

City of Yachats
REGULAR CITY COUNCIL MEETING
November 17, 2021

Present: Mayor Leslie Vaaler, Council President Anthony Muirhead, Mary Ellen O'Shaughnessey, Greg Scott, Ann Stott; guests: Pro tem City Manager, Katherine Guenther, Facilities Manager, Neil Morphis and Deputy Recorder, Kimmie Jackson

Meeting called to order by Mayor Vaaler at 2:04 pm.

I. ANNOUNCEMENTS, CORRESPONDENCE, AND PROCLAMATIONS

- A.** Notice from Cape Perpetua re: fall speaker series – talks are via zoom and found on their website.
- B.** Email and letter from Lincoln Fire Defense Board Chair re: highlighting July 4th.

II. PUBLIC COMMENT – None

III. NEW BUSINESS

- A.** Petition submitted by Andreea Ghetie of Gerdemann Gardens - would like to engage in conversation re: importance of large trees:
 Discussed attributes of trees and negative repercussions of removal and creative ways to protect trees.
 Stott advised that this needed to be sent to the Planning Commission to determine what needs to be done re: Tree Protection Ordinance.
 Bloch advised trees were protected under the Comprehensive Plan but suggested that the wording of that be put into an ordinance to back up the Comprehensive Plan.
 Stott made the motion to move forward to the Planning Commission the task of aligning the Comprehensive Plan with the existing code and bringing recommendations back to City Council. Vaaler added the amendment to proceed in as timely a manner as possible and while looking at the Plan to consider any ways in which it could be strengthened.
 Stott read aloud the language in the Plan and felt it couldn't be made stronger. Scott felt that there are many items the Planning Commission is currently dealing with and felt that the City Planner should determine the timeline for dealing with this issue.
 O'Shaughnessey suggested to Ghetie that she forward as much info as possible re: a tree ordinance to the Planning Commission to make their jobs easier.
Motion to move forward to the Planning Commission the task of looking at the Comprehensive Plan, Goal A and looking to align the existing code with the proposed actions with a possibility of proposing an ordinance.

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Amendment language: *to proceed in as timely a manner as possible given other pressing items.*

Amendment vote: O'Shaughnessey, Yes; Muirhead, Yes; Scott, No, Stott, No; Vaaler, Yes. **Amendment passed by a majority.**

Original Motion: O'Shaughnessey, Yes; Muirhead, Yes; Scott, No, Stott, Yes; Vaaler, Yes. **Motion as amended passed by majority.**

Muirhead indicated that while he supported the protection of trees, he didn't want to see the City getting revenue via permits for tree removal. Guenther advised there are permits regarding trees, but there are no fees attached to them.

B. Parks and Commons Commission Greenspace Survey and Request

Craig Berdie made a presentation with attachments regarding the use of the open space behind City Hall, adjacent to The Commons. A survey was sent out and received 334 returns.

The plan is to leave some of the open space but to also build a significantly sized berm used for events and woods with paths and plants and gathering areas.

Parks and Commons is asking for permission to solicit engineering and landscape design for the next budget cycle.

Vaaler asked if the original \$60k was for engineering and design. Berdie confirmed that it was and that included looking at what would need to be done with the boardwalk and the pond.

Scott asked who would be the project manager. Berdie felt the City would be and has met with Rick McClung.

Further discussion was held regarding the project. Using some monies from Visitor Amenities was suggested.

Vaaler advised that there would definitely need to be a project manager appointed and there would also need to be a supplemental budget approved.

Muirhead commented that perhaps waiting a month or two would be a good idea and felt that caution was needed when using Visitor Amenities for City projects.

Berdie advised it is the intent of Parks and Commons to move forward with the project and this is the next step. The Commission has put time and effort into this and the survey shows the "citizens have spoken".

Stott asked for clarification of the \$60K in the Capital Outlay and discussion was held on how that money was to be spent.

McClung advised he has been working on the RFP with Berdie for this project and this process will take a month or two and really no monies will

be spent except for his time. This will certainly allow time to have staff and the new City Manager in place.

Discussion held on budget revision and release of funds for this project.

Stott suggested that a motion could be: allocate requested funds with the

intent of issuing an RFP due in mid-January. Discussion was held

regarding the funds; Muirhead felt that using Visitor Amenities Fund to

subsidize the project could end up with legal ramifications if all aspects of

the project are not properly spelled out. Scott advised he has vast

experience in using the Visitor Amenities Fund and he is quite comfortable

with the proposal and that the Commons space is clearly eligible for Visitor

Amenities use. He felt the Commission did good work, the community was

involved in the decision and the finances are there. His only concern was

who would be the project manager and the timing.

Summation: Proceed with the RFP, upon its completion assure monies

are in the appropriate funds and then proceed.

Muirhead wanted to clarify that he had no issue with using Visitor

Amenities just that it was done so there was no issue in the future.

IV. ONGOING

A. Inclement Weather Nighttime Use of Pavilion Updates

Received email expressing concern about the use of the pavilion. Vaaler

forwarded the full proposal and somewhat allayed concerns. George

Mazeika of Parks and Commons expressed confusion and dismay that the

Commission wasn't approached first. Vaaler advised she took

responsibility for that as it was an issue that came up after the agenda

came out and it would have been a courtesy on her part to advise the

Commission members that this was an item coming up. She just wanted

to apologize publically.

Scott commented that he felt this was a policy issue with no staff being

used as opposed to an operational issue.

Berdie advised that Parks and Commons felt there was an operational

component and supplied a list of issues:

1. What constitutes inclement weather;
2. Length of program, when does it end;
3. Standard of cleanliness;
4. Who is responsible for damages;
5. Liability for harm to others
6. How people gather for admission;
7. Procedure if someone refuses to leave;
8. Dates program is in effect.

Vaaler addressed some of the questions via the original proposal, advised

she would send the proposal to Parks and Commons and further stated

1 that via email, Mary Deriberprey advised Pastor Bob would be the
2 spokesman for the group.

3 Sandy Dunn of Polly Plumb advised they have the pavilion reserved for
4 the Winter Solstice event 12/21 4 – to approximately 8 pm and asked how
5 that will work.

6 **B. Council Goals and December Agendas**

7 Vaaler drew council's attention to the attachment Excerpt from Council
8 Rules 3.1 – Annual Goal Setting
9 Goals:

- 10 1. Financial resolution – Vaaler advised she needs to get together with
11 Don Groth and Tom Lauritzen and apologized she has not done so.
- 12 2. Housing (O'Shaughnessey and Muirhead) Did a survey to business
13 owners but did not get a good response. Search for City Manager took
14 over time and nothing further has taken place. Jacqueline Danos
15 applied for a housing grant and it was funded. Muirhead felt the City
16 was not really going to be able to solve the housing issue, but having a
17 "voice at the table" with state representatives and bringing the reality of
18 the situation.
19 Discussion held regarding Accessory Dwelling Units (ADUs).
- 20 3. Goals – Stott commented that the current list of goals should be
21 retained as they are good goals to have but have not been
22 accomplished. Each year perhaps continue on with the current list.
23 Discussion held on how to move forward.
- 24 4. Stott brought forward that in January the council discussed putting
25 forth a procedure to follow for communication between council, staff
26 and commissions. She felt that should be formalized. Scott concurred
27 but felt City Manager should be included.
28 Muirhead suggested that there be a rotating session before City
29 Council meetings where commission heads can meet with council and
30 just give updates on things they have in the works and what might be
31 coming to council.
32 Vaaler will reach out to commission heads and staff for input on goals
33 for the January session and advise the community through the
34 December newsletter.

35 **C. City Manager Recruitment and expectations of City Manager**

36 Council requested this add on to the agenda. Vaaler advised she and Stott
37 are currently in negotiations and drafting a general framework of a
38 contract, feel the existing contract is one they were comfortable with and
39 are working on the job description.

40 Stott advised that once they found a format that they liked, it mentioned a
41 job description which has not been well formed for Yachats. She indicated

1 there was also a sample city manager job description that she felt was
2 well formulated with the exception of it being for a larger city. Offered to
3 listen to items and use the form as a checklist.

4 Scott asked for clarification if at this time they wanted to include council
5 expectations. Stott indicated she can take the information provided and
6 determine if it fits into the job description or if it is considered an
7 expectation.

8 Scott indicated that he and O'Shaughnessey met for about two hours and
9 have a draft to present.

- 10 1. Honesty in all matters;
11 2. decisions guided by council's goals;
12 3. transparency in actions and decisions
13 4. a collaborative approach in relationships; and
14 5. a balanced view on recommendations (no bias).

15 Scott further indicated he drafted on his own and appended a note:
16 knowledge and understanding of these expectations is not just for the City
17 Manager. To be successful all staff should share the knowledge and
18 importance of these objectives. It is only through team work and support
19 from the entire organization that a manager shall be judged successful.

20 Further discussion held re: City Manager contract and job description.
21 Muirhead also mentioned organizations have employee manuals. He felt
22 there should be a Standard Operating Procedure (SOP) for all employees
23 not only to protect the City but also the employee.

24 Vaaler indicated that there is an old employee manual but Shannon told
25 her it needed updating but that was not accomplished.

26 Scott asked if there was going to be a six-month evaluation and then
27 suggested that there be a "snapshot" evaluation" at three months.

28 Vaaler requested a definition of what a six-month and snapshot evaluation
29 would entail.

30 Scott indicated that a "snapshot evaluation would be nothing in-depth but
31 felt that after three months the council members are going to have
32 perceptions of performance; perhaps areas that need improvement,
33 reinforcement of those things working well.

34 At six months something more formal and detailed.

35 Vaaler asked who should be involved in the evaluations and Scott felt that
36 the council should be involved, seeking input from staff members and
37 commission heads. Discussion continued.

O'Shaughnessey commented that she felt the City Manager should also be approached to determine what she wants to accomplish the first three months, the first six months, etc. There are many small things that need to be learned, changed, etc. that are very important. Guenther advised that many things have been streamlined and made many things more generic. She also indicated the audit is fast approaching and the manager will have to learn many things very quickly.

Stott asked if Guenther might be able to help council come up with a task list of where a brand new manager should be a three months and six months. Guenther advised Shannon had left a "transition memo" indicating items that needed to be accomplished and she found that very helpful.

Scott brought to council's attention that the list he provided was more how the job is done whereas current discussion addresses what is being done.

Further discussion was held and O'Shaughnessey stated that what really needs to be done is set the City Manager up to succeed and how can that be accomplished.

Muirhead felt that at three months whether she has a work ethic and is coming in and wanting to learn. No one on council has experience at being a city manager, Guenther has learned "on the job" via staff support so what resources can be used to help the new manager. Council should find and utilize programs that would assist the new manager.

Discussion held re: how to help a city manager with resources, Guenther advised she felt having resources available, mainly staff, is the most helpful thing.

Muirhead raised the issue that no one on council knows the job of City Manager so how can expectations be evaluated?

Guenther indicated that often her job is doing a job when it needs doing and that comes from staff, community members, emails, phone calls, council, etc. things that council has no idea about nor should it be their concern.

Scott indicated that the City Manager job is a relationships job; good relationships with the staff, the commissions and the community.

V. REPORTS

A. Financial - none

B. Council

-O'Shaughnessey commented that the winterization of the Little Log Church is being done.

1 -Scott questioned when the background check would be available and
2 Vaaler advised they are in the process of getting that accomplished.
3 O'Shaughnessey stated she is getting all the information for the various
4 background checks that can be done, Gretchen has to sign off on it; the
5 check should be completed fairly quickly.

6 **C. City Manager**

7 Guenther introduced Neal Morphis as a new staff member. He has no title
8 as of yet as he is doing a little bit of everything. He has a tech background
9 and has been helpful already.

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11 **VI. OTHER BUSINESS**

12 **A. Mayor - none**

13 **B. Council Staff - none**

14 **C. Staff – none**

15 Vaaler adjourned the meeting at 4:45 pm.

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17 Transcribed by Contractor, L.F. Barrett, 12/10/21
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