

1. Agenda

Documents:

[2018-08-08 AGENDA.PDF](#)

2. Meeting Materials

Documents:

[2018-07-03 DRAFT URA MINUTES.PDF](#)

[2018-07-03 DRAFT WS MINUTES.PDF](#)

[2018-07-11 DRAFT CC MINUTES.PDF](#)

[2018-08-08 CM REPORT.PDF](#)

[2018-08-08 COMMONS MANUAL AND FEE UPDATE.PDF](#)

[2018-08-08 COUNCIL APPOINTMENT.PDF](#)

[2018-08-08 ORD 352.PDF](#)

[2018-08-08 ORD 353.PDF](#)

[2018-08-08 PLANNING COMMISSION APPOINTMENT.PDF](#)

Yachats City Council Vision

Our village is a place where natural resources are valued and protected, where diversity is celebrated, and where a vibrant economy and sense of community pride create and recreate a living spirit. Yachats cares not just for its citizens' basic needs but also supports them in their efforts to excel mentally, physically, artistically, and spiritually. It is a community with an enduring sense of itself.



CITY OF YACHATS

CITY COUNCIL MEETING

441 Hwy 101N, Yachats Commons, Room 1

Wednesday, August 8, 2018 at 6:00pm

AGENDA

- I. Announcements, Correspondence and Proclamations
- II. Public Comment (topics not listed on the agenda: 5-minute limitation per person)
- III. Minutes
 - A. Minutes: 07/03/18 Work Session
 - B. Minutes: 07/03/18 URA Meeting
 - C. Regular: 07/11/18 Regular Meeting
- IV. Reports
 - A. Council Reports
 - B. City Manager Report
- V. Resolutions
 - a. Vote: Appointment of Lance Bloch to the Planning Commission
 - b. Vote: Parks & Commons Commission: Commons Manual & Fee Update
 - c. Vote: Interview Applicants & Appointment to Vacant Council Position
- VI. New Business
 - a. Oath of office for City Council Position
- VII. Public Hearings
 - a. Ordinance 352: Amendments to Section 8.22
 - b. Ordinance 353: Amendments to Section 8.08
- VIII. Ordinance Other Business
 - A. From Mayor
 - B. From Staff
 - C. From Council

This meeting is open to the public and all interested persons are invited to attend. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. Minutes of all public meetings are available for review at City Hall, or on the City website at www.yachatsoregon.org. 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 August 2, 2018

CITY OF YACHATS
CITY COUNCIL URBAN RENEWAL AGENCY
July 3, 2018

Draft Minutes

Mayor Gerald Stanley called the July 3, 2018 Urban Renewal Agency meeting and hearing to order at 9:30 am in Room 1 of the Yachats Commons. Council members present: Gerald Stanley, Jim Tookey, Barbara Frye, and Max Glenn. Excused: Greg Scott. Staff present: City Manager Shannon Beaucaire, Clerk Judy Richter. Audience: 10.

I. Urban Renewal Agency Budget Hearing

Clerk Richter explained the Council voted at the last meeting to approve additional financing from the IFA that would require the URA to commit to fourteen years of \$100,000 payments. The Council is asked to draft an Intergovernmental Agreement stating this fact. Mayor Stanley read the agreement. Councilor Frye clarified the City Attorney drafted the document.

Councilor Glenn moved to adopt the agreement and authorize the Agency Chair to sign the document: Aye – 4; No – 0.

Mayor Stanley closed the hearing and meeting at 9.37 am.

GERALD STANLEY, Mayor

ATTEST:

Shannon Beaucaire, City Manager

Date

CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

July 3, 2018

Draft Minutes

Mayor Gerald Stanley called the July 2, 2018 work session and regular meeting of the City Council to order at 9:37 am in Room 1 of the Yachats Commons. Council members present: Gerald Stanley, Jim Tooke, Barbara Frye, and Max Glenn. Absent: Greg Scott. Staff present: City Manager Shannon Beaucaire, Clerk Judy Richter. Audience: 10.

I. Work Session Discussion Topics

A. Ordinance 351 Transient Lodging Intermediary Definition

Manager Beaucaire explained the Oregon Legislature passed HB4120 making it easier to collect transient lodging taxes from all online and electronic advertisers of transient lodging. Previously, the City had to make individual agreements with each company, and this law eliminates that need. However, Manager Beaucaire explained the Yachats Municipal Code needed to be updated to be consistent with the State Law.

Mayor Stanley stated his understanding of the changes:

1. Addition of language of "lodging intermediary" and "lodging facility"
2. Addition of exemptions d through i
 - H stipulates rentals under 30 days not taxable (taxed in Yachats Code)
 - G raises issues the City has not yet addressed

Frye suggested the main reason for incorporating this legislation is to avoid having individual contracts with all of the online intermediaries. Frye clarified that with regard to Rationale #6, the State had not yet provided clarification on how they would collect the tax, and so the City will continue the collection of taxes until the State sends an update.

Tooke noted "whose rents a private home" is grammatically awkward in Item H is confusing. Manager Beaucaire stated the City Attorney explained the intent behind the exemption and the assertion of *de minimus* usage and of federal tax law for a home that is an income generating property.

Frye asked about the allocation to Visitors Amenities specified in 3.08.150. Mayor Stanley believed the current allocation was 39%.

Glenn stated the rationale for the changes was helpful, the changes were an improvement, and the exemptions should be kept in the code. Glenn supported the confidentiality clause in Exemption D.

Leslie Vaaler (205 Radar Rd) asked what impact the change would have on tax revenues. Manager Beaucaire indicated it would not have a great impact.

Tooke noted 3.08.070 states, "The tax administrator has the authority to classify and/or district the lodging tax collectors..." and asked for clarification on the meaning of "district." Manager Beaucaire noted this wording came from the existing code. He clarified 3.08.120 meant if the lodging intermediary failed to remit funds, the lien would be applied to the property. He noted it

seemed awkward to have the registered guest initiate the process to get a refund when it was the intermediary was in error.

B. League of Oregon Cities Legislative Agenda

Mayor Stanley suggested the approach by the League of Oregon Cities was not efficient. The League of Oregon Cities asked what are the four most and four least items of import to each item. Glenn explained that great input had been put into addressing this initial list of 29 issues. Tooke noted citizens could find this list of issues online.

Councilors reported their four top priorities:

	<u>Highest</u>	<u>Lowest</u>
Glenn:	E, L, P, W	C, S, Z, CC
Frye:	I, M, O, P	C, D, U, K
Stanley:	D, E, M, N	G, H, L, U
Tooke:	I, K, O, Q	did not report

Councilors noted items O (PERS Reform), E (Broadband Infrastructure), M (Mental Health Investment), I (Infrastructure Financing and Resilience), and P (PERS Unfunded Liability Revenue Stream) received two votes. Council agreed to report E, I, M, and P as their highest priorities.

Councilors noted C (Auto Theft) and U (Safe Routes to School Match) had two votes. Frye suggested K (Local Control Over Speed Limits on City Streets) was not relevant as Yachats already had control of this issue. Glenn and Stanley suggested CC (Wood Smoke Reduction) was not of great importance. Council agreed to report C, K, U, and CC as their lowest priorities.

C. Discussion of Yachats Yard Debris Dumpster

Manager Beaucaire explained Dahl has offered to allow residents to bring yard debris to the dump after a "storm event," which the City would pay for, and the City could define the "storm event." Frye suggested a person could take all of their yard debris to the dump during a "storm event" situation, and was not in favor of the idea. Glenn noted the cost of the current bin is very high. Tooke noted the bin does present the potential for abuse. Tooke referenced and explained the concept of "The Tragedy of the Commons." Mayor Stanley and Tooke noted pros and cons of the dumpster. Manager Beaucaire noted having residents take the debris directly to the dump would save the City money.

Recorder Anderson read from the minutes, "Cook noted the City generated 60 tons of materials through the large bin at a cost of \$8,000-\$10,000. He added the current rate for woody debris is \$110 per ton, which means that if customers brought an extra 60 tons to the center, the City would pay \$6,600" (minutes June 13, 2018).

Leslie Vaaler (205 Radar Road) suggested there could be other options like additional "Clean Sweep" events for green waste pickup.

Shelly Shrock (121 Green Hill Drive) reported the Community Garden takes a lot of materials to the bin at least twice each year.

Frye added that the Trails Crew also takes woody debris to the bin.

1 Larry Nixon (122 Reeves Circle) asked why the brush bin was present at all. Tooke indicated it
2 was because of the burn ban. He noted Frye was against burning and people have been
3 dumping woody debris illegally in the forests. He was against the removal of the brush bin.
4

5 **D. Approve Agenda for 7/11/18 City Council Meeting**

6 Councilors consented to the agenda.
7

8 **REGULAR MEETING**
9

10 **I. Announcements**

11 Glenn announced that he had excerpts from the Declaration of Independence printed that will
12 be distributed at the Lions Club Pancake Breakfast.
13

14 Tooke announced he would set up a table around the Fire Station to hand out copies of the
15 Declaration of Independence.
16

17 Frye reported the task force had been working on the Florence to Yachats transportation issue,
18 which was unexpectedly halted, and she has been trying to stay updated. She received a letter
19 from the transit people who have contracted with a company to provide the service and to build
20 a bus. River City Taxi would be the service provider to complete the pilot project. They would
21 need to hire a long-term provider.
22

23 **II. Public Comment/Citizens Concerns**

24 Shelly Shrock (121 Green Hill Drive) reported there are 36 flowerbeds along Highway 101 and
25 residents or local businesses have adopted 27. She noted the requirements for adopting a plot:
26

- 27 1. Some of the plants must attract bees
- 28 2. Plants cannot exceed 18 inches in height
- 29 3. Must be drought tolerant
- 30 4. Plants should preferably be green year round or perennial
- 31 5. The bed must be kept watered, especially during the first year
- 32 6. The bed must be kept weeded

33 Shrock reported many of the plants have been donated from the gardens of Peggy Gray and
34 Shelly and Dean Shrock. She stated they would like to purchase signs to identify the adopter of
35 the bed. Shrock asked Council to formally recognize a stand-alone Committee, such as the
36 Yachats 101 Beautification Committee, to oversee this project. She indicated the committee
37 would consist of Rose Valentine, Dean Shrock, Mark Shepard, Joe Keller, and herself as Chair.
38

39 Frye asked what happened to the Highway 101 Beautification Project and the money that was
40 allocated to that. Shrock noted there are four locations for trees, and the Star Magnolias that
41 were planted there were actually a bush and would not work. Frye was concerned about a
42 coordinated look. Shrock asserted that the individual plots would contribute to the unique
43 character of the City.
44

45 Glenn asked if the group would consider kinetic art as part of their work. Glenn asked that the
46 art portion be a separate project. Tooke stated this work is significant and would be costly to
47 the City to hire someone or use staff to maintain. Tooke asked for clarification on the role of
48 View the Future. Mayor Stanley noted the area is State property. He saw the Committee as
49 fitting appropriately under View the Future. Mayor Stanley added pollinator plants are not just
50 good for bees. Shrock clarified she has not yet approached View the Future about their work.

1 Frye was concerned about people abandoning their plots. Glenn wanted the Committee to be
2 solely under the City and not involve View the Future.

3
4 Shrock explained that they did not want the Committee to be under the Parks and Commons
5 Commission. Shrock noted that this group is currently doing something to landscape the plots,
6 which is more than what has been done.

7
8 Manager Beaucaire explained the history of this project. She reported they contacted the State
9 about requirements and permissions. She explained they would be monitoring the types of
10 plants that were successful and would recommend these plants, which would provide some
11 consistency of appearance. She noted they are working with the Oregon State Extension
12 Service about trees that would thrive, and are exploring the best time to plant. She added they
13 are investigating the requirements of what makes a Tree City. She stressed the importance of
14 having this Committee work closely with City. Manager Beaucaire believed if it were a City
15 Committee, they should report to the City Manager. Frye suggested a connection with City was
16 awkward, but the work needed to be done. Mayor Stanley indicated he was leaning toward not
17 having this group be a City committee.

18
19 Mayor Stanley agreed the art project should be a City committee. Manager Beaucaire
20 suggested the City does have an investment in these beds, as it is the first thing that people see
21 when they drive into town.

22
23 Anne Stott noted the banners provide a continuity of appearance. She also suggested the City
24 could invest in some cart that could help facilitate watering.

25
26 Shrock noted the Ya-tel and Sweet Homes have agreed to maintain and water.

27
28 Glenn moved to create a Yachats 101 Beautification Committee with the guidelines stated
29 above with Shelly Shrock, Mark Shepard, Dean Shrock, Joel Keller, and Rose Valentine to work
30 in cooperation with the City Manager. Aye – 3; No – 1 (Stanley).

31
32 Frye suggested the City should create a form for making motions so Council does not have to
33 struggle with wording when making motions.

34 35 **III. Resolution 2018-07-01 URA Intergovernmental Agreement**

36 Frye moved to adopt Resolution 2018-07-01 outlining an intergovernmental agreement with the
37 Urban Renewal Agency and to authorize the Mayor to sign the agreement: Aye - 4; No – 0.

38 39 **IV. Resolution 2018-07-02 Approval of Dahl Yard Debris Rates**

40 Mayor Stanley noted this resolution is for memorializing the Dahl curbside yard debris pickup
41 program that was voted on the previous month.

42
43 Glenn moved to approve Resolution 2018-07-02 approving Dahl's yard debris disposal rates
44 attached and marked as Exhibit A effective July 1, 2018: Aye – 4; No – 0.

45 46 **V. Ordinance 351 Transient Lodging**

47 Frye moved to adopt Ordinance 351 addressing HB4120 and amending section Yachats
48 Municipal Code 3.08 on transient lodging as presented: Aye – 4; No – 0.

49 50 **V. Other Business**

1 Manager Beaucaire asked Water Plan Lead Rick McClung to explain the situation. McClung
2 reported the South Tank has an earthquake valve, which would engage in the event of an
3 earthquake to prevent the tank from draining. Additionally, they wanted to place a second valve
4 by the bridge, which was part of the contract. However, the location will not work because of
5 existing utilities and the location of street pavement. McClung suggested they not install this
6 second valve now and instead address the issue in the FY19-20 budget where they would have
7 more time to find an appropriate location and product.

8
9 Frye was concerned that this information was not known at the time of making the contract.
10 McClung noted the engineering designs did not specify where the existing utilities were located.

11
12 Manager Beaucaire noted she could not find documentation on why this second valve was
13 needed. The engineer reported this second valve was added later in the project. Manager
14 Beaucaire noted there would be a proposed credit of \$18,500 for delaying the valve project.
15 She added that costs affiliated with installing the valve now is ripe with unknown costs, such as
16 man hours, electrical supply lines, location issues, and time delays. Manager Beaucaire
17 suggested they get the project completed now and investigate other options at a later time with
18 a different engineer.

19
20 Frye moved to accept the recommendation of the City Manager and the Water Department to
21 delay the installation of the second earthquake valve, removing it from the current contract, and
22 receiving a credit for that cost: Aye – 4; No – 0

23
24 Glenn moved to remove the woody debris dumpster for continued service and to have a bin
25 present for one month in the fall: move to discussion.

26
27 Mayor Stanley noted Councilor Scott was not present and would not be in favor of removing the
28 bin. Manager Beaucaire i

29
30 Tooke and Glenn agreed to move this motion to the July 11, 2018 meeting.

31
32 Mayor Stanley adjourned the meeting at 11:54 am.

33
34
35
36
37 _____
38 GERALD STANLEY, Mayor

39 ATTEST:

40
41
42
43 _____
44 Shannon Beaucaire, City Manager

Date

CITY OF YACHATS
CITY COUNCIL MEETING
July 11, 2018

Draft Minutes

Mayor Gerald Stanley called the July 11, 2018 meeting the City Council to order at 6:00 pm in Room 1 of the Yachats Commons. Council members present: Gerald Stanley, Jim Tooke, Barb Frye and Max Glenn. Excused: Greg Scott. Staff present: City Manager Shannon Beaucaire. Audience: 26.

I. Announcements, Correspondence, Proclamations, and Public Comment

Mayor Stanley announced this weekend is the first annual Sea Vegetable Weekend and information is available at the Visitors Center.

Bette Perman (410 E 2nd Street) announced an "Incarceration Then and Now: What Can We Learn?" series of presentations about the history of incarceration, especially around the Japanese camps in the World War II era. Presentations will be in Newport, Waldport, and Yachats from August 4-19, 2018 with a wide range of speakers. Perman noted one-third of the incarcerated people of Japanese descent were foreign born and two-thirds were American citizens. The Yachats Presbyterian Church will have an exhibit. The program is sponsored by Lincoln County People Power in conjunction with Rural Project.

Craig Berdie (319 E 3rd Street) stated he was following up on his previous presentation about deforestation. He explained the current situation with logging and how logs must be airlifted across the Salmon Creek. He noted the Oregon Department of Forestry was following up on its effort to enforce civil penalties. He reported there was a sedimentation problem just after the logging began that impacted the City water supply, but has since decreased in impact. He proposed several options for how the situation might go forward: Oregon Department of Forestry (ODF) reforests, removal of the forest designation, and sell as is. Berdie encouraged the City to investigate buying this property.

Councilor Tooke reported he had contact with the Regional Forest Agent who indicated the nonresponse on the part of the owners was significant. He noted the previous City's letter prompted the Chief Compliance Officer with ODF to walk the property. Councilor Frye recalled when the property previously was on the market, the City did not have the ability to buy real estate without a vote of the citizens. She wanted the City to look at its long-term priorities and the importance of this property.

Tom Lauritzen noted 84% of the City's water comes from Reedy Creek, which is on US Forest Service property, and 14% comes from Salmon Creek. Bette Perman clarified that in reforestation, weed control must be addressed and could include the spraying of herbicides.

II. Minutes

A. June 6, 2018 Work Session and Regular Meeting

Frye commented as she missed the meeting, she was listed as "absent." However another Councilor was listed as "Not Present." Frye believed that "absent" implied the absence was unexcused. Recorder Anderson noted the reference to "not present" reflected a correction to previous minutes.

Mayor Stanley asked that members be listed as "Excused" as opposed to "Absent."

Page 5, Line 4: Should read, "Mayor Stanley closed the work session"

Tooke moved to approve the June 6, 2018 minutes as presented: Aye – 3; No – 0; Abstain – 1 (Frye was excused).

Frye noted page 2, line 33 referenced her making a request of the Trails Committee to present a report to Council. Frye explained the circumstance under which the alleged request occurred, indicating she was surprised that a casual conversation was interpreted as a formal request. Frye recalled she never asked for a report. Mayor Stanley recalled how a statement he made became an agenda item. Manager Beaucaire reported Joanne Kittel had asked Mayor Stanley about getting on the agenda and he said, "Yes." Councilors concurred they need to be careful about their statements. John Moore, Parks and Commons Commission Chair, clarified that when the Trails Committee brought the issue to Parks and Commons, the Commission was told it was at Frye's request.

Mayor Stanley clarified while the minutes referred to the audience as "the audience," he saw as them as attendees and co-actors in the running of the City.

B. June 13, 2018 Meeting

Councilor Glenn moved to approve the June 13, 2018 as presented: Aye – 3; No – 0; Abstain – 1 (Frye was excused).

IV. Reports

A. Council Reports

Glenn reported he is president of the Community Relations Council. He noted Angell Jobs Corps was in a tenuous position with their leadership, and their second interim direction will soon be leaving.

Frye recalled her update at the last meeting on the Florence to Yachats bus service, and she indicated there has been movement on getting the service without the involvement of Task Force. She noted the bus is being built and the routes are being planned. She reported Health and Human Services has undergone a major reorganization and there is still interest in having a clinic in Yachats.

Mayor Stanley reported:

1. Yachats hosted the Lincoln County Mayor's meeting.
2. The local Public Safety Coordinating Committee had its quarterly meeting. He noted Lincoln County had received grants to build a 9-bed women's and a 22-bed men's transitional facilities. He added that since this implementation, recidivism has dropped from 41% to 6%.
3. He read the Declaration of Independence on the 4th of July.
4. He met with the Pollinator Project, and ODOT has approved the contract for the 25-mile stretch.

B. City Manager Report

Manager Beaucaire reviewed her report in the meeting packet and highlighted the following areas:

1. South Tank Reservoir: The City will be pursuing liquidated and special damages for the contractor not meeting their deadline. She added that on May 9, 2018, the projected

- 1 cost was \$1.6 million; on July 10, 2018, \$1.55 million had been invoiced to day; and the
2 current projected cost is \$1.78 million.
- 3 2. Ocean View Transfer: She has been working to go point-by-point through the Settlement
4 Agreement with the County attorney to ensure the County delivers what they agreed to.
- 5 3. Commission Updates: She highlighted the refinishing of the picnic tables in the Shelter
6 and the success of Clean Sweep.
- 7 4. Commons: The Attorney's letter about the improper installation of the multipurpose room
8 floor resulted in a check from the installer.
- 9 5. Little Log Church & Museum: The Engineer of Record recommended a contractor, who
10 has not been responsive to date. She reported she is pursuing contacting another
11 contractor.
- 12 6. 501 Building: They are working to find a method to fill the floor cracks.
- 13 7. IT: Frye asked for clarification on what the Council of Governments is doing for the City.
14 Manager Beaucaire the City entered into an intergovernmental agreement with COG to
15 provide support services, and the arrangement allows the City to benefit from their
16 equipment purchase deals. Frye clarified the RFP was for design of the website and
17 future maintenance.
- 18 8. She met with the Coastal City Managers who reported the Lincoln County grant for
19 affordable housing has made the tier in the review process.
- 20 9. Flower Beds: She thanked the many volunteers working on flowerbeds along Highway
21 101.
- 22 10. Code Enforcement: She reported the City has a Code Enforcer.

23
24 Frye asked about the accumulation of materials at the Alder Bistro. Manager Beaucaire
25 reported the owner granted permission for the RV and retail rock display to be on the property.
26 She read the section of Code about trash on property, and noted she is trying to work directly
27 with the owner.

28 29 **V. Business**

30 **A. Commons Policy Manual Update**

31 Postponed to August 2018.

32 33 **B. Library Move Update**

34 Marv Wigle, Library Commission Chair, thanked the Council for their patience with this project.
35 He reviewed their difficulty in getting cost estimates for the ideal library. He noted:

- 36 - Design costs will run 8% of the total cost of the project. If the initial cost were
37 \$400,000, design costs would be \$35,000.
- 38 - West Tech Engineering provided an estimate of \$150 per square foot for hard costs
39 and 20% in soft costs, not including furniture. They estimated the cost to be
40 between \$750,000 and \$1,000,000. Wigle noted the project would still be
41 \$720,000 with smaller estimate of building square footage.
- 42 - The Friends of Library has limited capacity to raise substantial funds for construction,
43 making the City the primary funder.
- 44 - Current funding for the project includes \$50,000 from the CIP and \$75,000 from the
45 Hall Bequest. He noted in best-case scenario, the City would need to contribute
46 upwards of \$600,000.

47
48 Wigle reported the Library Commission considered several options with input from the Friends
49 and the volunteers. They believed for the City to fully fund the remodel, it would require multi-
50 year fundraising that would not be in best interest of the Library. They also did not want to
51 pursue building a new Library. The Commission recommended two options: (1) to revise the

1 plan for the remodel and (2) to explore redesign of the current Library. He suggested they
2 reconvene the 2+2 Committee to explore these options.

3
4 Glenn asked the City Manager for her recommendation. Manager Beaucaire wanted to support
5 the volunteers, noting the strain on the volunteers, the potential need for a paid librarian in the
6 future, the safety of the volunteers, and support for technology updates. She noted the
7 significant expenditures in process for the City. She recommended Council evaluate the
8 competing priorities and supported the Library's additional approach to look at expanding the
9 current facility.

10
11 Frye supported getting firmer estimates for renovating and expanding the current Library as well
12 as remodeling the 501 Building.

13
14 Tooke asked about Friends grant work. Wigle reported the Friends have raised \$58,000 to
15 date, all of which is for specific items to be put in the library, not the remodel.

16
17 Mayor Stanley thanked Wigle and the Commission for their work. Mayor Stanley asked if they
18 could reduce the \$600,000 figure. Wigle indicated one objective of the 2+2 Committee would
19 be to explore how to reduce remodeling costs. Wigle noted his own contractor did not think the
20 \$750,000 estimate was unreasonable.

21
22 Glenn noted Council had previously asked the City Manager to look at all of the demands for
23 City spaces and asked Manager Beaucaire what she found. Manager Beaucaire noted:
24 - There is significant demand for storage in the three habitable buildings: the Commons,
25 the Library, and the 501 Building
26 - City Hall is about 1089 square feet for six people (3 full time and 3 contractors) and
27 three new people (two new positions and a space for the County Sheriff to use
28 for paperwork).
29 - There is a need for quiet workspace.
30 - The server needs to be in a locked space.

31
32 Frye noted Manager Beaucaire was talking about space utilization while they were in the middle
33 of a report on the Library. Glenn noted he had asked Manager Beaucaire to provide this
34 information. Frye suggested they finish the Library discussion before addressing lobbying for
35 space for other entities. Glenn argued in light of all these needs, he has a problem considering
36 the 501 Building for the Library. He heard the volunteers were considering the 501 Building
37 "only because the City wants us there." Glenn felt strongly about providing more resources for
38 City Hall and to address the matter the City Manager has no space to have a private
39 conversation. Glenn encouraged the Library to pursue evaluation of remodeling the current
40 Library.

41
42 Frye reminded Council they have twice voted to move the Library to the 501. Glenn asserted it
43 was unwise to tie up a large facility for a short period of time each day for the limited hours of
44 the Library when there are other significant needs for space.

45
46 Wigle responded that at the volunteers meeting, there were six votes to move and six to stay.

47
48 Frye moved to accept the Library Commission's recommendation to reconvene the 2+2
49 Committee with the addition of the City Manager and the President of the Friends of the Library
50 to evaluate the two options for expanding the current Library and moving to the 501 Building by
51 the end of September 2018: Aye – 3: No – 1 (Glenn).

1
2 **C. Ordinance 351 – Transient Lodging Definition**

3 Manager Beaucaire noted the City Charter requires that Ordinances require two votes if the
4 decision is not unanimous or the public has not had a week to review the proposal. She noted
5 technical difficulties might have prohibited some citizens from accessing the material, so Council
6 needs to vote on this Ordinance again. Mayor Stanley summarized the changes the Ordinance
7 is making to the Yachats Municipal Code.
8

9 Glenn moved to adopt Ordinance 351 revising section 3.08 of the Yachats Municipal Code on
10 Transient Lodging: Aye – 4; No – 0.
11

12 **D. Resolution 2018-07-03 Adoption of Council Rules**

13 Frye clarified these recommended changes are to update the rules to be consistent with their
14 operations. Glenn suggested including portions Administrative Policy #6 in the Council Rules.
15 Frye asked for more time to read Administrative Policy #6 handed out by Glenn.
16

17 Glenn suggested adding on page 4 after first sentence on "1. Authority and Purpose statement":
18 The City utilizes the Council-Manager form of government which combines the political
19 leadership of local elected officials (Mayor and City Council) with the managerial
20 experience of an appointed manager. All power and authority to set policy rests with the
21 City Council. The City Council in turn hires a nonpartisan manager who has very broad
22 authority to run the organization.
23

24 Tooke asked for clarification what the Administrative Policies were. Mayor Stanley asked where
25 the Administrative Policies fit within in the document structure of the City. Frye was concerned
26 they were merging rules and policies. Glenn explained they were just using the language from
27 the Policy document. Manager Beaucaire explained the intent of adding the language from the
28 Policy into the Council Rules was to maintain consistency between the documents. John Moore
29 noted it was common to duplicate language between the Policies, Code, and Rules.
30

31 Glenn also suggested they insert on page 14, section 6.4 on "Communication with Staff" as the
32 first bullet point before "attempting to work..."

33 (Item 1) Refraining from interfering with the day-to-day administration of City business,
34 which is the responsibility of the City Manager.

35
36 (Item 3) Respecting the administrative function of the City Manager and department
37 heads by refraining from actions which could undermine their authority.
38

39 Frye indicated she was prepared to approve the document "as is" in the packet. The Mayor and
40 Council agreed to ask that the document be redlined to reflect Glenn's recommended insertions
41 and readdressed at the next Council meeting.
42

43 **E. Yard Debris Dumpster**

44 Mayor Stanley reported at the last Council meeting, Councilor Glenn made a motion about the
45 yard debris dumpster at the wastewater treatment plant and Tooke asked that the motion be
46 postponed until the next meeting. Mayor Stanley that this discussion begins with the motion.
47 Glenn wanted to revise the original motion. Glenn reported since the last meeting, the City
48 Manager has worked out with Dahl a 20% discount on the brush box.
49

50 Glenn moved to keep the yard debris bin for six months, with the first three weeks of the month
51 available for City use only, and the last week open to the general public: open discussion.

1
2 Glenn suggested this approach gives the City an opportunity to discern the usage of the new
3 curbside cans and to assess the amount of City usage of the large bin. Tooke stated he had
4 heard much feedback to keep the bin as is. He would be willing to keep the bin for six months
5 to assess usage. Mayor Stanley agreed that the dumpster could be kept for six months.
6

7 Call for vote: Aye – 1; No – 3 (Stanley, Tooke, Frye).
8

9 Glenn moved to keep the yard debris bin at the wastewater treatment plant for six months as is:
10 Aye – 3; No – 1 (Frye).
11

12 **VI. Other Business**

13 **A. From Mayor**

14 Mayor Stanley noted the Council has a document from Lawrence Calkins asking that vacation
15 rentals better manage dog waste. Mayor Stanley suggested the item should be on the agenda
16 in August 2018.
17

18 Mayor Stanley noted Councilors have the quarterly report from the Visitor's Center. Mayor
19 Stanley noted the third page on the right side of the report includes the budget report with
20 \$2,327.39 for the Honey Festival. He noted the City pays the Chamber of Commerce to
21 administer the Visitors Center. Mayor Stanley explained the Visitor's Center could spend the
22 money because they did not spend it on other items.
23

24 Mayor Stanley suggested the Council recommend that the City Manager talk with the Chamber
25 and Visitors Center to use an accounting system with line items for expenditures. The money
26 for the Honey Festival was not spent according to a line item, which State budgeting laws
27 require. Glenn concurred with the City Manager meeting with the Visitor's Center but wanted to
28 be cautious about over-managing the Visitor Center's budget.
29

30 Manager Beaucaire explained the Visitors Center RFP was awarded to the Chamber, the
31 Chamber submitted a budget as part of their proposal, but festivals were not part of that budget.
32 She noted the concern is that the expenses match the budget presented, especially given how
33 the auditors are reviewing the budget.
34

35 Linda Hetzler, President of the Chamber, stated the contract had instructions to promote the
36 City, and she wanted some flexibility to spend as ideas and needs arise.
37

38 **B. From Council**

39 Frye asked about getting materials on the website for the Council meetings. Manager
40 Beaucaire noted there have been changes to the landing page on the website, which made it
41 impossible to get the documents loaded. Frye asked if the new IT RFP would address the
42 matter. Manager Beaucaire expected the website redesign will correct the problem.
43

44 Frye asserted the Council has not been getting financial reports and wanted to know when the
45 Council would get monthly budget reports. Manager Beaucaire noted there was discussion at
46 the last meeting about financial reports, but there was confusion about what information the
47 report would contain. Manager Beaucaire suggested Council discuss this issue at their
48 facilitated session. Manager Beaucaire showed Council the thick report that is generated
49 without investing staff time to trim it down. Frye suggested Manager Beaucaire could provide
50 guidance about what to include in a summary. Mayor Stanley wanted to ascertain the six or
51 seven items Council need to know and suggested using a red flag system for problem areas.

1
2 **C. From Staff - none**
3

4 Mayor Stanley adjourned the meeting at 8:05 pm.
5
6
7

8
9 _____
10 GERALD STANLEY, Mayor

11 ATTEST:
12
13

14 _____
15 Shannon Beaucaire, City Manager

16 _____
Date

City Manager's Report

August 8, 2018

Dear Mayor Stanley and Councilors,

It is my pleasure to update you on some of our current project highlights.

- **South Tank Project:**
 - The South Tank Reservoir has been filled. A water sample was taken Friday, August 3. Once the results of the sample are received, the valve can be opened, and the tank can be online with Yachats water system.
 - Finish items, like the fence around the tank and the storm drain are being completed.
 - The Project engineer will look at the citizen concern raised at the August 1 Council meeting regarding stability of the bank/hill on Crestview and provide an analysis and recommendation.
 - Following the question about replanting at the August 1 Council meeting, I have contacted an arborist, who is also a forester, to come look at the South Tank site and provide recommendations about replanting.
- **Ocean View Drive:** No update. I continue to reach out to the County to schedule appointments to continue discussions.
- **Commission Round Tables:**
 - **Planning Commission:**
 - Public Hearing is scheduled for August 21, 2018 at 3PM for amendments to the Code for adding Light Industrial, rewrites to the Sign code, and updates to the Comprehensive Plan.
 - **Public Works & Streets Commission:**
 - Reviewing options for funding streets & storm drain work
 - Emergency plan has been reviewed and will be reviewed by the Commission before coming to Council
 - A new chair will be elected in August
 - **Parks & Commons Commission:**
 - The Commons Manual and Fee Schedule has been reviewed by the Commission and will be presented to Council August 8.
 - **Library Commission:**
 - The 2+2 Committee decided to move forward with an architect to design 2 sets of plans, at a basic level. One set for the 501 building, and 1 set to expand the current library. The architect responded with a written quote and project plan

City Manager's Report

outline on Friday, August 3rd. The architect indicated that the firm could begin work the week of August 13th.

- **Commons:**
 - The roof is in process and will likely be completed the week of August 13th.
 - Quotes are being obtained for the flooring in the multi-purpose room.
- **Little Log Church:**
 - I have been speaking to a contractor about the Little Log Church repairs. The contractor is very busy, so the information has been coming in piece-meal. The purpose of these discussions is to narrow down fiscally sensible options for repair to the building.
- **501 Building:**
 - Repairs are almost complete on the cracks in the floor. Once complete we will have the structural engineer approve the repairs.
- **IT:**
 - The RFP closes August 8, 2018. We had 11 inquiries regarding the RFP. I do not know how many companies will officially respond.
 - The IT Selection Committee will meet the week of August 13th. Because of the significance of this RFP to the community, the Committee will be comprised of Staff, Citizens, and Technical expertise to analyze the submittals.
 - The City Manager will review the Committee's rankings and bring top proposals to the Council at the September work session.

I. Code Enforcement

- Sent out 15 letters in July to owners of lots with overgrown and/or noxious weeds. Most have come into compliance; two have approaching deadlines. Sent one certified letter warning of action by the city if there is no response. Worked with out-of-town owners to contact local contractors to clean/clear lots, inspected after work and OK'd.
- Worked with Oregon State Parks to clean up right-of-way along Yachats Ocean Road; with Oregon Department of Transportation to clear sightlines at south intersection of Yachats Ocean Road and Highway 101.
- Dealt with RV parked over 14-day limit in city; working to help find short- and long-term solution to couple living in RV around town.
- Responded to complaints from Little Log Church volunteers and board about camping on lawn; twice behind library.
- Helped deal with complaints of rubbish/junk accumulating at commercial property.
- Two inquiries (one a formal complaint) on non-licensed vacation rentals; both dealt with.

City Manager's Report

- Started work on grease trap inspection packet in conjunction with Public Works.
- Responded to various questions about bees, road cuts, progress on lots, green waste garbage cans, pop-up tents, etc.

II. Public Works

Date: August 8th, 2018

To: Shannon Beaucaire, City Manager

From: Public Works Department

Re: July 2018 Public Works Report

The following is a list of what was done by Public Works staff outside of normal operations:

Buildings

- 501 building cracks

Public Works

- Inventory PW. WWTP, WTP
- OSHA inspection
- Dumpster maintenance
- Interviews for re-org
- Shop maintenance

Streets

- Visitor prep
- Remove wood chips from 4th St.
- Moved pipe on 6th St.
- 4th street parking
- Banners up
- Pick up sand after 4th
- Sign replacements
- Flail mowing king/Blackstone
- Fill site leveled
- Brush pick up
- 12 loads to fill site

City Manager's Report

Water

- Fixed leak on King St
- Water plant maintenance
- Coolidge fire hydrant testing
- Locates
- Water leak repair Aqua Vista
- Remove Crestview blow off
- Waterline service on Windsong
- Water leak Oceanview drive
- WTP lagoon pump replacement

Wastewater

- Concrete form at screw press
- Biosolids

City Council Action Item Cover Sheet

DATE: August 8, 2018

Agenda Item:

Commons Manual & Fee Update

Question Before Council:

Does the Council accept the recommendations to the Commons Manual & Fee Schedule

Person/Group Initiating Request:

Parks & Commons Commission

Item Summary/Background:

The Parks & Commons Commission has reviewed the Commons Manual & Fee Schedule, which is attached in the Council Packet.

The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to authorize the changes to the Commons Manual & fee schedule in Resolution 2018-31, a resolution adopting changes to the commons manual and fee schedule.

Alternative: None Recommended

**CITY OF YACHATS
RESOLUTION 2018-31
A RESOLUTION ADOPTING THE COMMONS POLICY MANUAL AND FEE
SCHEDULE**

WHEREAS, the Parks and Commons Commission discussed policy changes and recommended those changes to City Council for adoption;

WHEREAS, City Council discussed those recommendations at their August 8, 2018 meeting and adopted the manual and fee schedule changes;

NOW THEREFORE, the City of Yachats resolves to adopt the Commons Policy Manual and Fee Schedule as proposed and attached, marked "Exhibit A & B".

EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

Passed and adopted by the Yachats City Council this 8th day of August, 2018.

Gerald F. Stanley, Mayor

Attest by:

Shannon Beaucaire, City Manager

Exhibit A



YACHATS COMMONS

POLICY MANUAL

Adopted by City Council August 8, 2018
~~June 13, 2018 July 8, 2018~~

Exhibit A

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Exhibit A

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FACILITIES AND MANAGEMENT

The Commons includes the Commons building and the City-owned grounds (4.85 acres) between 4th Street and 6th Street. This area includes the playground, open area, sports field, and wetlands/woods to the east property line of lots on Ocean View Drive.

The Commons, as City property, is under the general supervision of the Yachats City Council. As established by ordinance, the Parks and Commons Commission is responsible for advising the Council. The Parks and Commons Commission comprises seven members appointed by the Council who serve three-year terms. The Commission elects one member to act as Chair. The City ~~Manager-Recorder~~, and City Hall support staff, ~~and User-Support Manager~~ are responsible for daily operations of the facility.

The City has the right to deny any or all privileges to a party violating Commons policy. Any person suspended from a Commons event or program for misconduct will not be allowed to use any portion of the Commons building or grounds during the term of suspension.

Questions regarding facilities and management may be discussed with the City ~~Manager-Recorder~~, and City Hall support staff, ~~or the User-Support Manager~~.

PARKS AND COMMONS COMMISSION

The Parks and Commons Commission formulates rules, regulations, and standards for the operation of the City's parks, Commons building, and grounds in a manner that assures the security of City assets and encourages use by renters, residents, and visitors alike; establishes rental rates for Commons use; plans for the regulation, development, and improvement of the City's parks; cooperates with volunteer organizations and City groups in the advancement of the Commons; and recommends items for the annual budget to the Budget Officer and the City Budget Committee.

STANDARDS

Decisions made by the Parks and Commons Commission are based on considerations that include:

- time availability
- environmental impact
- noise level
- availability of parking
- impact on neighbors
- potential for litter
- degree of renter's need for help from staff
- applicant's rental history, if any, at the Commons

FRIENDS OF THE COMMONS

~~The Friends of the Yachats Commons Foundation (Friends) is a nonprofit 501(c)(3) organization whose mission includes the support of the Commons as a community center. The Friends is a volunteer group, and membership is open to anyone in the community. The Friends elects a board of directors who manage the organization. Major goals are the development and management of fundraising events and the encouragement of diverse use. Funds raised are used to make improvements to the Commons~~

BULLETIN BOARDS AND ADVERTISING

City of Yachats
Reader Board Policy
Adopted June 13, 2018

The City has two Reader Boards within the Commons Building. This Policy applies to both Reader Boards.

The purpose of the City's Reader Boards is to provide space for local organizations, groups and individuals to display notices that promote awareness of services and events of interest to the community. The Reader Boards are not a public forum.

After City-related services and programs, notices will be posted on a first-come, first-served basis. Postings must be submitted to City staff and all postings must comply with this Policy. The City does not discriminate against postings based on viewpoint but reserves the right to determine which postings are unacceptable for the Reader Boards. Postings found to violate this Policy are subject to removal.

Posting Guidelines

1. Postings are subject to the availability of space. Preference will be given to items that are no larger than 11" x 17".
2. The City reserves the right to refuse or remove any posting that does not comply with these the following requirements:
 - A. Postings should relate to topics of community interest or community events.
 - B. Personal, commercial or profit-making postings ~~will~~ may not be accepted.
 - C. Postings should not: advertise or solicit for businesses; advocate illegal activity or violence; promote products or political organizations; endorse a position or particular stance on current political

campaigns, candidates or ballot measures; endorse a particular religious belief; infringe on copyrights, trademarks or intellectual property rights of others; contain abusive or vulgar language, sexually explicit subject matter, hate speech, derogatory terms or offensive content; contain threatening or defamatory remarks about a person's race, religion, color, sex, national origin, marital status, age, disability, sexual orientation, gender identity, source of income, domestic partnership or familial status; or contain information that may compromise the safety or security of the public, invade privacy, or pertain to an on-going investigation.

3. The City is not responsible for the preservation or protection of postings.
4. Postings are subject to removal and disposal after two weeks.
5. Submission of a posting constitutes acceptance of this Policy, which may be revised from time to time.

~~*All items to be posted on the bulletin boards must be left with City Hall staff. Postings regarding commercial events or sales or business advertisements are not allowed.*~~

MAIN HALLWAY BULLETIN BOARD

This board is used solely for posting information about Commons events or community events held in the Commons and information pertaining to the City of Yachats.

NORTH HALLWAY BULLETIN BOARD

This board is used for posting information about Greater Yachats and regional events and local nonprofit programs and classes.

OUTSIDE READER BOARD

The reader board is managed ~~and kept current~~ by the ~~Facilities Manager~~ ~~Friends and kept current by Friends volunteers~~. Use of the reader board is prioritized as follows:

1. Emergencies
2. Commons/~~Friends~~ events

To have an event considered for display ask the ~~Facilities Manager~~ ~~Commons User Support Manager~~ when renting the space.

HEALTH AND SAFETY

~~TOBACCO SMOKING~~

The Commons building is a **NON SMOKING OR VAPING NO TOBACCO** area. Smoking or vaping Tobacco use is prohibited on Commons property.

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DOGS

During normal business hours, and at any other time when any part of the Commons building is in use, dogs accompanying their owners into the Commons building must be leashed. Dogs providing security when the building is not in use by the public may be off leash. Dogs are not allowed in Room 5 (Kitchen) except service dogs.

FIRE SAFETY

Attendance in any space may not exceed the capacity of that space posted on the emergency exit plan or vary from the specified type of use. Tables, chairs, and other objects may not be placed or allowed to remain in corridors, hallways, or doorways per fire codes. The Yachats Fire District Chief may be asked to inspect the setups for any large event to ensure compliance with fire and safety codes.

Flammable materials, including but not limited to oils, candles, combustible fuels, kerosene, gasoline, or pyrotechnics (fireworks), may not be used or stored in the building, with the exception of Sterno-heated chafing dishes used by a licensed food establishment, with permission granted by the City Manager Recorder or City Hall support staff.

~~All public meetings must be held in rooms with two exits. Rooms 3 and 7 have only one exit each.~~

VIOLATIONS

Any renter found in violation of the health and safety regulations above will be given written notice that no future contracts for use of the Commons by that renter will be approved by the City.

ENVIRONMENTAL VALUES

FRAGRANCES

The City of Yachats supports sustaining healthy indoor air quality. In the interest of promoting the health and safety of the City's citizens, staff, and visitors, City facilities open to the public are encouraged to maintain a fragrance-free environment. Please refrain from using scents, including those related to personal care, laundry, and cleaning products. Thank you for your consideration of others in providing an environment in which every person can feel safe and comfortable. Your cooperation is greatly appreciated.

DISPOSABLE PLASTIC BOTTLES

~~Yachats is a village that values natural resources. Water packaged in disposable plastic bottles and transported from remote locations unnecessarily consumes fossil fuel resources and creates a lasting waste management problem not only for our community, but for the entire planet. Therefore, the City Council requests that users of the Yachats Commons and other City properties refrain from the use and sale of water pa~~

~~ckaged in disposable plastic bottles.~~

SECURITY

Security and proper supervision of events are major concerns. All events must have adult supervision.

Hired security personnel may be required for out-of-town sponsors of active recreational, dance, or concert events, or evening events lasting more than 2 hours and/or attended by more than 50 people in the multipurpose room or a major portion of the building. ~~A volunteer may provide services, but to be security and be paid for services there must be a certificate from the State of Oregon.~~

When professional security services are required, the City may contract with the Lincoln County Sheriff's Office on an hourly basis. Security costs are not included in the room rental rates and will be charged in advance at the going rate. Upon payment of the invoice for the Sheriff's services, any remaining money will be returned to the renter.

Users wishing to contract for security privately must provide acceptable proof of such contract with a certified professional security provider.

Determinations regarding the need for security will be made case by case on the basis of information on the contract or by interview with the renter. Decisions regarding security are made at the discretion of the City ~~Manager Recorder~~ or City Hall support staff in consultation with the ~~User-Support~~Facilities Manager.

ALCOHOL USE/SALE

The sale or consumption of alcohol at events in the Commons and on Commons grounds will be by written permission ~~from City Council only~~the City Manager. Requests for such permission must be presented in writing on an Application for Use of Alcohol on City Property form. These forms are available at City Hall. The completed form must be submitted to the City ~~Manager Recorder~~ for approval ~~by either the Mayor or City Council President~~.

The sale and consumption of alcohol will be contained within well-defined boundaries. Hours of sale and security requirements will be determined by the Oregon Liquor Control Commission (OLCC) with input from the Lincoln County Sheriff's Office.

The sponsoring group will be responsible for maintaining adequate controls to ensure that:

- servers are at least 21 years of age
- no person under the age of 21 is served
- alcohol will be consumed within designated areas
- no cans/bottles of alcohol will be brought into the event area from outside the event area
- no person will be served who appears to be intoxicated

Security must be provided by the sponsoring group or the Lincoln County Sheriff's Office solely at the expense of the renter. Security staff must be situated at each point of distribution to enforce regulations and the end of event. Alcohol will be limited to beer and wine only, two cups per customer per visit and dispensed in cups only -- cans or bottles are not to be sold.

The City, OLCC, or Sheriff's Office may close the sale of alcohol at any time during an event at their discretion.

The City ~~Council~~Manager may require a written statement outlining how an applicant plans to comply with the OLCC regulations as well as OLCC service permits for any group that will be serving alcohol.

FIREARMS SALE/DISPLAY

The Commons building, including its grounds, is a public facility by state law, and is also used for Municipal Court. Sale or display of firearms, as defined by state law, is prohibited in the Commons or on the grounds by any renter holding a Yachats

Commons Use Permit/Contract. Any violation of the firearms policy may be cause for and result in cancellation of an existing permit/contract and a ban on future rental of the Commons by the violator of this policy. **Paid security staff with proper permits and certifications are allowed to carry firearms.**

RESERVATIONS

All reservations for use of the facilities of the Commons including the picnic shelter and sports field must be made through the *GoYachats.com* reservations system. This process ensures a record of facility rentals that meets state record and retention policies. For information and assistance, the **Facilities User Support Manager** may be called at 541-**272-4213**.

Renters shall be allowed to reserve rooms up to three years in advance.

Arts and Crafts Festivals, when the primary activity is vender booth selling to the public, are limited to eight (8) per year.

ROOM DESCRIPTIONS AND DETAILS

ALL RESERVATIONS

When room rentals are made, the type of activity and associated noise level will be considered. The working hours of City Hall (8:30 a.m. - 4:30 p.m. weekdays) will be taken into consideration. Noisier events will normally be held in the north end of the building.

Food shall not be prepared or served in any rooms that are carpeted. During building-wide events, food must be prepared and served out of Room 5 (Commons Kitchen) only. Any exceptions shall be made at the discretion of the City Manager Recorder or City Hall support staff in consultation with the Facilities User-Support Manager.

With the exception of lease agreements with the Yachats Youth and Family Program, no room will be allocated for exclusive permanent rental.

Room 1 (Civic Meeting Room) Not available for rent.

This room is used by City Hall from 8:30 a.m. to 4:30 p.m. for City Council meetings, Commission meetings, work sessions, and other open public meetings. At the discretion of the City Manager Recorder or City Hall support staff, ~~the audience half of the room~~ may be rented for conferences and seminars, or for events that book the Multi-purpose room, the Kitchen, Rooms 8 and 3, and need additional space at times when not in use by the City.

Room 2 (City Hall Offices) Not available for rent.

Room 3

This room has a capacity of 49 seats without tables. It has a small pull-down screen for presentations. Room 3 is available by reservation for use by organizations or groups of individuals to hold small meetings, where no funds are solicited for any purpose. The room is available for up to 2 hours for such groups of up to 25 people at no charge.

Room 4 (Preschool)

This room is rented on a long-term basis to the Yachats Youth and Family Activities Program (YYFAP) for use as a preschool. Renters wishing to use this room shall contact YYFAP to inquire about use of this space.

Room 5 (Commons Kitchen)

Room 5 is the designated Commons Kitchen and has an exterior exit door. All food for an event shall be prepared and/or served from Room 5. If an event requires use of the kitchen facilities, the kitchen rental rate will be charged in addition to the rent for any room(s) being used for the event. Room 5 may also be rented without the use of the kitchen facilities. Renters of this room may be impacted by multipurpose room noise. Maximum occupancy: 49 people, with or without tables.

The kitchen facilities are commercially approved and include a 6-burner gas stove, double-wide reach-in cooler, filtered drinking water, coffee-maker, triple sink, and 150 place settings.

Room 6 (Friends/User Sup Facilities per Manager's office) Not available for rent.

Room 7

Room 7 has a capacity of 27 seats without tables. A wall of north-facing windows provides soft light. Room 7 is not available to rent individually, but may be rented for large events that also book the Multi-Purpose Room, the Kitchen, Rooms 8 and 3, and that need additional space.

Room 8

Room 8 has a capacity of 49 people without tables. A wall of north-facing windows provides soft light. This room has an exterior exit door.

Multipurpose Room/Stage

This large room with a stage at one end and two basketball hoops is used for recreation, sports, dances, plays, concerts, and exercise classes. It is also appropriate for seminars, conferences, and festivals. Event lighting is available, as well as spotlights for the stage. Audio is also available.

Stage use shall be limited to pre-approved theater and performance events. Exceptions shall be considered on a case-by-case basis by the City Manager Recorder or their designee.

Maximum occupancy for theater seating is 225, with no more than 17 chairs in a row and a 4-foot aisle. Other configurations with fewer chairs in a row and more aisles may be approved if adequate safety precautions are provided. Maximum occupancy with tables: 162 people including serving staff; 14 round tables, 8 people per table. Serving table allowed. Aisle between double doorways must be left open. Aisle of 4 feet between all tables for craft show setup. Clearance on southwest door 4 feet.

Basement (Yachats Youth and Family Program and storage) Not available for rent.

ROOM USE CATEGORIES AND RENTAL RATES

ROOM USE CATEGORIES

Free Use

- Yachats government (City Council and Commissions)
- Community events to raise funds for the Commons
- ~~Friends of the Commons fundraising events~~
- Yachats Youth and Family Program
- ~~Friends of the Yachats Library for their book sale~~
- Fee-waived groups and activities for public information/input at the City Recorder's discretion (e.g., candidates' forum; government agencies)
- Other federal, state, or county government agencies

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Use by Donation

- Open community gym and exercise programs, and recurring open community events that do not generate income for the instructor, sponsors or individuals (e.g., yoga, zumba, tai chi, discussion groups, song circles). Sponsors should solicit donations with all donations submitted to City Hall the Facilities Manager for credit to Parks and Commons in lieu of rent.
- Yachats Big Band will donate 50% of the gate receipts to the Commons in lieu of rent for their performances

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Community Use

* Room 3 is available by reservation for individuals or groups to hold small meetings in which no funds are solicited for any purpose. The room is available for up to 2 hours for such groups of up to 25 people at no charge.

Non Profit Use ~~Community Use~~

- Non-recurring nonprofit events that build a stronger sense of community while benefitting the individual: educational, sports, cultural and arts, recreation, social
- Nonexclusive service clubs/organizations
- Tax-supported agencies (e.g., community colleges)
- ~~Other federal, state, or county government agencies~~
- Commercial events open to the public that are sponsored by nonprofit groups or organizations (e.g., Chamber of Commerce Arts and Crafts Fair)
- Use sponsored by individuals for commemorative life events (e.g., birthdays, anniversaries, memorials) where the public is invited and donations are solicited for the benefit of local nonprofits or the Commons
- Hardship fundraising events not involving commercial activities, organized by a group of community members to benefit another community member in need

Private Use

- Private meetings or events with restricted access (e.g., family reunions, wedding receptions)
- Fundraising events involving commercial activities organized by a group of community members to benefit another community member in need (e.g., a fair or show where the funds for the community member in need are raised from the rental of space to commercial vendors who will be selling products for their own profit).
- Use sponsored by individuals for commemorative life events (e.g., birthdays, anniversaries, memorials) not involving donations to local nonprofits or the Commons, whether public or private.

Commercial Use

- Commercial or for-profit events open to the public, i.e., activity for which the purpose of the rental is to make profits for an individual or company.

RENTAL RATES AND OTHER FEES

Rental Rates for Commons Rooms

Space	Commercial Use	Private Use	Non Profit Use
Meeting Rooms 3-5, 7, 8	\$36/hr \$180/day	\$18/hr \$90/day	\$9/hr \$45/day
Meeting Room 3	\$24/hr \$120/day	\$12/hr \$60/day	\$6/hr \$30/day
Multipurpose room	\$60/hr \$300/day	\$30/hr \$150/day	\$15/hr \$75/day
Kitchen	\$100/half-day \$200/day	\$50/half-day \$100/day	\$25/half-day \$50/day
Use of coffee-maker only	\$15	\$10	\$5

Rental Rates for Equipment

Equipment	Rental Price	Rental on Site?	Rental off Site?
Dishes	\$15	yes	No
Black chairs	\$2.50 each	no	Yes
Folding chairs	\$1.50 each	no	Yes
Rectangular tables	\$5.00 each	no	Yes
Round tables	\$5.00 each	no charge	Yes
Theater lighting	\$400	Yes	No
Folding chairs	n/a	n/a	n/a
Digital projector	n/a	n/a	n/a
Cordless mike	n/a	n/a	n/a

Rental of Commons equipment for off-site use is based on availability and the needs of Commons users and renters, who have priority in all cases. Equipment shall not leave the building except as approved by City Hall staff. Rental forms must be completed and fees paid to the City before any equipment can be released.

Rehearsal Time

Rehearsal time for events under contract will be free and available within reason. Rehearsal times will be accommodated as much as possible provided the space is not needed for paying events. If paying events come up, rehearsals will need to be rescheduled or moved to another room. Rehearsal time can be guaranteed by paying Community rates.

Set-Up/Clean-Up

~~Renters paying Commercial and Private rates will be charged for set-up and clean-up time exceeding one hour. The fee will be charged by the hour or by the day, whichever is less.~~

- No charge for setup time after 5:00 p.m. the day prior to the event.
- If 1-3 hours is needed prior to 5:00 p.m., the charge would be one half the hourly rate
- If 4 or more hours is needed prior to 5:00 p.m., the charge would be one half the daily rate

If One of Us Productions requires rehearsal time, there would not be a charge for rehearsal time so long as they are willing to use whatever room is available.

Cleaning/Damage Deposit

~~A refundable cleaning/damage deposit of \$200 for the multipurpose room and \$100 for each meeting room is required and is to be paid in advance.~~

A \$100.00 refundable damage/cleaning deposit for any full-day or multiple-day event for reservations of 1 or 2 rooms. Reservations for more than 2 rooms requires a \$500.00 refundable damage/cleaning deposit for any full-day or multiple-day event. Fifty percent of the rental fees are required up front; applicable to the total rent due.

If the reservation is cancelled at least 30 days prior to the event, tenant would receive 100% of their deposit back. If cancelled between 15-30 days, they would receive 50% of their deposit back. If cancelled within the last 14 days, the deposit would be forfeited.

A deposit will not be charged for memorial services. All other uses require a deposit to be paid up front.

Renters will be financially responsible for the value of any lost equipment or damage beyond normal wear and tear in excess of the deposit amount.

If the facility is left clean, the deposit will be returned. City Hall staff in consultation with the Facilities ~~User Support~~ Manager has the right to charge users for whatever cleaning or repair may be required, based on actual time and materials needed.

CONTRACTS AND APPEALS

City Hall staff in consultation with the Facilities ~~User Support~~ Manager will determine rental categories. Special contracts may be negotiated with the Parks and Commons Commission.

Contracts for ongoing renters are generally issued on a multi-month basis and are reviewed at least annually and extended at any time by the City ~~Manager-Recorder~~. Contracts may be revoked at any time by the City ~~Manager-Recorder~~.

Decisions made by the City ~~Manager Recorder~~ or City Hall staff may be appealed to the Parks and Commons Commission. Decisions made by the Parks and Commons Commission may be appealed to City Council.

INSURANCE

Certain activities, performances, events, and instructional classes require insurance and the documentation of a Certificate of Liability Insurance if Commons facilities or grounds are to be used.

The following lists represent the types of uses that will require certificates of insurance. They should not be considered complete listings.

A. Organized dance or sports instruction and participation.

- Recreational dance
- Tumbling
- Baton
- Martial arts
- Cheerleading
- Meetings

B. Single-event activities.

- Festivals
- Concerts
- Dances

C. Multiple or long-term educational or recreational programs involving children.

- Preschool, day care
- Alternative education
- Baton, dance, or physical fitness instruction

D. Instructional programs involving overtly hazardous equipment, tools, or materials.

Liability insurance will have a \$500,000 single limit.

Documentation of coverage through existing business, residential, or organization insurance may be acceptable. The City of Yachats shall be listed as Certificate Holder.

Certificates of Insurance for single events are to be attached to rental contracts. For ongoing events, records must be kept of annual dates, certificates that expire, and notice given to renters prior to such expiration.

Determination regarding the need for certificate may be necessary on a case-by-case basis, depending on information on the rental contract or by interview. Certificate of Insurance must be received (with contract and rental fee) prior to the event.

OTHER RENTAL CATEGORIES

GRAND PIANO

Residents of Yachats and visitors are encouraged to use the grand piano. In order to maintain this fine instrument and ensure its prolonged use, the following guidelines have been established.

The piano will be kept in a secured garage on the stage of the multipurpose room when not in use.

The piano will be moved in and out of its garage only by experienced users or under the supervision of City Hall staff, ~~the User Support or the Facilities~~ Manager, ~~or a Friends~~ volunteer.

The piano will be tuned as needed. The tunings will be scheduled by City Hall staff. The piano may receive additional tunings at the renter's discretion and expense. However, a technician approved by City Hall staff must be used.

Persons wishing to use the piano must fill out a request form and submit it to City Hall staff for approval.

There are to be absolutely no food or drinks on or near the piano.

Students under the age of 16 using the piano must be supervised by an adult at all times.

A small console piano is available for use by community members at no fee. Please see City Hall staff to use it.

Daily Rental Rates for Grand Piano

Commercial	Private	Community
\$100	\$50	\$25

A damage deposit of \$100 is required of all renters.

Fees may be waived at the discretion of the City ~~Recorder-Manager~~ for groups ~~such as Friends of the Commons or One of Us Productions~~ that have supported and made substantial contributions to the Piano Fund and to the Commons, or for individuals who sponsor fundraising events to raise money for the Commons.

STAGE/SOUND/LIGHTING

~~The Friends have installed~~ Professional-grade sound and lighting equipment on the Commons stage ~~in order to provide the opportunity for community and commercial activities such as theatrical events, music and dance performances and recitals, lectures, speeches, poetry readings, and screening of films and videos.~~

~~In order to maintain this equipment and provide for its prolonged use, the following guidelines have been established. A \$100 stage lighting fee will be charged. This fee is split 50/50: \$50 for stage lighting equipment and \$50 for an authorized trained stage lighting technician. The Friends may provide assistance for a donation. Community theater groups may have members trained as authorized technicians.~~

Rental of the stage will be at the discretion of the City ~~Manager Recorder~~ for uses other than events that are usual and customary activities associated with a stage.

Structures, stage sets, attachments, or equipment added to the stage will be approved by the City ~~Manager Recorder~~.

No food ~~or drinks are~~ allowed on the stage. Liquids are acceptable on stage only in spill proof containers.

Only UL-approved electrical cords in safe working condition may be used and are to be connected to wall outlets in such a manner as not to interfere with the drapes.

Children under age 18 must be supervised by a responsible adult at all times.

The main drape on the stage shall be pulled closed when events in the multipurpose room might cause damage to the stage and/or its equipment (e.g., basketball, volleyball, softball, etc.)

RENTERS' RESPONSIBILITIES

Oregon law (ORS 105.682, et seq.) provides that the owner of land is not liable in contract or tort for injury, death or property damage that arises out of use of the land for recreational purposes (known as "recreational use immunity"). That immunity from liability does not apply if the owner makes a charge for permission to use the land. Fees charged for a particular use in building and/or park, such as use of a meeting room or the picnic shelter, do not apply to other uses of the building, the park or the public trails, or to your ability to enter other areas of the building, park or public trails. Therefore, the City of Yachats is not liable for injuries, death or property damage arising out of any use of building, park or public trails for recreational purposes when no specific charge has been made for that use or for the right to enter that part of the property.

1. All applicants for rental space must be 18 or older.
2. City Hall is responsible for working with renters to ensure compliance with policies and any contract agreement(s); however, the renter is liable for that compliance.
3. The Commons ~~Facilities User Support~~ Manager will coordinate with each renter to determine equipment needs and will check rooms/equipment for damage and cleanliness at the beginning and end of an event. Each renter is responsible for special needs on the reservation form prior to the event and for leaving the rooms clean/usable or better for the next renter. Renters are responsible for setting up and tearing down their own events and returning Commons property to its original location(s).
4. Renters must also determine the need to use their own personal equipment (e.g., extension cords).
5. City Hall does not clean rooms, wash dishes, or empty trash (with the exception of the rest rooms). The cleaning supply closet across the hall from Room 4 is stocked with brooms, mops, paper products, etc. It should be relocked after use. Trash containers should be emptied into the dumpster in back of the Commons and new liners put into the containers. Recycle bins are available outside near the southwest wall.
6. All renters are responsible for obtaining the proper permits and licenses needed for their particular events or food service. Copies of those permits and licenses must be

submitted to City Hall and attached to the rental contract. The Yachats Prepared Food and Beverage Tax shall be collected and submitted when applicable.

7. The Commons building is a NO ~~SMOKING TOBACCO~~ area. ~~Tobacco use~~ Smoking or vaping is prohibited on Commons property.
8. Alcohol use will not be permitted without prior written approval of City Council. An Application for Use of Alcohol on City Property form must be submitted and approved prior to the event. This form is available inside City Hall.
9. Renters should be aware of the statement on fragrances under the Environmental Values heading and should make reasonable efforts to comply with its requests.
- ~~10. Renters should be aware of the information on disposable plastic bottles under the Environmental Values heading and should make reasonable efforts to comply with its requests.~~
- ~~11-10.~~ Only those rooms contracted for are to be used. Renters will contact City Hall if any changes in rooms are to be made, additional space is required, or equipment needed.
- ~~12-11.~~ The driveway in front of the Commons is for dropoff and handicap access only. Renters must ensure that no vehicles are parked in that area during events.
- ~~13-12.~~ No tables, chairs, or other objects may be placed or allowed to remain in the hallways except as approved by the Fire Marshall or Yachats Fire District Chief.
- ~~14-13.~~ Equipment may not be removed from the building without prior approval of City Hall staff in consultation with the ~~User Support~~Facilities Manager.
- ~~15-14.~~ Renters are responsible for locking the room(s) they have used at the end of the scheduled use. Renters shall also coordinate with other users to ensure that all rooms in the building and the building's main doors are locked at the end of the day. If the key checked out to them for their use will not lock any doors they find unlocked, they should call the ~~User Support~~Facilities Manager at 541.961.4258 for assistance. Should problems arise that renters do not feel comfortable dealing with, they should call 911.
- ~~16-15.~~ Renters are responsible for replacement of lost or damaged equipment and repairs to rooms. Nails or tacks, etc., are prohibited as a means of securing items to walls, railings, ceilings, etc. Only painters' tape is permitted.
- ~~17-16.~~ Renters will make reasonable efforts to assure that any person who conducts him/herself in a disorderly manner and/or minors who have consumed alcoholic beverages do not remain on any part of the premises during activities. Should problems arise that renters do not feel comfortable dealing with, they should call 911.
- ~~18-17.~~ Renters will not permit violations of federal, state, or local laws to occur in connection with their activities.
- ~~19-18.~~ Renters should contact City Hall Monday-Friday from 8:30 to 4:30 (except holidays) for assistance at 541.547.3565. Otherwise, the ~~Facilities~~ User Support Manager is available at 541.961.4258.
- ~~20-19.~~ Linens, catering, and all decorations are the renter's responsibility.
- ~~21-20.~~ The City of Yachats is not responsible for lost items.

~~22-21.~~ Reservations are not firm until a completed contract has been signed by renter and City.

~~23-22.~~ If there is a need for clarification or interpretation of the Rental Agreement, a request may be made to speak to the Chairperson of the Parks and Commons Commission.

USE OF KEYS

GENERAL RULES

Keys are only for the use of the person/organization checking them out and only for the scheduled rental(s). Renters/users are reminded that they must clear any extra or extended use with City Hall ahead of time. Keys may be picked up at the City Hall office M-F, 8:30-4:30.

If the key checked out to renters for their use will not lock any doors they find unlocked at the end of their event/activity, they should call the Facilities User Support Manager (541-272-4213) for assistance.

Renters owing money (e.g., fines, etc.) related to Commons use are not allowed further room rental or key checkout until the money is paid

MASTER KEYS

These keys are for maintenance, security, and fire protection personnel only. They will not be checked out to renters/users.

LONG-TERM USE

Renters/users with a signed contract/agreement that use the Commons more than once a week may be given a key on a long-term basis. This privilege may be requested when the rental agreement is signed. Approval can be given by the City Manager Recorder and will be reviewed regularly.

CHECKOUT

Keys are checked out for scheduled events. City Hall staff may collect deposits and will keep appropriate records.

DEPOSITS

~~A refundable deposit of \$15 per key may be collected at checkout. The deposit will be refunded upon prompt return of keys. The deposit may be waived by the City Recorder.~~

KEY RETURN

Keys are to be returned within 24 hours after the end of the scheduled use or by the next business day to City Hall or to the City's drop box at the southernmost doors in the front of the building.

LOST KEYS

All costs related to re-keying and duplicate keys will be charged to the renter/user at the going business rate.

STORAGE

As negotiated with the City Hall staff in consultation with the Facilities User-Support Manager, cabinets in the Commons may be used for storage. This convenience is primarily for long-term renters. Users are responsible for all materials and supplies stored and for locking them up. Users must supply City Hall with a set of keys for any lock installed.

If additional storage is needed that could require replacement of a portable cabinet, case, or large items in rooms, arrangements must be made with City Hall staff in consultation with the Facilities User-Support Manager.

The City is not liable for anything stored or lost in the Commons.

DUMPSTER

For some large events, organizations or groups will be required to provide an additional dumpster or pay for an extra pickup of the City dumpster.

CONCESSIONS

If food service is planned for an event, concessions are allowed. All concessionaires and caterers will comply with Business License and Prepared Food and Beverage Tax laws.

BUMPING

Occasionally, in the event of a time conflict, regular or intermittent users may be asked to yield to special uses. When this occurs, City Hall staff will give notice to the designated representative of the user to be bumped.

COMMONS OPEN SPACE

The Commons open space consists of 4.85 acres including a playground, enclosed picnic shelter, sports field, woods, wetland area, open space, and parking.

The exclusive use of the sports field and/or picnic shelter must be made through the GoYachats.com reservation system.

.Family use or pickup sports games are permissible as long as events are not scheduled in the area.

PLAYGROUND

The playground is available to individuals or families for their use on a first-come, first-served basis. Use is at one's own risk.

ENCLOSED PICNIC SHELTER

Rental Rates

Commercial Use	Private Use	Community Use
\$36/hr. \$120/day	\$18/hr. \$60/day	\$9/hr. \$30/day

PARKING

Maximum parking available in the area of the Commons building and grounds is 198 spaces, including 8 handicap. Some parking is on private property.

Parking for the Commons is available in the lot at the north end of the building on the south side of 5th Street ~~and in front of and alongside the 501 Building. The north side of the lot is used by the Bank of the West during business hours.~~ Parking is also available in the back of the Commons. Parking should take place on the south side of the fenced area. For larger events, parking may occur on the north side of the fenced area and on the edge of the grassy area. Parking is also available along 4th Street and west of the retaining wall behind ~~the 501 Building Bank of the West.~~ At all times be aware that children may be in the area. Care should be taken when driving in the vicinity. Vendor use of this area is by permission only.

The driveway in front of the Commons is for drop-off and handicap access only. Renters must ensure that no vehicles are parked in that area during events.

WETLANDS

A part of the open area to the west of the Commons is a delineated wetlands and shall be respected as such. Trails may not be cut in the woods or wetlands area. Pick up all litter and dispose in appropriate trash containers. Do not dispose of any chemicals or liquids in the area. Do not attempt to feed the fish or birds.

WALKING PATH

The walking path and boardwalks on the Commons property are available to the public. Please stay on the path.

SPORTS FIELD

The sports field is to be used primarily for athletic and play activities. Other uses must be approved by the City Staff. Any organized events/team play must be scheduled through the GoYachats.com reservation system. Unless reservations have been so scheduled, the field is available on a first-come, first-served basis.

SKATEBOARDING

Skateboarding is allowed in ~~a designated area~~ [the skateboard park](#) with ramps in back of the [Commons501 Building](#). ~~The area may be used by skateboarders unless an event is scheduled in this area. Then all ramps must be removed and all skateboarding will stop. Loading and unloading of equipment into the Commons building may also occur in this area and require skateboarding to stop.~~ Skateboarders may not interfere with events that occur in the Commons or on Commons grounds. This includes YYFAP activities and events.

Appendix A – Making a Room Reservation in the Commons Using the GoYachats Calendar/Reservation System

Exhibit B

Yachats Commons Rental Pricing Policy

Standard Use

- For-profit events

Private Use

- Events with restricted access (i.e., reunions, receptions, birthdays, anniversaries)
- All other uses not covered in the descriptions above

Non Profit Use

- Use by 501©3 non-profit organizations (i.e., STEM, Polly Plumb Productions, One of Us)
- Fund-raising event to benefit a community member in need
- Use by service clubs and organizations involving a collection of money (i.e., Ladies Club, Lions Club)

Community Use

- Room 3 is available by reservation for use by organizations or groups of individuals to hold small meetings, where no funds are solicited for any purpose. The room is available for up to 2 hours for such groups up to 25 people at no charge.

Waiver of Rental Fees

- Any government or tax-supported governmental agency will not be charged for meeting time
- **Friends of the Yachats Commons will not be charged for meeting or events time, but any group they might sponsor or take under their umbrella for insurance purposes would pay for their room rental charges**
- View The Future would not be charged for meeting time
- Friends of the Yachats Library will not be charged for their annual book sale
- YYFAP will not be charged for their events and activities
- **Yachats Big Band will donate 50% of the gate receipts to the Commons in lieu of rent for their performances**

By Donation

- Small community groups that collect a cash donation for use of the facility for exercise, tai chi, yoga, art, music will **deposit the cash in the drop slot by the Facilities Manager's office for insurance purposes**

Fees For the 501 Building

- **If tenant chooses to rent the entire building, the fee will be the same as the multi-purpose room**

Exhibit B

- If tenant chooses a room in the Commons that is already rented, they may use a portion of the 501 Building, but will be charged the same amount as that room would have cost them instead of paying for the entire building

Deposit Required

- \$100 refundable damage/cleaning deposit for any full-day or multiple-day event for reservations of 1 or 2 rooms. Reservations for more than 2 rooms requires a \$500 refundable damage/cleaning deposit for any full-day or multiple-day event. Fifty percent of the rental fees are required up front; applicable to the total rent due.
- If reservation is cancelled at least 30 days prior to the event, tenant would receive 100% of their deposit back. If cancelled between 15-30 days, they would receive 50% of their deposit back. If cancelled within the last 14 days, the deposit would be forfeited.
- A deposit will not be charged for memorial services. All other uses would require a deposit to be paid up front.

Set-Up or Practice Time

- No charge for setup time after 5:00 p.m. the day prior to the event
- If 1-3 hours is needed prior to 5:00 p.m., the charge would be one half the hourly rate
- If 4 or more hours is needed prior to 5:00 p.m., the charge would be one half the daily rate

If One of Us Productions requires rehearsal time, there would not be a charge for rehearsal time so long as they are willing to use whatever room is available.

Revised **August 8**, 2018

City Council Action Item Cover Sheet

DATE: August 8, 2018

Agenda Item:

Appointment to Vacant Council Position

Question Before Council:

Does the Council appoint a member to the Council to fill the vacant position

Person/Group Initiating Request:

Council

Item Summary/Background:

The Council decided at its August 1, 2018 meeting to interview and appoint to fill the current Council vacancy.

The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to to appoint _____ to the Yachats City Council in Resolution 2018-32

Alternative: None Recommended

**CITY OF YACHATS
RESOLUTION 2018-32
A RESOLUTION APPOINTING A MEMBER TO THE YACHATS CITY COUNCIL**

WHEREAS, there is a vacancy on the Yachats City Council due to the resignation of a Council member.

NOW THEREFORE, the City of Yachats resolves

_____ is hereby appointed, as per the Yachats City Charter, to fill the vacant City Council position, with a term ending December 31, 2018.

EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

Passed and adopted by the Yachats City Council this 8th day of August, 2018.

Gerald F. Stanley, Mayor

Attest by:

Shannon Beaucaire, City Manager

City Council Action Item Cover Sheet

DATE: August 8, 2018

Agenda Item:

Ordinance 352

Question Before Council:

Does the Council accept the proposed modifications to Section 8.22

Person/Group Initiating Request:

City Manager

Item Summary/Background:

In 2001, the City Council adopted Section 8.22 to implement the Water Resources Department final order
in the water settlement agreement. In coordination with the City Attorney, the City Manager has worked to clarify Section 8.22
These are for clarification purposes only & are consistent with th water permit settlement agreement & the master plan.

The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to authorize the changes proposed to Section 8.22 in Ordinance 352.

Alternative: None Recommended

YMC Chapter 8.22.

Comparison document showing proposed changes. Single underline and single strikethrough show new text and deleted text. Double underline and double strikethrough show moved text.

Section 8.22.010 Definitions.

As used in this title:

~~"Approved City agents" means persons trained by City personnel to read meters and report the readings back to the City for the purpose of reading meters on a more frequent basis to enforce the provisions of this ordinance.~~

~~"Commercial water" means those commercial users of meters smaller than 1-1/4" and billed under the City's water system as "commercial water."~~

~~"Grey water" means water used in the home for domestic means that is collected after primary use and reused for landscape watering.~~

"Commercial large meter" means those users of meters 1-1/2 inches or larger and billed under the City's water system as "commercial large meter."

~~"Flow control nozzle" means any hand held nozzle type device, in proper working condition, affixed directly to the hose that must be triggered by hand to allow flow.~~

~~"Grey water" means water used in the home for domestic means that is collected after primary use and reused for landscape watering.~~

~~"Hot tubs, whirlpools and spas" means large bath tub type vessels, jetted or non-jetted, with a capacity greater than 40-gallons.~~

~~"Residential water" means those users of residential sized meters and billed under the City's water system as "residential water."~~

"Outside City water" means those users of residential sized meters and billed under the City's water system as "outside City water."

~~"Residential water" means those users of residential sized meters and billed under the City's water system as "residential water."~~

~~"Commercial water" means those commercial users of meters smaller than 1-1/4" and billed under the City's water system as "commercial water."~~

"Transient ~~rental residential~~water users" means those users of residential sized meters and billed under the City's water system as "transient residential water."

~~"Flow control nozzle" means any hand held nozzle type device, in proper working condition, affixed directly to the hose that must be triggered by hand to allow flow.~~

~~"Hot tubs, whirlpools and spas" means large bath tub type vessels, jetted or non-jetted, with a capacity greater than 40 gallons.~~

~~"Drought"~~"Water shortage" means a status determined by the ~~combined flow of Reedy and Salmon Creeks~~City Council via resolution. Except in emergencies as specified in~~determined under~~ Section 8.22.020.

~~"Potential drought" means an assessment of future drought conditions based on 100, it is the Council's determination of a water shortage that results in the Palmer Drought Severity Index for the Pacific Northwest Region or other appropriate measurements or conditions~~water conservation actions set out under each phase in Sections 8.22.030 through 8.22.050.

~~"Approved City agents" means persons trained by City personnel to read meters and report the readings back to the City for the purpose of reading meters on a more frequent basis to enforce the provisions of this ordinance.~~

Section 8.22.030 Water conservation actions—Phase 1.

A. A water shortage is a Phase 1 ~~shall be in effect~~water shortage when, subject to Section 8.22.110:

1. The flow in the Yachats River is recorded to be less than 35 cubic feet per second (hereafter CFS); or
2. The combined flow of Reedy and Salmon Creek is less than 0.64 CFS (275 Gallons Per Minute (hereafter GPM)); or
3. According to the Palmer Drought Severity Index, the Coastal Region is in a Moderate to Extreme Drought and the Public Works Director determines that conditions exist to warrant Phase 1 restrictions.

B. Upon determination of a Phase 1 water shortage, all City water users shall receive written notice of: the water shortage ~~situation, that,~~ the Phase 1 water restrictions ~~are~~ in force, and the penalties for non-compliance.

C. Water Alert Status - Phase 1 calls for moderate curtailment. The following non-essential uses are restricted or prohibited under Phase 1:

1. The watering of lawns, gardens and landscaping is restricted to alternative days. Specifically, houses with an address number ending in even numbers (0-2-4-6-8) shall water lawns only on even numbered calendar days. Houses with an address number ending in odd numbers (1-3-5-7-9), or fractional addresses, shall water only on odd numbered calendar days. All watering of lawns, gardens and landscaping shall be prohibited between the hours of 10:00 A.M. and 7:00 P.M. of each day.

2. All sales of water to persons who are not customers of the water system are prohibited.

3. No water shall be used by the Yachats Rural Fire District for drills, fire hose testing, hydrant flushing or truck washing.

4. The operation of an ornamental fountain, unless it is ~~are~~ equipped with a recirculation system, is prohibited.

Section 8.22.040 Water conservation actions—Phase 2.

A. A water shortage is a Phase 2 ~~shall be in effect~~ water shortage when, subject to Section 8.22.110:

1. The flow of the Yachats River is measured to be less than 20 CFS or

2. The combined flow of Reedy and Salmon Creek is less than 0.50 CFS (200 GPM) or

3. According to the Palmer Drought Severity Index, the Coastal Region is in a Severe or Extreme Drought and the Public Works Director determines that conditions exist to warrant Phase 2 restrictions.

B. Upon determination of a Phase 2 water shortage, all City water users shall receive written notice of: the water shortage ~~situation, that,~~ the Phase 2 water restrictions ~~are~~ in force, and the penalties for non-compliance.

C. Water Warning Status - Phase 2 calls for extensive restrictions on water usage. In addition to the restrictions and prohibitions for Phase 1 above, for Phase 2 the following non-essential uses are prohibited:

1. The watering of any vegetation, except that trees and shrubs may be watered with a hand held watering device, bucket or hose with flow control nozzle, or drip irrigation system only (no airborne sprinkler systems).

2. The use of water for washing, hosing and the like of buildings and pavement or other pedestrian surfaces~~;~~

3. Drinking water served at restaurants, motels and other businesses which serve food or drink to the public, unless users post "drought notices" in a clearly conspicuous manner so that members of the public will be apprised of the water shortage. If so posted, water for drinking purposes may be served upon request~~;~~

4. Washing of vehicles, equipment, watercraft and the like~~;~~

5. The operation of all exterior ornamental fountains, even with a recirculating system~~;~~ and~~;~~

6. Use of City water for dust control.

D. For Phase 2, all commercial large meter users, commercial water, and transient water users shall post the written notice, provided by the City, pursuant to subsection B of this section in a conspicuous location within twenty four (24) hours of receiving said notice.

Section 8.22.050 Water conservation actions—Phase 3.

A. A water shortage is a Phase 3 ~~shall be in effect~~ water shortage when, subject to Section 8.22.110:

1. The flow of the Yachats River is measured to be less than 15 CFS; or

2. The combined flow of Reedy and Salmon Creek is less than 0.40 CFS (175 GPM); or

3. According to the Palmer Drought Severity Index, the Coastal Region is in an Extreme Drought and the Public Works Director determines that conditions exist to warrant Phase 3 restrictions.

B. Upon determination of a Phase 3 water shortage, all City water users shall receive written notice of: the water shortage ~~situation, that,~~ the Phase 3 water restrictions ~~are~~ in force, and the penalties for non-compliance.

C. Water Emergency Status - Phase 3 is the most restrictive level of water conservation measures. In addition to the restrictions and prohibitions for ~~Phase~~ Phases 1 and 2, above, for Phase 3 the following non-essential uses of water are prohibited:

1. All landscape watering is prohibited, except for use of grey water or water from other than the City's water supply~~;~~

2. Use of water from a fire hydrant for any use other than for firefighting.
3. Use of non-recirculating hot tubs, whirlpools or spas.
4. All "commercial large meter" users are required to send linens for laundering outside the City except that commercial laundromats are exempt from this regulation.

D. For Phase 3, all small meter users, including residential water, outside City water, commercial water, and vacation rental residential water users shall be charged the base volumetric rate for the first 400 cubic feet per month usage. Usage over 400 cubic feet per month usage shall be charged the base volumetric rate plus \$2 per 100 cubic feet over the 400 cubic feet. Fractions of months under Phase 3 water conservation restrictions shall be billed extra based on daily usage over 13.33 cubic feet per day. Meters may be read more frequently by City personnel or approved City agents to enforce these restrictions. Small meter users using more than 27 cubic feet per day on average shall be given a written warning to reduce usage and thereafter cited under 8.22.070 C.1. (Phase 3 - First offense).

E. For Phase 3, all users may be required to reduce their normal usage by a certain percentage when compared to their average normal usage over the same calendar time period from the previous two (2) years.

F. No water connections to new residences, business or industry shall be permitted during Phase 3 ~~water conservation restrictions and prohibitions~~.

G. All commercial large meter, commercial, and transient water users shall post a written notice, approved by the City in a conspicuous location in each rental unit within two (2) days of receiving notice of a Phase 3 ~~status~~.

Section 8.22.100 Public Works Director declaring necessity for water conservation.

In an emergency, as determined in the discretion of the Public Works Director, the Public Works Director may declare a water shortage and the necessity for water conservation ~~and upon such declaration, the provisions of~~ Sections 8.22.020 and 030 through 8.22.030 ~~050~~. The water conservation actions shall be in full force and effect and shall be enforced until such time as the Public Works Director declares a suspension or termination of the ~~need for such~~ water conservation measures ~~shortage~~. The Public Works Director shall notify the Council immediately upon such declaration and Council shall meet as soon as practical to accept, reject or modify such determination.

Section 8.22.110 Method of measurement.

~~The method to determine~~For purposes of determining the existence of a water shortage and the severity of ~~a drought~~ water conservation actions under Sections 8.22.030 through 8.22.050, the City shall ~~be by measuring~~measure the flow of water at sources with developed City rights, ~~as follows:~~

1. If the City is using the Yachats River to supplement its raw water source, the water flows in the Yachats River will be determined by ~~the use of~~using a measuring device approved by the Oregon Water Resources Department. If the City is not using the Yachats River to supplement its raw water source, the flow of the Yachats River shall not be considered for determining a water shortage.

2. ~~For all phases of a water shortage,~~ The combined flow of Reedy and Salmon Creek shall be measured using a staff gage installed in Salmon Creek.

**CITY OF YACHATS
ORDINANCE NO. 352**

**AN ORDINANCE AMENDMENT THE YACHATS MUNICIPAL CODE CHAPTER 8.22
RELATED TO WATER USE CURTAILMENT**

Whereas, since 2001, the City has had water use curtailment measures in place to deal with water shortages; and

Whereas, the City has water rights to draw water for municipal uses from the Yachats River as well as Reedy and Salmon Creek; and

Whereas, the City does not currently use its water rights in the Yachats River but instead obtains all its raw water from Reedy and Salmon Creek; and

Whereas, through its water permit with the Oregon Water Resources Department for the Yachats River, the City has certain obligations that arise should the City draw water from the Yachats River; and

Whereas, the City's water curtailment measures in YMC Chapter 8.22 are potentially confusing as to the curtailment measures relate to the City's use of its water rights in the Yachats River; and

Whereas, the City wishes to clarify its water curtailment measures and maintain compliance with its obligations under its water permit for the Yachats River; and

Whereas, these amendments to YMC Chapter 8.22 will serve to clarify the Council's role in determining water shortages and will result in more thorough protection of the City's valuable water resources,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 8.22.

Yachats Municipal Code Chapter 8.22, Section 8.22.010, Section 8.22.030, Section 8.22.040, Section 8.22.050, Section 8.22.100, and Section 8.22.110 shall be amended to read as follows:

Section 8.22.010 Definitions.

As used in this title:

“Approved City agents” means persons trained by City personnel to read meters and report the readings back to the City for the purpose of reading meters on a more frequent basis to enforce the provisions of this ordinance.

“Commercial water” means those commercial users of meters smaller than 1-1/4” and billed under the City’s water system as “commercial water.”

“Commercial large meter” means those users of meters 1-1/2 inches or larger and billed under the City’s water system as “commercial large meter.”

“Flow control nozzle” means any hand held nozzle type device, in proper working condition, affixed directly to the hose that must be triggered by hand to allow flow.

“Grey water” means water used in the home for domestic means that is collected after primary use and reused for landscape watering.

“Hot tubs, whirlpools and spas” means large bath tub type vessels, jetted or non-jetted, with a capacity greater than 40-gallons.

“Outside City water” means those users of residential sized meters and billed under the City’s water system as “outside City water.”

“Residential water” means those users of residential sized meters and billed under the City’s water system as “residential water.”

“Transient water users” means those users of residential sized meters and billed under the City’s water system as “transient residential water.”

“Water shortage” means a status determined by the City Council via resolution. Except in emergencies as determined under Section 8.22.100, it is the Council’s determination of a water shortage that results in the water conservation actions set out under each phase in Sections 8.22.030 through 8.22.050.

Section 8.22.030 Water conservation actions—Phase 1.

A. A water shortage is a Phase 1 water shortage when, subject to Section 8.22.110:

1. The flow in the Yachats River is recorded to be less than 35 cubic feet per second (hereafter CFS); or

2. The combined flow of Reedy and Salmon Creek is less than 0.64 CFS (275 Gallons Per Minute (hereafter GPM)); or

3. According to the Palmer Drought Severity Index, the Coastal Region is in a Moderate to Extreme Drought and the Public Works Director determines that conditions exist to warrant Phase 1 restrictions.

B. Upon determination of a Phase 1 water shortage, all City water users shall receive written notice of: the water shortage, the Phase 1 water restrictions in force, and the penalties for non-compliance.

C. Water Alert Status - Phase 1 calls for moderate curtailment. The following non-essential uses are restricted or prohibited under Phase 1:

1. The watering of lawns, gardens and landscaping is restricted to alternative days. Specifically, houses with an address number ending in even numbers (0-2-4-6-8) shall water lawns only on even numbered calendar days. Houses with an address number ending in odd numbers (1-3-5-7-9), or fractional addresses, shall water only on odd numbered calendar days. All watering of lawns, gardens and landscaping shall be prohibited between the hours of 10:00 A.M. and 7:00 P.M. of each day.

2. All sales of water to persons who are not customers of the water system are prohibited.

3. No water shall be used by the Yachats Rural Fire District for drills, fire hose testing, hydrant flushing or truck washing.

4. The operation of an ornamental fountain, unless it is equipped with a recirculation system, is prohibited.

Section 8.22.040 Water conservation actions—Phase 2.

A. A water shortage is a Phase 2 water shortage when, subject to Section 8.22.110:

1. The flow of the Yachats River is measured to be less than 20 CFS or

2. The combined flow of Reedy and Salmon Creek is less than 0.50 CFS (200 GPM)
or

3. According to the Palmer Drought Severity Index, the Coastal Region is in a Severe or Extreme Drought and the Public Works Director determines that conditions exist to warrant Phase 2 restrictions.

B. Upon determination of a Phase 2 water shortage, all City water users shall receive written notice of: the water shortage, the Phase 2 water restrictions in force, and the penalties for non-compliance.

C. Water Warning Status - Phase 2 calls for extensive restrictions on water usage. In addition to the restrictions and prohibitions for Phase 1 above, for Phase 2 the following non-essential uses are prohibited:

1. The watering of any vegetation, except that trees and shrubs may be watered with a hand held watering device, bucket or hose with flow control nozzle, or drip irrigation system only (no airborne sprinkler systems).

2. The use of water for washing, hosing and the like of buildings and pavement or other pedestrian surfaces.

3. Drinking water served at restaurants, motels and other businesses which serve food or drink to the public, unless users post “drought notices” in a clearly conspicuous manner so that members of the public will be apprised of the water shortage. If so posted, water for drinking purposes may be served upon request.

4. Washing of vehicles, equipment, watercraft and the like.

5. The operation of all exterior ornamental fountains, even with a recirculating system.

6. Use of City water for dust control.

D. For Phase 2, all commercial large meter users, commercial water, and transient water users shall post the written notice, provided by the City, pursuant to subsection B of this section in a conspicuous location within twenty four (24) hours of receiving said notice.

Section 8.22.050 Water conservation actions—Phase 3.

A. A water shortage is a Phase 3 water shortage when, subject to Section 8.22.110:

1. The flow of the Yachats River is measured to be less than 15 CFS; or

2. The combined flow of Reedy and Salmon Creek is less than 0.40 CFS (175 GPM); or

3. According to the Palmer Drought Severity Index, the Coastal Region is in an Extreme Drought and the Public Works Director determines that conditions exist to warrant Phase 3 restrictions.

B. Upon determination of a Phase 3 water shortage, all City water users shall receive written notice of: the water shortage, the Phase 3 water restrictions in force, and the penalties for non-compliance.

C. Water Emergency Status - Phase 3 is the most restrictive level of water conservation measures. In addition to the restrictions and prohibitions for Phases 1 and 2, above, for Phase 3 the following non-essential uses of water are prohibited:

1. All landscape watering is prohibited, except for use of grey water or water from other than the City’s water supply.

2. Use of water from a fire hydrant for any use other than for firefighting.

3. Use of non-recirculating hot tubs, whirlpools or spas.

4. All “commercial large meter” users are required to send linens for laundering outside the City except that commercial laundromats are exempt from this regulation.

D. For Phase 3, all small meter users, including residential water, outside City water, commercial water, and vacation rental residential water users shall be charged the base

volumetric rate for the first 400 cubic feet per month usage. Usage over 400 cubic feet per month usage shall be charged the base volumetric rate plus \$2 per 100 cubic feet over the 400 cubic feet. Fractions of months under Phase 3 water conservation restrictions shall be billed extra based on daily usage over 13.33 cubic feet per day. Meters may be read more frequently by City personnel or approved City agents to enforce these restrictions. Small meter users using more than 27 cubic feet per day on average shall be given a written warning to reduce usage and thereafter cited under 8.22.070 C.1. (Phase 3 - First offense).

E. For Phase 3, all users may be required to reduce their normal usage by a certain percentage when compared to their average normal usage over the same calendar time period from the previous two (2) years.

F. No water connections to new residences, business or industry shall be permitted during Phase 3.

G. All commercial large meter, commercial, and transient water users shall post a written notice, approved by the City in a conspicuous location in each rental unit within two (2) days of receiving notice of a Phase 3.

Section 8.22.100 Public Works Director declaring necessity for water conservation.

In an emergency, as determined in the discretion of the Public Works Director, the Public Works Director may declare a water shortage and the necessity for water conservation actions under Sections 8.22.030 through 8.22.050. The water conservation actions shall be in full force and effect and shall be enforced until such time as the Public Works Director declares a suspension or termination of the water shortage. The Public Works Director shall notify the Council immediately upon such declaration and Council shall meet as soon as practical to accept, reject or modify such determination.

Section 8.22.110 Method of measurement.

For purposes of determining the existence of a water shortage and the severity of water conservation actions under Sections 8.22.030 through 8.22.050, the City shall measure the flow of water at sources with developed City rights, as follows:

1. If the City is using the Yachats River to supplement its raw water source, the water flows in the Yachats River will be determined by using a measuring device approved by the Oregon Water Resources Department. If the City is not using the Yachats River to supplement its raw water source, the flow of the Yachats River shall not be considered for determining a water shortage.

2. The combined flow of Reedy and Salmon Creek shall be measured using a staff gage installed in Salmon Creek.

Section 2. Yachats Municipal Code Section 8.22.090.

Yachats Municipal Code Section 8.22.090 is hereby repealed and removed from Chapter 8.22.

Section 3. Effective date.

Pursuant to the Yachats Charter, this ordinance shall take effect 30 days after adoption.

Passed and adopted by the City Council of the City of Yachats on this ____ day of _____, 2018.

Gerald Stanley, Mayor

Attest: _____
Shannon Beaucaire, City Manager

City Council Action Item Cover Sheet

DATE: August 8, 2018

Agenda Item:

Ordinance 353

Question Before Council:

Does the Council accept the proposed modifications to Section 5.08.030

Person/Group Initiating Request:

City Council

Item Summary/Background:

At its August 1, 2018 meeting the Council directed the City Manager to bring a revision to Section 5.08.030 to be consistent with the language found in Section 4.08.030.

The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to authorize the changes proposed to Section 5.08.030 in Ordinance 353.

Alternative: None Recommended

Section 5.08.030 Animals at large.

A. No owner or person in charge of any animals shall permit the animal to run at large; including, but not limited to, dogs, chickens or other domestic fowl, horses, mules, cattle, goats and sheep. Methods of control for animals include a leash or demonstrated effective voice command.

B. No owner or person in charge of any animals shall allow the animal to deposit solid waste upon any property other than that of the person owning or keeping the animal. It shall, however, be a defense if the owner or person in charge of the animal removes the solid waste.

**CITY OF YACHATS
ORDINANCE NO. 353**

**AN ORDINANCE AMENDMENT THE YACHATS MUNICIPAL CODE SECTION
5.08.030 RELATED TO ANIMALS WITHIN THE CITY**

Whereas, the City of Yachats has previously adopted ordinances establishing standards and provisions for protection of the health and welfare of its citizens and the environment of the City; and

Whereas, the City Council has determined that it is in the best interest of the City and its citizens to provide clarity and expand standards for keeping dogs and other animals within the City; and

Whereas, these amendments to YMC 5.08.030 will serve to clarify an owner's responsibilities towards animals kept as pets and help to integrate pets into our community,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 5.08.030.

Yachats Municipal Code Section 5.08.030 shall be amended to read as follows:

Section 5.08.030 Animals at large.

A. No owner or person in charge of any animals shall permit the animal to run at large; including, but not limited to, dogs, chickens or other domestic fowl, horses, mules, cattle, goats and sheep. Methods of control for animals include a leash or demonstrated effective voice command.

B. No owner or person in charge of any animals shall allow the animal to deposit solid waste upon any property other than that of the person owning or keeping the animal. It shall, however, be a defense if the owner or person in charge of the animal removes the solid waste.

Section 2. Effective date.

Pursuant to the Yachats Charter, this ordinance shall take effect 30 days after adoption.

Passed and adopted by the City Council of the City of Yachats on this ____ day of _____, 2018.

Gerald Stanley, Mayor

Attest: _____
Shannon Beaucaire, City Manager

City Council Action Item Cover Sheet

DATE: August 8, 2018

Agenda Item:

Planning Commission Appointment

Question Before Council:

Does the Council appoint Lance Bloch to the Planning Commission

Person/Group Initiating Request:

Planning Commission

Item Summary/Background:

The Planning Commission will present it's recommendation for appointment.

The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to to appoint Lance Bloch to the Planning Commission in Resolution 2018-30.

Alternative: None Recommended

**CITY OF YACHATS
RESOLUTION 2018-30
A RESOLUTION APPOINTING A MEMBER TO THE PLANNING COMMISSION**

WHEREAS, there is a vacancy in seat D on the Planning Commission due to the resignation of a Commission member.

NOW THEREFORE, the City of Yachats resolves the following people shall be appointed to the Planning Commission:

Lance Bloch	Seat D	Term ends December 31, 2019
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EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

Passed and adopted by the Yachats City Council this 8th day of August, 2018.

Gerald F. Stanley, Mayor

Attest by:

Shannon Beaucaire, City Manager

