the Food Pantry that
20 featured the Eugene Glee Men.
21

22 Ginny Hafner announced the Presbyterian Church will be having their holiday concert on
23 Sunday, June 9, 2019.
24

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

26 1. Carol Klopfenstein (Gridley IL) had concern about a property at 696 Pacific View Drive. She
27 noted this property has been used by the Apostolic Church. She indicated the church wanted to
28 form a nonprofit to manage the property. She wanted to clarify how this property would fit with
29 the City's vacation rental regulations. She indicated their attorney asked for a written statement
30 that the church would not be subject to the vacation rental regulation.
31

32 Vaaler asked for clarification on monetary remuneration for staying at the cabin. Klopfenstein
33 indicated there was a suggested donation, and she did not think had not been paying any transient
34 rental taxes. Vaaler read from the church's website about the mission of the cabin and clarified
35 this was an accurate description of the use of the cabin.
36

37 Glenn indicated he had a question as to whether being a nonprofit exempted a property from
38 being a vacation rental. Glenn asked if the church could provide a financial statement on
39 revenues received and how that money was expended.
40

41 Mayor Moore indicated Council would discuss this matter at either the second December
42 meeting or the first January 2020 meeting.
43

44 **V. Proclamations**

45 Mayor Moore read a proclamation noting the recent passing of Barbara E. Frye and honoring her
46 for her service and dedication to the community and her profession. He indicated all flags in the

1 City of Yachats be flown at half-staff beginning at sunrise on Friday, December, 6, 2019 and
2 ending December 6, 2019.
3
4

5 **IV. Public Comment - continued**

6 2. Nathan Bernard (Yachats River Road) recalled the Council had previously had a goal of
7 working with agencies on promoting tourism. He noted he recently attended a tourism
8 conference for the Central Coast region and noted there was no City representative at the
9 meeting. He indicated Jesse Dolan has been the lead for this group. He noted a goal for energy
10 saving measures and asked if there had been any progress on assessing energy efficiency for the
11 City. Manager Beaucaire indicated CLPUD did an audit for the City buildings and noted
12 Ameresco was a possible resource if additional work was needed. Bernard asked if there had
13 been progress in acquisition of or protection of the watershed. Mayor Moore indicated there
14 were other agencies working in this area. Tooke reviewed some of the recent work by the Mid-
15 Coast Water Partnership. Manager Beaucaire stated the City was working on its water master
16 plan. Bernard asked if anything had been done about emergency ingress/egress and asked that
17 the multiple east routes out of the City be included in any planning. Mayor Moore stated he
18 planned to discuss this issue with the Emergency Preparedness Committee in the coming year.
19 Bernard offered to lead tours of the eastern exit routes.
20

21 **VI. Consent Agenda**

22 No consent items
23

24 **VII. New Business**

25 **A. Receive FY Audit, FY17 & FY19 URD Audit**

26 The City's auditor, Teresa Hanford, handed out three audit reports for the City FY19, the URD
27 FY17, and URD FY19.
28

29 Hanford referred to pages 4-5 in the URD FY17 audit report and noted the opinion indicated it
30 was unmodified, which was the desired result. She noted on page 22 there were no findings of
31 problems or inaccuracies.
32

33 Hanford noted the opinion was unmodified for URD FY19. She noted on page 12 that was a
34 positive net change of over \$100,000. Vaaler clarified that the City could try to combine
35 expenses for multiple years so that annual audits were not required. Hanford stated this policy
36 was appropriate.
37

38 Vaaler noted the report indicated the accounting was based on a modified cash basis, but that
39 was not one of the acceptable standards. Hanford reported there were more cities going to a
40 modified cash basis because it more closely mirrored the budget and was easier to understand.
41 Hanford stated it was her understanding they would go back to GAAP compliant accounting in
42 the next year.
43

44 Hanford noted on page 8 of the City's FY19 audit that the opinion was unmodified. She
45 highlighted two positive findings on page 11: 1) There was a \$1.9 increase of net position and 2)
46 there was an increase of \$137,000 in the General Fund. She highlighted on page 75 on

1 compliance and internal controls that controls have improved and the City had progressed from
2 two to one significant finding. The one finding (page 77) was typical for smaller cities.

3
4 Vaaler asked about the decrease in liabilities. Hanford suggested some of this change could be
5 due to the change in accounting systems. Vaaler clarified the reasons for the net position
6 increase was due to both property values and the change in accounting. Hanford explained other
7 differences that come from transitioning from GAAP to modified cash systems.

8
9 Manager Beaucaire explained that Resolution 2019-101 included the information that the City
10 needed to file with the State regarding the one finding in the audit report.

11
12 Vaaler asked about the statement, “As auditors, we were requested...” which was not consistent
13 the resolution being a statement from the Council. It was noted the entire whereas clause was a
14 direct quote from the audit report.

15
16 Glenn moved to approve Resolution 2019-101 adopting a plan of action and response to the audit
17 findings of the auditor’s report for fiscal 2018-2019 financial statements: Aye – 5; No – 0.

18 19 **B. RES 2019-94 Commission Appointments**

20 Mayor Moore read Resolution 2019-94, noting the date change from December 18 to December
21 5, 2019

22
23 Tooke moved to approve Resolution 2019-94 on Commission reappointments: Aye – 5; No – 0.

24 25 **C. Gimlet Emergency Access**

26 Manager Beaucaire reviewed the situation with the gates on Gimlet Lane. She highlighted this
27 section of Gimlet was never intended to be for vehicular access. She explained the current
28 recommendation was to keep the road under the homeowner’s association and install signage
29 indicating it was a private road. Vaaler reported she reviewed boxes of materials and reviewed
30 the documents with the City Manager.

31
32 Vaaler moved that: 1) the City erect signage on city property at locations and with verbiage
33 determined by the City Manager taking into account the recommendations from the City
34 Attorney and Public Works indicating that the portion of Gimlet Road not accepted by the City is
35 private and steep and that caution is needed and that one proceeds at one’s own risk; 2) the City
36 turn over keys to the yellow gates to the Blackstone Homeowners Association; 3) the City
37 Manager is instructed to have her staff continue working on obtaining utility easements for City
38 Access; and 4) The City encourages the Blackstone Homeowners association to work with the
39 Yachats Rural Fire Department to encourage safety, including ensuring the Fire Department has
40 up-to-date keys for any locks: Aye – 5; No – 0.

41 42 **VIII. Other Business**

43 **A. From the Mayor - none**

44 **B. From the Council – none**

45
46 **C. From Staff**

1 Manager Beaucaire reported that they had a teleconference with the individual now overseeing
2 the ODOT Quick Response Program. She reported this person had questions as to whether the
3 projects were appropriate for the Quick Response Program and will get back to the City on the
4 appropriateness of the projects.

5
6 Mayor Moore adjourned the meeting at 11:44 am.
7
8

9 ATTEST:

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14
15 _____
16 W. JOHN MOORE, Mayor
17

18 _____
19 Shannon Beaucaire, City Manager

Date