

CITY OF YACHATS

CITY COUNCIL MEETING

August 8, 2018

Approved Minutes

Mayor Gerald Stanley called the August 8, 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. Staff present: City Manager Shannon Beaucaire and Clerk Kimmie Jackson. Audience: 26.

I. Announcements, Correspondence, Proclamations

Mayor Stanley announced the League of Oregon Cities has invited Councilors to join a three-year project to be visionary leaders.

Bette Perman (401 E 2nd Street) announced the "Incarceration Then and Now" series is underway and will be in Waldport on Monday, Tuesday, and Wednesday at the Moose Lodge. There will be a dinner, movie, and two speakers. The event moves to the Presbyterian Church on Thursday with an exhibit, a film on Saturday, August 18, 2018, and closing panel on Sunday, August 19, 2018.

Mayor Stanley announced:

- August 25-26: Art Quilt Show at the Commons
- August 18: Ivy Pull and Picnic at the Overleaf
- August 11: Yachats River Farm Tour
- August 11-12: Siletz Pow Wow
- August 18: concert at the Little Log Church

II. Public Comment

Paul Thompson (1153 Driftwood Lane) was concerned about the curbs on W 2nd and Beach Streets, noting the amount of black from tires and the chips from car undercarriages. His second concern was over the yard debris program, noting they have nothing that needs maintaining. He did not think the decision was well thought out.

Mayor Stanley responded that the corner of 2nd and Beach Streets is under City jurisdiction. Mayor Stanley noted they advertised the yard debris program where many people supported different positions.

Phi (2281 Weidman Court) announced he has created a website as part of his proposal for the RFP for the website and is open to discussing his vision with anyone.

II. Minutes

A. July 3, 2018 Work Session and Regular Meeting

- Heading and Page 1, Line 8: The date of the meeting in the heading should be July 3 instead of July 2
- Page 5, Line 6: need to add t to word "budget"
- Page 4, Line 16: "was" should be "could be"

Councilor Frye moved to approve the July 3, 2018 minutes as amended: Aye – 4; No – 0.

1
2 **B. July 3, URA Meeting**

3 Signature Line: The signature should be from the Chair of the Urban Renewal
4 Councilor Glenn moved to approve the July 3, 2018 URA meeting minutes as amended: Aye –
5 4; No – 0.
6

7 **C. July 11, 2018 Meeting**

8 Page 1, Line 23: Rural Project should be Rural Organizing Project

9 Page 2, Line 28: should be “director” not “direction”

10 Glenn moved to approve the July 11, 2018 minutes as amended: Aye – 4; No – 0.
11

12 **IV. Reports**

13 **A. Council Reports**

14 Frye reported she worked with Quinton Smith and Bette Perman on a draft of the dog behavior
15 educational piece.
16

17 Glenn reported the Second Annual Council of Governments Linn-Benton County dinner is at the
18 Oregon Coast Aquarium in Newport on September 13, 2018 from 6:00-9:00 pm. All are
19 welcome.
20

21 Mayor Stanley attended the monthly pollinator project meeting. He noted the County and
22 ODOT were negotiating insurance contracts.
23

24 **B. City Manager Report**

25 Manager Beaucaire reviewed her report and highlighted:

- 26 1. The South Tank is filled and providing water to residents south of the bridge.
27 2. She has contacted an arborist to make recommendations about tree planting around
28 the South Tank.
29 3. The contracted architect will be onsite during the week of August 13, 2018 to gather
30 information for the estimates for the Library move or expansion.
31 4. The City received seven RFPs for the website, which closed today at 4:00 pm today.
32

33 Frye thanked Manager Beaucaire for the tracking dates on the Council Rules manual.
34

35 Glenn asked if the Light Industrial Public Hearing on the agenda for the next Planning
36 Commission meeting was about a strategy approach for the City. Planning Commission Chair
37 Helen Anderson explained the issue was brought to the Commission when the Farm Store was
38 considering manufacturing beer that would be sold off premises. She added that “light
39 industrial” was used in several places in the Code but had not been defined. She stated the
40 Commission added a definition and some standards.
41

42 Frye asked about the status of shields for the parking lights at the Dollar General. Manager
43 Beaucaire was not certain but had heard the shields had been installed.
44

45 An audience member asked what the qualifications were for the people on the selection
46 committee for the RFP for the website. Manager Beaucaire explained the committee was
47 comprised of four staff members, two persons with technical backgrounds of IT Director and a
48 programmer, and two citizens who had experience in web design and using the current system.
49

50 **V. Resolutions**

51 **A. Appointment of Lance Bloch to the Planning Commission**

1 Lance Bloch (549 Aqua Vista Loop) stated he was very interested in the work and has the time
2 to commit to it. He is retired from an IT position with a company that provided software to utility
3 companies. He has previously been a City Councilor. He has been living in Yachats for 2 ½
4 years.

5
6 Councilor Tooke moved to appoint Lance Bloch to seat D of the Yachats Planning Commission:
7 Aye – 4; No – 0.

8 9 **B. Parks and Commons Commission: Manual and Fee Update**

10 John Moore, Chair of the Parks and Commons Commission, started with the Rental Policy
11 noting that the pending dissolution of the Friends of the Commons has put three groups in
12 precarious positions as they were sponsored by the Friends, including Big Band, One of Us h,
13 and YAAS. He explained Big Band had previously split their ticket proceeds with the Friends.
14 He reported that the Commission recommended that Big Band be allowed to contribute 50% of
15 their proceeds to the City in lieu of rent. He also noted the Commission wanted to allow One of
16 Us Productions and YAAS to have a similar relationship.

17
18 Moore indicated the changes are to delete the paragraph on the Friends, to delete the fees for
19 the 501 Building, and to add the agreement with Big Band.

20
21 Frye asked if other groups could have the same deal as Big Band was getting. Moore noted
22 One of Us Productions would be coming to the next Parks and Commons meeting to discuss
23 the arrangement. Frye asked why Big Band got to do what they always did when others did not,
24 noting the City was trying to standardize policies and get consistency across groups. Mayor
25 Stanley indicated he had a similar concern over allowing exceptions, but he did not want to hold
26 up passing the Parks and Commons Policy.

27
28 Moore asked if the concern was about the arrangement with Big Band or with the potential
29 arrangement with One of Us Productions. Frye was concerned about appearances of offering
30 one group a deal without offering it to other groups. Moore added that Big Band as large
31 variance in audiences in the summer versus the winter, and this arrangement allows them have
32 events throughout the year. Glenn clarified that they were talking about three groups that had
33 been sponsored by the Friends. Mayor Stanley clarified that Frye was asking to delay the
34 approval of the Big Band arrangement until the Commission talked to One of Us.

35
36 Mayor Stanley asked that the exception for Big Band be addressed at a future meeting.

37
38 Moore indicated the change from City Recorder to City Manager and User Support Manager to
39 Facilities Manager throughout the document. He noted rental prices have already been
40 approved by Council but are not yet incorporated into this document.

41
42 Page 2: The Friends of the Commons was removed, and the new bulletin board and
43 advertising policy passed on June 15, 2018 was added. He noted in 2B, “will not”
44 was changed to “may not,” noting that commercial classes would not be able to post
45 their event even if it were held in the Commons. Mayor Stanley noted there were
46 three, not two, bulletin boards, and Moore indicated he would adjust the document
47 accordingly.

48 Page 3: The outside reader board is maintained by the Facilities Manager, not the
49 Friends.

50 Page 4: Vaping is added to the ban on smoking.

1 Page 4: Dogs are allowed in the building but not in the Kitchen (Room 5) unless they
2 are a service dog.

3 Page 4: Delete the section referring to public meeting rooms having two exits.

4 Page 5: Parks and Commons recommended removing the ban on bottled water. Moore
5 explained this policy was written before there was a refund on plastic water bottles,
6 now at ten cents per bottle. He noted soft drinks and other drinks were allowed. Frye
7 referred to the mission statement of the City and noted the language was put in
8 because of the issues around plastics in the ocean. Frye believed the issue was
9 larger than just about water bottles. Frye elaborated on the discussions around
10 putting this language in the Council. Mayor Stanley noted there was a great sense of
11 accomplishment when that language was passed in 2011. Mayor Stanley suggested
12 the ban was a recommendation, not a mandate. Mayor Stanley asked that Council
13 have a meeting where people could provide input on this topic. Moore asked if
14 Council wanted him to take the issue back to the Commission to address wording
15 around all plastic bottles.

16 Page 7: A requirement that paid security guards have certifications was added. Frye
17 wanted to know the difference between the security statements on page 5 and those
18 on page 7. She was bothered by non-police personnel carrying firearms in the
19 Commons. Moore suggested there might be instances where a festival or fair
20 organizer wanted armed security. Frye wanted to only allow firearms if security were
21 contracted from law enforcement. Manager Beaucaire noted the City Attorney stated
22 that paid security guards are required to get State certification from DPSST (ORS
23 181.850), and DPSST (Department of Public Safety Standards and Training) was the
24 same agency that certifies law enforcement. Frye believed a security guard was very
25 different from a police officer. Glenn indicated he supported the City Attorney's
26 opinion that security guards are trained by the same group that certifies police, and
27 he wondered if the LCSD had enough personnel to provide security. Council wanted
28 to review this issue to a future work session.

29 Page 6: Mayor Stanley noted Linda Hetzler is asking the City to allow the serving of
30 hard liquor.

31 Page 9: Statement added that allow for the rental of Room 7 for large groups that rent
32 all of the Commons.

33 Page 10: The exemptions will be revisited at a future Council work session.

34 Moore clarified the difference between private and hardship events.

35 Page 13: Mayor Stanley asked that private events be included under insurance
36 requirements.

37 Page 16: remove references to the Friends and removal of fees around usage of the
38 sound system.

39 Page 17: Recommendation to allow liquids spill-proof containers on the stage.

40 Page 21: Removed reference to Bank of the West and included the additional parking.

41 Page 22: Adjust language for skateboarding to reflect having a skateboard park.

42
43 Glenn moved to adopt the Resolution 2018-08-01 revisions to the Commons Policy Manual and
44 Fee Structure, with the exception of those items to be addressed in a future work session: Aye
45 4; No – 0.

46 47 **C. Interview Applicants and Appointment to Vacant Council Position**

48 Mayor Stanley noted he would adhere to the values he heard from people about this vote.

49 Mayor Stanley introduced the four applicants: James Kerti, Leslie Vaaler, Craig Berdie, and Jim
50 Schanbeck. Mayor Stanley explained the process that would be used. He noted if no applicant
51 receives three votes, he would ask applicants to speak again. If after a second vote there was

1 still no majority, he would prescribe a method at that time. Frye asked for a “secret” vote, and
2 Mayor Stanley stated they can have a written ballot but their vote cannot be “secret.” Frye noted
3 Council had previously had “secret” ballots on appointees. Manager Beaucaire asserted the
4 Mayor’s opinion would stand, and she has not had an opportunity to consult with the City
5 Attorney on this matter.
6

7 1. James Kerti: Kerti stated he has been on the Planning Commission since 2017, noting his
8 specific research for the Commission. He was also on the Budget Committee in 2018. He is
9 self-employed as a website designer and strategic planning consultant. He has also been a
10 basketball scout from high school to pro levels. He volunteers with YAAS and had done poster
11 design for those events, and volunteers with the Oregon Coast Humane Society in Florence.
12 He views being on the Council as a way to take on additional involvement.
13

14 Frye asked what Kerti saw as the most important issues facing Yachats. Kerti wanted to focus
15 on communication issues and representing the citizens. Glenn asked what skills the Planning
16 Commission has given him to serve on Council. Kerti stated he learned to keep personal
17 opinions out of applying Code, the importance of the Municipal Code, and how to address
18 issues he is asked about which are beyond the purview of the Planning Commission. Tooke
19 asked if he was running for the seat in the general election. Kerti reported he filed his papers.
20

21 2. Craig Berdie: Berdie stated he was passionate about seeing the City be successful. He has
22 been in Yachats for three years. He can be both strategic and practical. He has experience
23 with working with very large data sets, business knowledge from consulting with hundreds of
24 small business on strategic planning and communicating via technology. He also worked with
25 corporations about messaging through web presences. He has managed contracts, has 30
26 years of experience in IT, has managed budgets up to \$11 million for advertising, and has been
27 a speaker, project manager, and supervisor. He has been docent at the Gerdemann Garden
28 and volunteered with the Trails Committee.
29

30 Frye asked what he saw as the most important issues facing Yachats. Berdie suggested there
31 is work to be done on the City’s visual representation and on ways to extend the tourist season.
32 Stanley asked if he was involved with any of the IT RFP Applicants. Berdie indicated he worked
33 with Phi on the Gerdemann Garden website. Glenn asked what the priority for the Riggs
34 property should be. Berdie stated he would put the appraisal of the property as a first step.
35 Tooke asked if he was planning to run. Berdie indicated he was not.
36

37 Leslie Vaaler: Vaaler stated she loves Yachats and plans to live here the rest of her life, and
38 she is deeply vested in having the City make good choices. She noted she has only missed
39 one Council meeting since July 2017. She began thinking about running for Council when Scott
40 announced in January he would not be running again for Council. She noted she had been
41 thinking about recent issues before Council and was especially prepared to step in. She
42 reported she has a PhD in mathematics and been on the faculty of several universities. She
43 noted how mathematicians are artists with intense focus on details and every word or symbol.
44 She learned she loved teaching when she was a professor. She is proud to be a parent. She
45 wrote an actuarial mathematics textbook, which won a book award at the University of Texas.
46

47 Glenn asked what she thought to be the most critical decision before the Council in the next four
48 months to which her background might lend expertise. Vaaler noted the facilitated work session
49 will be focusing on priorities and she has skills to be careful to consider pros and cons. Frye
50 asked what urgent issue they should tackle. She stressed the need for balance.
51

1 Jim Schanback: Schanback stated he has experience in a scholar athlete out of high school
2 and was a public school teacher for 36 years (coach, math, phys ed, department head). He has
3 lived in Yachats for 11 years, has been vice president of teacher's union and involved in
4 negotiations, and was a Chess club advisor. He believes he is persistent, loyal, and hard
5 working. He is good listener and has leadership abilities. His eldest son told him his best trait
6 was integrity. He indicated he wanted to be more actively involved rather than just being a
7 participant in city activities. He does not plan to run for the office in the general election.

8
9 Glenn thanked Schanback for his role in communicating about the Mayor when he was in the
10 hospital. Frye asked what he saw as the most urgent issue that the Council should tackle.
11 Schanbeck did not feel there was a sense of urgency on any particular issue. He looks at the
12 big picture and believes the water issue is very important. He wants to keep balance between
13 different entities.

14
15 Councilors submitted written votes. Mayor Stanley reported Schanback received one vote and
16 Craig Berdie received three votes.

17
18 Glenn moved to appoint Craig Berdie to the Yachats City Council to serve until December 31,
19 2018: Aye – 4; No – 0.

20 21 **VI. Business**

22 **A. Oath of Office for City Council Position**

23 Mayor Stanley administered the oath of office and swore in Craig Berdie as City Councilor.

24 25 **VII. Public Hearings**

26 **A. Ordinance 352: Amendments to Chapter 8.22**

27 Manager Beaucaire explained, as part of declaring the recent water restriction, she found the
28 language to be confusing. The City Attorney drafted language to make the code clearer.

29
30 Mayor Stanley opened the Public Hearing for Ordinance 352 amending chapter 8.22 of the
31 Yachats Municipal Code.

32 33 Public Testimony

34 Leslie Vaaler (205 Radar Road) noted she found errors in the document as follows:

- 35 1. 8.22.010 gives a definition for “approved agents,” which is only mentioned in item D of
36 Phase 3 regulations. She believed the definition needs to be clearer.
- 37 2. There are several definitions of types of users with the word “user” in the definition,
38 and this “user” is repeated when the user is cited throughout the document
- 39 3. There is a gap between 1-1/4 and 1-1/2 size meters in descriptions of customers.
- 40 4. Drip irrigation system is not in the definitions but is used in 8.22.040(c)1
- 41 5. The definition of grey water needs clarification. She researched online that grey water
42 is separate from black water (which has fecal matter).
- 43 6. She noted while the Public Works Director could declare a Phase 3 shortage, it still
44 would need approval by Council and the language does not indicate what would
45 happen if Council did not agree to the declaration.

46
47 Manager Beaucaire explained attorney noted the Council does not meet on a daily basis, so the
48 City Manager needs to have ability to declare a more timely shortage. Council could then
49 reaffirm the declaration, revise it, or remove it.

1 Manager Beaucaire noted in 2001 there was a settlement agreement with the Water Resources
2 Department in which the WRD gave a final order, so the City Attorney should review any
3 changes to this document.

4
5 Glenn noted this document uses Public Works Director, and wanted to know if City Manager
6 should replace Public Works Director.

7
8 Mayor Stanley closed the Public Hearing.

9
10 Frye suggested they recommend that the City Manager assess the recommendations by Vaaler
11 and forward changes to the City Attorney for approval. Councilor Berdie noted Phase 2 refers
12 to allowing a handheld watering device but does not mention this for Phase 1 [8.22.030(c)1].
13 Berdie asked if the definition of watering Phase 1 is different from the definition in Phase 2, or
14 how is landscape watering different from handheld device watering. He suggested the issue
15 relates to overhead watering.

16
17 Tooke suggested that he, Berdie, and Manager Beaucaire get together to review the document
18 before taking it back to the attorney. Council consented to this approach.

19
20 **B. Ordinance 353: Amendments to Chapter 5.08**

21 Mayor Stanley explained this ordinance expands Chapter 5.08 on Nuisances. Manager
22 Beaucaire noted Council had previously asked her to have Chapter 8.08 be consistent with the
23 language on dog control in the vacation rental section of the Code.

24
25 Mayor Stanley asked for public testimony:

- 26 1. Helen Anderson (77 8th Street) asserted the code is unenforceable and therefor it
27 should not be added.
28 2. Leslie Vaaler did not think the City should spend money on the attorney to review this,
29 and noted cats were not included in the language.

30
31 Mayor Stanley closed the Public Hearing.

32
33 Frye asked how one would measure “demonstrated effective voice command.” Tooke noted
34 there are many unenforceable portions of the code. He believed this language reflected the
35 sense of the community. Glenn was in favor of having a baseline in the Code but agreed the
36 issue was not enforceable. Frye recalled they agreed at the last meeting that they were going
37 to take a softer approach and not pass a law. Berdie asserted it might be useful to have
38 baseline. He noted the language could apply to cats. Mayor Stanley suggested that the second
39 sentence of Item B was not needed. Berdie believed the defense was necessary.

40
41 Frye moved to adopt Ordinance 353 amending 5.08.030 related to animals within the City: Aye -
42 4; No – 0.

43
44 **VIII. Other Business**

- 45 **A. From Mayor** - none
46 **B. From Council** - none
47 **C. From Staff** - none

48
49 Mayor Stanley adjourned the meeting at 8:05 pm.

1
2
3
4
5
6
7
8
9
10

GERALD STANLEY, Mayor

ATTEST:

Shannon Beaucaire, City Manager

Date