



CITY OF YACHATS
CITY COUNCIL MEETING
May 20, 2020

Approved Minutes

Meeting Call to Order

Mayor W. John Moore called the May 20, 2020 regular meeting of the City Council to order at 2:06 pm in through the Zoom meeting platform. Council members present: W. John Moore, Max Glenn, Jim Tooke and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire and Deputy Clerk Kimmie Jackson. Audience: 15.

I. Announcements, Correspondence, and Proclamations

Mayor Moore read a proclamation in honor in Honor of Betty Bahn for her service to the Yachats Community and declaring her a "Laureate Yachatian."

Mike Bahn, Ms. Bahn's son, thanked the Mayor and City for this honor.

Mayor Moore read a proclamation declaring May 2020 as Older Americans Month.

Mayor Moore explained participants can respond via the chat feature or by raising their hand.

II. Public Comment

Bob Bennett, Chair of Public Works and Streets Commission, reported the Commission decided that it was not appropriate to schedule Clean Sweep at this time of the phased reopening in the City. He noted that people can contact Dahl about excessive amounts of yard debris.

Barbara Corchnoy (311 E 2nd Street) reported that the Drift Inn has been renting its units for several weeks, and she has reported this issue before. She reported she has spoken with some of the renters. She believed the Council would be derelict for not addressing this matter.

III. Consent Agenda

1. Minutes

- a. February 6, 2020
- b. February 19, 2020
- c. February 24 part 1 Special
- d. February 24 part 2 Special
- e. March 3, 2020
- f. March 13, 2020 Special
- g. March 23, 2020 Special
- h. March 23, 2020 Joint with Lincoln County/Cities
- i. April 23, 2020 Special

Vaaler indicated she would send minor corrections to Helen Anderson.

Councilor Vaaler moved to approve the consent agenda with corrections: Aye – 5; No – 0.

IV. New Business

A. Discussion of Phase I Reopening

Manager Beaucaire reported the City has entered Phase 1 of the reopening process where:

- Restaurants, retail shops, and personal services may open under conditions established by the Governor.
- Local gatherings are limited to 25 people without traveling.
- There is currently no public access to city facilities.
- The City is working on no-contact-checkout with the Library.

Manager Beaucaire noted staff are having trouble getting supplies necessary for protecting workers when the public returns.

B. Water Bill Appeal – Fistera Gardens Townhouse, Layne Morrill

Councilor Glenn stated he would excuse himself from this discussion and decision because of prior contact with Mr. Morrill.

Deputy Recorder Jackson reported Fistera Gardens had a leak discovered on February 21, 2020 when she noted a high value on their water bill. She indicated she called the management company (not local) who indicated they would handle it. She informed Public Works on the following Monday. She eventually contacted Mr. Morrill who did repair the leak. Jackson explained he was asking for relief for the amount over and above his regular usage. She stated the policy only allows for relief in the event of a natural disaster. Jackson noted previous administrations have provided relief for non-natural disasters and the current administration is asking that policies be followed. The policy requires that appeals must be made to the Council.

1 Manager Beaucaire noted she received a complaint about relief being given at random
2 so she initiated a form to complete for an appeal.

3 Mayor Moore noted the April 16, 2020 letter from Morrill was to reduce the amount by
4 half. Jackson stated that this letter came before his other request for the amount above
5 the average bill. Jackson provided the actual numbers from Morrill's spreadsheet. She
6 indicated that the average for February was \$522.61, so he was wanting to reduce the
7 bill from \$19,454.77 to \$19,027.14. He was asking for addition relief in March to get the
8 total down to \$3,053.13.

9 Manager Beaucaire noted his request for additional relief was prior to his April 16, 2020
10 letter. In an email dated March 5, 2020, he asked for relief so he would only pay
11 \$493.68 for the February 29, 2020 and only pay \$493.68 and for his March bill.

12 Mayor Moore reviewed Admin Policy 19 and stated Admin Policy 19 indicated there is
13 an allowance for water that does not go through the sewer plant. Mayor Moore reported
14 the water loss went into a storm drain. Vaaler clarified that the bill only lists charges for
15 water, but in actuality it is part water and part sewer. Jackson noted there was a charge
16 of \$8,421.42 for water and \$11,333.35 for sewer.

17 Councilor Tooke clarified that Morrill was asking for 50% relief from the bill.

18 Manager Beaucaire stated Council first needed to decide if they want to grant an
19 exception to the natural causes clause in Admin Policy 19. Vaaler noted this facility is
20 fairly new construction. She was not comfortable granting relief until Morrill has asked
21 his insurance company, the builder, and other possible sources for relief. Mayor Moore
22 speculated contractor liability only extends for one year. Councilor O'Shaughnessey
23 stated she would like for Morrill to report on what his insurance company has done
24 before she would make a decision. Glenn stated the City should follow its policy.
25 Tooke wanted more information and was not in favor of granting an exception at this
26 time. Tooke clarified that Morrill had not gotten back to the City about his other
27 contacts.

28 Glenn moved to direct the City Manager to have staff contact Mr. Morrill to determine
29 what support he would get from his insurance company and to provide written proof of
30 support or denial from his insurer and contractor: Aye – 4; No – 0 (Glenn recused)

31 **C. Discussion of Food Trucks**

32 Mayor Moore indicated that Linda Hetzler had a concern that food trucks had an unfair
33 advantage because food trucks do not have to provide parking, restrooms, other
34 amenities nor pay taxes that brick and mortar restaurants are required to provide.
35 Mayor Moore noted she had heard a person was planning to place food trucks in the
36 location of the old Landmark property. Mayor Moore indicated a person had provided
37 very preliminary plan for that site which did not involve food trucks. He reviewed some
38 responses he received from the Mayor's Association website, including:

- 1 • Differentiating food truck types
- 2 • Providing communal restrooms and facilities
- 3 • Time-limited servicing

4 Mayor Moore noted Waldport has not received complaints about the lot with the bike
5 shop, a coffee drive-through, and Chubby's.

6 O'Shaughnessey asked if this was an issue for the Planning Commission. Planning
7 Commission Chair Helen Anderson stated there were regulations in the Code about
8 mobile vending units, including:

- 9 • Getting permission from the property owner
- 10 • Have a business license
- 11 • Submit a description of operating characteristics, vehicular access, and parking
- 12 • Provide any other information required by the City.

13 Anderson noted the old Landmark property must provide parking for whatever is built
14 there and it was now subject to a 25-foot setback from the bluff.

15 Vaaler asked that the City be sure they were collecting the food and beverage tax. She
16 confirmed that food trucks could only be on commercial properties.

17 Glenn noted it sounded like food trucks were covered by the exiting code and
18 suggested the City could put language in the licensing process to indicate they should
19 be paying the food and beverage tax.

20 Anderson clarified that the City could requiring whatever they wish as part of the
21 licensing process or the Planning Commission could draft language for the code about
22 parking requirements and method of submitting proof of permission from the property
23 owner.

24 Barbara Corchnoy spoke in favor of having the food carts in the city and thought it was
25 a benefit to locals and tourists.

26 Vaaler stated she saw increasing interest in food carts in the City. She suggested some
27 group could draft a licensing application. O'Shaughnessey's primary concern was
28 about safety, noting one cart near a dangerous intersection. Tooke raised the issue of
29 having seasonal licenses or time-constrained licenses. Tooke recalled his experience in
30 the restaurant industry and suggested the City consult with stakeholders. He was not
31 opposed to food trucks but believed regulations needed further work. Glenn stated that
32 both of the existing carts were licensed, and suggested they move forward with the
33 licensing section, perhaps adding an addendum for food trucks to address permissions
34 and taxes. He was open to consideration of a limit on the total number of trucks.

35 Jacqueline Danos stated that a food truck was a great way for people to establish a
36 restaurant before they have full-funding to start a brick and mortar restaurant. She
37 favored the idea of having them in the City.

1 Manager Beaucaire screen-shared and read section 9.28.010.P of the Yachats
2 Municipal Code. She noted the vendor is notified that they are required to pay the food
3 and beverage tax as part of the licensing process.

4 Vaaler asked about the liability that the City might assume from carts. Manager
5 Beaucaire indicated that the liability would be the same as a brick and mortar business.

6 Tooke elaborated on the perspective of existing restaurants trying to reopen now with
7 limited capacity and the impact food trucks would have on their business.

8 Councilors decided not to make any changes or take action at this time.

9 **V. Reports**

10 **A. Financial Report**

11 Manager Beaucaire summarized:

- 12 • There was an issue with the food and beverage tax that occurred when
13 consolidating that had been resolved.
- 14 • Personnel expenses were previously put into a fund that was not visible, and
15 they were now working to integrate personnel allocations to the different funds.
- 16 • The beginning balances are the audited balances.
- 17 • They were trying to better track IT costs.

18 Vaaler suggested they explain to the public how the beginning balances were
19 established. Manager Beaucaire explained the difficulty of getting the beginning
20 balances, noting that some funds never had beginning balances as they were rolled into
21 one broader category. Groth explained all but a few beginning balances were the
22 beginning balances from the audit as of June 30, 2019. He indicated the April
23 statements have 100% agreement with the audit. He stated the audit converted the City
24 to a cash balance, and they would need to make additional decisions by the end of the
25 fiscal year.

26 Vaaler asked about the contract expenses for Funds 660 and 670 which was at 104%
27 through March (9 months). Manager Beaucaire stated she would need to research the
28 details and suggested she could do this research prior to meetings if asked in advance.

29 Vaaler noted two different lines for transient lodging taxes in the 100's consolidated
30 funds. Manager Beaucaire explained that the restricted and unrestricted portions of
31 visitor amenities had different account numbers.

32 **B. Council Reports**

33 Mayor Moore reported he:

- 34 • Participated in three online meetings per week, including calls with the Small
35 Business Development Center, a weekly Lincoln County Emergency
36 Preparedness update, and a weekly Oregon Cities update call.

- Attended a Board of Directors meeting of the Oregon Mayor's Association on April 17, 2020
- Received call from Representative Caddy McKeown
- Received call from Congressman Schraeder's office

Glenn reported he:

- Attended weekly League of Oregon Cities meetings
- Participated in Board meetings of COG
- Participated in meetings with other cities and the county
- Talked to local business about resources
- Administered the two Yachats community Facebook pages
- Participated in weekly meeting with the Mayor and City Manager

Glenn asked about a request from National League of Cities to participate in a "Cities are Essential" campaign to get the US Congress to support funding for small cities.

Glenn moved that the City of Yachats endorse the National League of Cities "Cities are Essential" campaign: Aye - 5; No – 0.

Vaaler reported she:

- Attended via Zoom the Public Works and Streets Commission May meeting
- Was attending the League of Oregon Cities meetings until she joined the Friday morning meeting on City reopening
- Has had zoom meetings with the City Manager most weeks.

C. City Manager Report

Manager Beaucaire noted there has been a lot of information arise since she wrote her report:

- The municipal judge has resigned, and she has contacted the City Attorney about the best practices to move forward. The attorney recommended contacting other cities to see if their judge would be willing to serve;
- The Small Cities Allotment grant program has opened and they are preparing applications;
- She has formed a team with representatives from the restaurant industry, the lodging industry, finance, and epidemiology to discuss ways to safely reopen. She highlighted some of their work, including the likelihood of resistance to wearing masks and how they can help businesses deal with that resistance. She noted option of not selling to people who do not wear masks and providing information on why it is important to wear a mask. Drew Roslund had his marketing team prepare a poster indicating, "No shirt - No shoes - No mask - No service," which has been sent to businesses. She also got packets and posters

1 form Lincoln County on keeping the workplace safe. They have gotten word out
2 that these materials are available;

- 3 • As lodging reopens, they have to complete a reopening application form per the
4 order from Lincoln County. The form is available on the County website. She
5 explained while they receive the plans, they are not necessarily reviewed by
6 health authorities;
- 7 • They have been getting complaints about people engaging in short-term rentals
8 during the ban. Most owners are saying the occupants were family members.
9 She suggested they revisit third-party vendors for software to monitor rental
10 compliance. She also suggested they ask the Code Enforcement Officer to work
11 on some weekends. TCB, the code enforcement provider, indicated they could
12 provide weekend support with a reasonable additional cost. She indicated the
13 Code Enforcement Officer needed to be in office at least one day each week as
14 he has been very helpful.
- 15 • They have heard concerns that 4th of July will bring many people and illegal
16 fireworks. She learned that State Parks are reluctant to close parks to the
17 general public. With staff reductions, they were not sure how they could increase
18 patrols. TCB indicated they could provide security for about \$250 to \$500 for the
19 4th.

20 Manager Beaucaire asked Council if they had a preference for who takes the lodging
21 reports. Vaaler thought the County would be appropriate as it saves staff time and the
22 City would get a notice of the filings. Council agreed to have the County receive the
23 applications.

- 24 • Manager Beaucaire reported the City has submitted an application for \$23,000 of
25 reimbursement from the Cares funding from the state for smaller cities.
- 26 • The City planner contract expires of June 30, 2020. The City has an
27 intergovernmental agreement with the Council of Governments (COG) to get
28 Coastal Planner. Hiring for this position has been on hold due to COVID. COG
29 will be doing all planning for the City as of July 1, 2020.
- 30 • She also noted a visitor center report that came in late.

31 All Councilors supported having a security presence from TCB on July 4, 2020. All
32 Councilors agreed it would be appropriated to shift the code enforcement days from
33 Tuesday/Wednesday to Tuesday/Saturday. Vaaler stipulated her vote was contingent
34 upon the increase cost being reasonable.

35 Mayor Moore clarified the State funding for the Small Cities grant program was fully
36 funded again and expressed pleasure that funding was not being cut back.

37 Manager Beaucaire stated there is an agency willing to submit an application for a grant
38 to create a climate resiliency plan. This work would require no staff time or funding. She
39 has authorized the group to submit a grant application on the City's behalf.

1 **VI. Other Business**

2 **A. From Mayor – none**

3 **B. From Council**

4 O'Shaughnessey asked about the cost of the heating unit being installed. Manager
5 Beaucaire stated the estimate was for \$48,000. She added there will be a \$3,500
6 rebate.

7 O'Shaughnessey asked for an update on the City's loan program to local businesses.
8 Manager Beaucaire stated two people have applied and \$8,000 has been allocated.
9 Mayor Moore added they submitted application for a matching funds grant from
10 Business Oregon.

11 **C. From Staff**

12 Manager Beaucaire stated the Governor's declaration of emergency has been extended
13 to July 6, 2020. Manager Beaucaire noted City's emergency declaration expires on
14 May 31, 2020. She has asked for clarification on whether the emergency declaration is
15 needed to get funds from Federal or State resources. She noted the City's declaration
16 gives her the authority to extend the declaration in two-week increments. Mayor Moore
17 suggested Manager Beaucaire proceed with a two-week extension, and Council should
18 have an answer about the necessity by the next Council meeting.

19 Vaaler asked that they get an answer as to whether they have a need for the extension
20 before making a longer extension. She noted Council can meet when needed.

21 Glenn moved to extend the emergency declaration to July 6, 2020: Aye – 3; No – 2
22 (O'Shaughnessey and Vaaler).

23 O'Shaughnessey reported she saw very few people in town following social distancing
24 or wearing masks. She stated they needed more ways to let people know that Yachats
25 believes in wearing masks and social distancing. She suggested using the reader
26 board, contacting vacation rentals, and having table tents at restaurants. She stated the
27 City needed to lead by example. Glenn supported O'Shaughnessey's concern. Glenn
28 reported he received note from George at the Mercantile on people coming in without
29 masks. Mayor Moore hoped business will display the "No shirt No shoes No mask"
30 signs.

31 Vaaler asked about the advisory committee's suggestion for a quirky way to get the
32 message out. Manager Beaucaire reported there is a possibility of getting A-Frame
33 signage or something like that. She indicated they were exploring the idea of getting
34 banners like the locals create each summer.

35 O'Shaughnessey praised Blythe Collins and George Mazeika for their work to keep the
36 farmer's market safe. Mayor Moore stated he was pleased with market operation.

1 Tooke stated the City was involved in an uncontrolled experiment, and he expected they
2 would know more in two to three weeks about whether the virus was remaining
3 contained.

4 Glenn suggested they could have masks for sale in prominent areas. O'Shaughnessey
5 reported many stores have disposable masks for sale for \$1, and she thanked the
6 Ladies Club for making masks for the Farmers Market.

7 Glenn expressed appreciation for Mayor Moore and his presentation filmed by
8 Information Station that shows his leadership and ability to create confidence in the
9 community.

10 Mayor Moore adjourned the meeting at 3:53 pm.

11
12 ATTEST:

13
14
15
16 _____
17 W. JOHN MOORE, Mayor

Shannon Beaucaire, City Manager

18
19 Date: _____