

1 CITY OF YACHATS
2 CITY COUNCIL WORK SESSION
3 February 6, 2017
4 Minutes
5

6 Council members present: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, Greg Scott and
7 Max Glenn. Staff present: Water Department Lead Rick McClung, Wastewater Department
8 Lead David Buckwald and Facilities Manager Leon Sterner. Audience: 14.
9

10 **I. Call meeting to order.**
11

12 Meeting was called to order at 9:33 am by Mayor Gerald Stanley.
13

14 **a) Council work sessions and regular meetings days and times**
15

16 Mayor Stanley announced that the Council had decided on meeting the first and second
17 Wednesday of the month, starting in March. Councilor Barb Frye said she has a conflict with
18 the February 9 meeting, but will call in for that 2pm meeting. On March 8, she will also call in, if
19 the meeting is held earlier than 2pm. Meeting time was changed to begin at 12:30, and she will
20 call in. On May 3, she will also be out of town, but will call in at the regular time of 9:30am.
21

22 Councilor Frye asked how long they will be doing surveys about evening meetings. Councilor
23 Greg Scott said there is a problem with the survey, there's no way to stop people from voting
24 more than once. All the information is coming from social media and it appears that someone is
25 "loading" the results, so he doesn't trust the numbers. He wants to talk with the City Manager
26 about it. Councilor Max Glenn said he is comfortable with going with just the change to
27 Wednesdays for right now. Mayor Stanley offered a possible option of a paper vote. Councilor
28 Frye reiterated that they will stay with the schedule of 9:30am the first Wednesday and 2pm on
29 the second Wednesday of each month, until further notice. Councilor Glenn added that the first
30 Wednesday will include both the work session and a regular action section for voting, if needed.
31 Mayor Stanley pointed out that they did not have the previous meeting minutes, since the City
32 Manager is ill, so he suggested just letting it go until the next meeting.
33

34 **b) Attendance at meetings (OCZMA, OCWCOG, LOC, CIS, LGIP); absences**
35

36 Mayor Stanley requested the council member associated with each group discuss briefly what it
37 is. OCZMA is the Oregon Coastal Zone Management Association; no one presently on the
38 Council is associated with it, and no one has attended the meetings for quite some time.
39 Councilor Glenn thought the primary focus is marine reserves. Councilor Frye said it is a
40 voluntary non-profit organization that meets quarterly, with concerns about coastal issues. Tom
41 Lauritzen pointed out that their mission statement says they conduct studies on the Oregon
42 Coast economy. Mayor Stanley agreed to be the point person for this group.
43

1 OCWCOG is the Oregon Coast West Cascades Council of Governments. Councilor Glenn is on
2 the board and they meet once a month. Tri-Counties includes Lincoln, Linn and Benton
3 Counties. Councilor Glenn attends those. LOC is the League of Oregon Cities; Mayor Stanley
4 and Council Tooke both went to an ethics training. Councilor Frye said she and Councilor
5 Glenn had attended the same training when they joined the council and it was valuable.
6 Councilor Glenn pointed out that the City Manager also attends LOC events.

7
8 Councilor Scott explained that CIS is City/County Insurance services. Councilor Scott said this
9 is a non-profit agency that staff deals with in regard to pooling of resources and insurance, as is
10 LGPI (Local Government Personnel Institute), which can provide free legal advice on certain
11 matters. Mayor Stanley said he added a couple more agencies to the list, including the Local
12 Public Safety Coordinating Council, a bi-monthly meeting of all law enforcement and Lincoln
13 County mayors, chaired by the district attorney. The group talks about legal issues and
14 protecting citizens in the county, and has created a subcommittee on mental health.

15
16 Councilor Frye spoke regarding transportation meetings, saying there are about four of them but
17 the main one is related to the grant for the transportation Yachats to Florence. There is a
18 county-wide group and another park & ride group. She will check into each of them to see which
19 ones are pertinent to Yachats; she won't be attending all of them. Mayor Stanley asked about
20 the Angell Job Corps group, and Councilor Glenn said he belongs to that community relations
21 advisory committee. They meet once a quarter with AJC management, which is helpful in
22 working on community relations. They are trying to get the culinary program back, and are
23 working with Senator Wyden and the Forest Service about that.

24
25 Mayor Stanley asked if there are any other council members on a committee outside of the City
26 context. Councilor Frye is a part of the Lincoln Community Health Center Council and Lincoln
27 Community Health Center Quality Assurance sub-group, and is having meetings with the
28 director. Councilor Glenn said he is a member of the Lincoln Community Land Trust, along with
29 County Commissioner Bill Hall, as well as the Lincoln County Social Services Grant Committee
30 that convenes once a year to read all the applications in regard to social service grants and how
31 to divvy up the funds for these requests. Mayor Stanley will send an email out with a list.

32 33 **c) Budget Committee and budget officer appointments**

34
35 Postponed until further discussion with City Manager Davies.

36 37 **d) Housing development promotion and incentives**

38
39 Councilor Glenn and City Manager Davies participated in a webinar on a UGB expansion for a
40 pilot program regarding affordable housing. The concept is to expand the UGB to be used
41 exclusively for affordable housing. Yachats is on the list to be considered and if chosen,
42 technical assistance and staffing would be provided by the state. Final decisions will be made in
43 early 2018. Councilor Scott pointed out that changing the UGB would require a vote by the
44 citizens, so he believes there is a legal issue that needs clarification. Councilor Frye asked if a

1 grant had been applied for; Councilor Glenn said there has not been, and it is premature to stir
2 up people's thinking and hopes – or opposition – until we know there is a possibility of being
3 considered. Councilor Scott wants to find out whether a vote is needed. Councilor Tooke asked
4 about the Legislative bill that deals with that issue, and said he will research the topic.

5
6 **e) Vacation Rentals-review of program and needs**
7

8 Councilor Scott advised that he had met with Councilor Glenn and City Manager Davies, to
9 identify a set of vacation rental issues. They will ask Council for comments, to endorse or reject
10 any or all of these items. Then they will go back and work on further recommendations.

11
12 **Item 1 – Violation standards.** There are two standards for the code enforcement for
13 vacation rentals and one for all other code enforcement violations. A citation would be issued
14 on regular residences and they have a limited time to correct it. But with the vacation rentals,
15 there is a lengthy time for them to take care of it, and the same issues are seen over and over.
16 He said the City Manager had gone through the code enforcement files and found there were
17 three main issues for vacation rentals: parking, garbage and lights. Councilor Scott said asked
18 for the Council's agreement that this issue is worth pursuing. There was a consensus.

19
20 **Item 2 – Limited number.** This relates to discussions of the need for a cap on the total
21 allowed in the City. The numbers have remained stable for years, but there is some reason to
22 believe they are artificially inflated. Mayor Stanley said he had noticed that the total had
23 remained stable, and that the Council was not aware of ones that had actually ceased to be
24 rented out. He recalled that when the Council stated they were going to limit the licenses issued,
25 it created a panic amongst property owners. Councilor Tooke said he read a newspaper article
26 awhile back that said the number of Yachats vacation rentals is essentially equal to the number
27 in Newport, even though Newport is a much larger town. Councilor Frye said the proportion of
28 vacation rentals in proportion to regular rentals impacts available housing in the area. Councilor
29 Tooke asked if local agents have been involved. Council Scott said they will be invited later.

30
31 **Item 3 –** There is a perception of increased number of vacation rentals in R1 zones. Last
32 fall, there was a continued public hearing dealing with zoning changes for vacation activity in R1
33 zone, closed in December and not enacted. He would like to include it in current considerations.
34 It was listed as Ordinance 346 at the time. He asked his wife who was Planning Commission
35 President, and she said there were both pros and cons received during their process, mostly
36 similar to “not in my backyard”. This would require conditional use permits for vacation rentals in
37 R1 zones, affecting 9.04.030 would be changed, by defining a vacation rental and list it as a
38 permitted use. Tom Lauritzen stated he testified at the public hearing on that, and it did not
39 address when a vacation rental becomes a “business”. Lincoln City and others have tried to
40 quantify this, by examining the number of nights in use. He also pointed out the inconsistency in
41 the code between bed and breakfasts and vacation rentals. B&Bs require the owner to be there;
42 vacation rentals do not. So B&Bs are less impact on the City, but they have more stringent
43 regulations. Councilor Tooke said he gave information to the City Manager regarding a Bay area

1 company that deals with vacation rentals all over the US, starting at \$380 per year for base
2 service. Councilor Scott said he had seen that, but not checked into it.

3
4 **Item 4 –** Councilor Scott said there is a need for a better analysis of vacation rentals – a
5 service for a tracking system, specifically regarding complaints. This would be more towards the
6 active management side, to help the City understand what is happening within the vacation
7 rental system – where they are happening, for example. Councilor Frye agreed it needed to be
8 done, but cautioned to be aware of load issues for staff. Contracting out is appealing, she noted.

9
10 **Item 5 –** Are license fees appropriate? The group feels they are too low in regards to
11 covering administrative costs, but there is another factor. We have some indication that a few
12 people are just taking out licenses because they want to sell their home, and they want to
13 demonstrate that the property is approved as a vacation rental. One idea was to bump the
14 license fee to \$500 per year, to basically discourage that, and then the serious owners can get a
15 credit back against their tax the first year. Councilor Frye said she didn't know if the City should
16 make rules because they think someone has a "bad" intention, but agreed the fee is too low.
17 Councilor Scott said it is not about intention, but the fact that staff has to go through the whole
18 process, with the City not realizing any revenue for that effort. He asked her if she thought the
19 fee should be \$250, rather than \$500. She said it is not about the amount, but rather about not
20 getting involved in the owners' motivations.

21
22 **Item 6 – Monitoring licenses to single owner or family.** Currently, the code says that
23 a single owner "or family" can only have one vacation rental, to prevent businesses from coming
24 in and buying up a lot of properties. The City Manager had asked how that had ever been
25 monitored. Councilor Frye said the City should steer really clear of trying to define "family".
26 Councilor Scott said it's part of the code – how do we answer the question? Mayor Stanley
27 asked if there was anything indicating that the code has been violated; nobody knows.

28
29 **Item 7 – Adequate and transparent rental process.** That is a management issue.

30
31 **Item 8 – Valid email address requirement.** Staff only knows an address has changed
32 because they send out invoices for taxes or licenses, or notices, either by US mail or email, and
33 get them back. Staff has to spend time digging through to see if they can find a valid contact for
34 the vacation rental owner. We suggest putting this burden on the property managers. Councilor
35 Frye argued that she did not believe you can require people to have email. Councilor Scott
36 pointed out that they have already provided an email address, but then it changes or expires.
37 Councilor Frye wants to know if it is legal to require anyone to have email, if they don't want to.
38 Councilor Scott believes the City can require whatever they want for a license, but will ask.

39
40 **Item 9 – Summary.** There was a consensus that all the items need to be pursued.
41 Councilor Tooke asked if there was any consideration for Air BnBs. Councilor Scott said yes,
42 there are two currently under consideration, one license and one application. These come under
43 VR rules. Councilor Frye asked if the research group should include a vacation rental
44 management firm in meetings. Councilor Scott said they will be involved after the group decides

1 what the issues are and has a presentation. Councilor Glenn said his concern would be that he
2 didn't want to see a room full of angry people, as it has been in the past, but the subject is not
3 yet ready for public discussion. He said her point was well-taken, but they are not there yet.
4 Councilor Scott said he believed residents need to be involved, as well, in the discussions.

5
6 Mayor Stanley commented that it seems like a minority of people not following the rules makes
7 everyone be held to a stricter standard, as in so many cases. Councilor Frye argued that it was
8 a matter of people not knowing the complaint process. She said there were plenty of times she
9 could have filed a complaint about a vacation rental in her neighborhood, but did not.

10 11 **f) Yachats Public Network upgrade**

12
13 Councilor Scott has found an Oregon company that has a product that looks promising. He is
14 ready to ask for Council permission to proceed. He said at the last meeting that he thought a
15 budget of \$3,000 was in the ball park, and he is still thinking that is accurate. He needs to buy
16 two units for \$500 to re-wire The Commons, to eliminate hardware conflicts in the existing
17 system. If those prove successful, he will then buy 10 more, for a total of \$3,000. He wants
18 specific Council approval for funds. That will cover the library, the sewer plant, the office and the
19 Green Salmon, with a couple of units for spares. He suggests it be paid out of Visitor Amenities,
20 because it is a service to people visiting the community. Councilor Frye said that it is a great
21 idea, but wondered how to get the word out to the public. She had seen comments on Facebook
22 about where to get access to the internet, and didn't think people knew how it worked. Councilor
23 Scott said that the Green Salmon pays for DSL service. Originally, there had been one at Mari's
24 Books, but he had to pull it, because someone was pirating movies from that one. He had a
25 transmitter at JD's Cellular Service, also, but it was consuming too much of JD's band width, so
26 that was removed, too. The idea was to have it available in the downtown core, and the Green
27 Salmon was the next site choice. This is a mesh network, called the Yachats Public Network.

28
29 Mayor Stanley asked why Councilor Scott was asking for a Council vote on spending this
30 money. He said that it was not budgeted for, so he needed to ask for it. Councilor Frye said
31 there isn't really an IT line. Mayor Stanley said he thinks it could just be a decision of the City
32 Manager. Councilor Scott said that using Visitors Amenities funds is a touchy area. Councilor
33 Tooke asked if the Budget Committee needed to be involved. Councilor Scott said not for an
34 amount of this size. Councilor Glenn said the City was one of the first places to have Wi-Fi
35 access for tourists. He has seen many people sitting on a bench outside the library, or sitting in
36 their cars at certain places to pick it up. He is glad to be able to advise visitors that it is
37 available. Mayor Stanley said it seems like it is benefiting the citizens more. Councilor Scott said
38 most people have DSL service at home, so he didn't think so. The Mayor wanted to know at
39 what point the public would be consulted about such a thing. Councilor Frye said that the
40 Council is elected by the public to make such decisions. The meetings are here, if people don't
41 like it, they will say something. You know where the money went; you know it was discussed.

42
43 Tom Lauritzen said that the City Manager had pointed out to him that one of the big differences
44 between the way the City has been operating, and actual Oregon budget law ORS 294 requires

1 a supplemental budget only if the major caption changes by more than 10 per cent, for example,
2 would be, for “materials and services”, which might be 25 lines. She is of the firm belief that we
3 do far too many supplemental budgets. Following that logic, you would not need to vote. Council
4 Scott agreed with that, but said he is far more sensitive about the Visitor Amenities fund
5 because of what it is. Lauritzen said it needs to be used more often, because the City changed
6 the tax rate from seven per cent to nine per cent, and 70 per cent of that increase goes into the
7 Visitors Amenities Fund, for use as long as they generally fit the description. The Mayor asked if
8 there is a committee to advise the Council about what is part of the Visitors Amenities Fund, and
9 Councilor Scott said that there are State guidelines about things that cannot be done. He
10 explained they use the number of library cards that are issued to people who don’t live here, as
11 a ratio with all cards issued, to allocate a percentage of Visitors Amenities funds to the library.
12

13 Mayor Stanley said he was just sharing his own personal views, and doesn’t believe a council
14 has to always agree. He appreciated the councilors’ input. But in working on the County budget
15 for the past three years, he has observed that budget sections do tend to go over, and they
16 resolve that by looking at the larger category. He didn’t believe \$3,000 needed to be voted on.
17

18 **g) Friends of the Commons providing insurance coverage for small groups.**
19

20 Councilor Scott explained that the City Manager had discovered that all groups were not
21 covered by City insurance, as they had assumed. She suggested that Friends of the Commons
22 take over the groups for coverage, and it would also save the office from handling the cash that
23 comes in as donations. He suggested it be tabled until the City Manager is available. Mayor
24 Stanley was concerned that the decision may be time-sensitive, because an accident could
25 happen at any time. Councilor Scott pointed out that it can be postponed until Thursday, but
26 there is no down side to holding it even further. The Mayor said the down side would be if there
27 was an accident. Once Lunch Bunch found they weren’t covered, they acted right away.
28

29 Councilor Tooke asked who was in charge of the Friends of the Commons, and was advised it
30 is Rose Valentine. They are willing to step up and provide insurance for the small groups.
31 Councilor Glenn said the City Manager’s question was whether the cash donations could go to
32 the Friends, or not, in exchange for insuring them. Tabled until City Manager is available.
33

34 **h) Commissions/committees goals and purposes - Public Works & Streets**
35

36 There has been some confusion about their core mission, Councilor Scott explained, and it was
37 complicated when no one stepped up as chair, and three vacancies remain. Councilor Frye said
38 she sees it as a continuation of the committees/commissions group that was examining what
39 the purpose was for all of the groups. Councilor Glenn said he thinks the structure is a good way
40 for the public to participate in some of the basics of City process. He believes there needs to be
41 greater clarification on the role and function of some of them, but does not want to dissolve or
42 abandon any of them at this time. Mayor Stanley agreed and in general, really wants to support
43 the commissions/committees. Councilor Frye said they need to look at them and decide if they
44 need to be modified. Nobody feels that citizens should not be involved, but their role is not clear

1 and they sometimes feel frustrated with doing work and then never seeing it again. Now there is
2 a City Manager who can follow up. The Mayor said the commissions/committees belong to the
3 Council, not the City Manager. Councilor Frye said that was not what she meant, and used the
4 labyrinth project as an example. Councilor Scott said that the former public works director really
5 didn't want the Public Works & Streets Commission, which contributed to that commission not
6 understanding what their mission is. Without Bob Bennett at the head of it, the commission is
7 not understanding its mission. Councilor Scott pointed out that the City is a multi-million-dollar
8 entity, and there is no way for citizens to be involved in everything. By appointing seven
9 residents to each committee/commission, it involves the greater community.

10
11 The Mayor suggested appointing two council members to look into this in depth. Councilor Frye
12 argued that it is a lot more complicated than that. Councilor Scott said the City Manager has to
13 be involved, and she is currently "up to her eyeballs" in a number of operations matters.

14 Councilor Glenn said that in July 2016, when the matter had come before the Council, it had
15 been his desire to give the new City Manager time to examine each of these committees and
16 commissions. But now, people have not stepped up to fill vacant positions, and that may be
17 influencing the idea that they may not be necessary.

18
19 Mayor Stanley asked about two council members, other than Councilor Scott, stepping up to
20 examine the issues. Councilor Scott said that he believes not all commissions are equal, and
21 part of the City Manager's concern is her time, and specifically related to both the Library and
22 the Little Log Church & Museum. He wants to move the City towards program budgeting, and
23 this issue is involved in that, as well. Councilor Frye said it needs to be decided what group can
24 gather documents, talk to the commissions, do some of the preliminary assessment work. The
25 City Manager does not have to be a part of that. Mayor Stanley said he agrees with Councilor
26 Frye that a lot more research can come first. Councilor Scott said what he is hearing sounds like
27 a bottom-up approach, and he favors a top-down approach. Tabled for City Manager.

28
29 Tom Lauritzen clarified the comment about the Finance Committee – it was never intended that
30 the PW&S commission be replaced, but that during the CIP process, the Finance Committee
31 would pick up their financial discussions. I think the Finance Committee members all agree with
32 that, as in the interim, there is a vacuum and someone had to step up. This is only a Band-Aid
33 until the study is completed, not a "merger", as has been discussed.

34
35 The Mayor asked if Councilor Frye wanted to join him in doing some of the fact-finding and work
36 with the City Manager in getting more information about what the commissions and committees
37 are doing. She replied that the original group of her, Councilor Scott and Tom Lauritzen were
38 working on it. Councilor Scott added that the City Manager needs to be included and he said
39 that in looking at his Shepherding Goals, he has fewer goals than other Council members.
40 Mayor Stanley asked why Trails Committee was on the list, because they are really a sub-
41 committee of Parks & Commons. Councilor Glenn said he would like some clarity about Little
42 Log Church & Museum, because they tend to function as a separate board. Councilor Frye
43 agreed that there needs to be clarification. Councilor Tooke asked what they mean when
44 referring to "this group": Councilors Scott and Frye, Tom Lauritzen and now the City Manager.

1
2 **i) Council Shepherdding Goals - changes, assignments, reports, priorities**

3 Councilor Scott said there needs to be clarification about what it means to be “shepherdding”
4 goals. The Council member assigned is just the vehicle to report the status back to the Council.
5 Councilor Frye said she likes reporting on them each month, because it helps remind her of
6 what she has to do. Councilor Glenn said for him, those are the “Council goals with shepherdding
7 tasks” but on the sheet, it says “Council shepherdding goals”. He would like to go back and look
8 at the City Charter and see how it is reflected in these.
9

10 Mayor Stanley pointed out that #19 Vacation Rentals is unique, where the whole council is
11 assigned as the “team”. Council Frye said it’s a big issue, so all need to be involved and the
12 point is that we identify all the projects we are working on in a document, but questioned
13 whether it should be a council issue, not a shepherdding issue. Council Scott pointed out that
14 three Council members or more can’t work together on it outside a public meeting.
15

16 Mayor Stanley asked when the Council will discuss the 804 Trail. Councilor Glenn said that
17 would be at the joint session on March 15 with County Commissioners at 7pm.
18

19 Councilor Frye requested a discussion of the State of the City and to choose a date. The Mayor
20 asked each councilor for input on what they wanted done. Councilor Scott said that it has been
21 a summary of the past 12 months, and that former Mayor Ron Brean did the presentation, but in
22 the position as the administrative head of the City, not because he was Mayor. Councilor Glenn
23 said that various committees would always make a presentation, in the past. The Council would
24 set the agenda, and then had the Mayor to report these things to the community, as the
25 Council’s voice. The Mayor said that he is comfortable with having the City Manager do it, and
26 they just need to pick a date to do it. An update on what has happened, the plans for the coming
27 year, a cake and coffee, and not pressure the City Manager with having the date too soon.
28 Councilor Frye said she wants recognition for all the volunteers who work for the City, and
29 having tables for them to sit at, and to have them introduced. The Mayor said he will work with
30 City Manager Davies on setting a date within the next two months. Councilor Tooke said that if
31 the commissions and committees are at tables, it might encourage some residents to sign up.
32

33 **h) Approve agenda for February 9, 2017 City Council meeting**
34

35 The Mayor asked for a discussion of the agenda for the February 9 regular meeting. The City
36 Manager is not available and the minutes were not received. Usually the minutes are reviewed
37 by the Council before the meeting, and comments sent to the City Manager, so that there are no
38 surprises when voting on the minutes. Councilor Glenn said, you just email the City Manager, or
39 talk to her, and she will make the change. Councilor Scott explained it usually it’s not a factual
40 difference, but a word is wrong, or structure needs changed. Councilor Frye wants the minutes
41 taken out of the way they have been done. Councilor Scott did not agree. Mayor Stanley asked
42 if there should be a vote on separating the minutes from the consent agenda. Councilor Scott
43 said he did not know, so he will have to look at the procedures and see what they say. In that
44 case, there would need to be a resolution done. Councilor Frye added that she wanted to “ditch

1 this strange system” and just use Roberts’ Rules of Order. Councilor Scott said that part
2 definitely requires a change of rules. Councilor Frye wants it on an agenda. Councilor Glenn
3 read aloud from a copy of Council Rules, under “Approval by Council.” There was further
4 discussion about the topics on the agenda for March 8.

5
6 Meeting was adjourned at 11:46am.

7
8 _____
9 GERALD F. STANLEY, Mayor

10
11 ATTEST:

12
13 _____
14 Joan Davies, City Manager