

CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

August 1, 2018

Approved Minutes

Mayor Gerald Stanley called the August 1, 2018 work session and regular meeting of the City Council to order at 9:30 am in Room 1 of the Yachats Commons. Council members present: Gerald Stanley, Jim Tooke, Barbara Frye, and Max Glenn. Excused: Greg Scott. Staff present: City Manager Shannon Beaucaire, Water Treatment Plant Lead Rick McClung. Audience: 13.

I. Work Session Discussion Topics

Mayor Stanley announced Councilor Greg Scott was not present as he had submitted his resignation from Council, and Council would officially accept that resignation later in the meeting. Stanley expressed his deep gratitude for Scott and all he has done for the City over the years.

A. Discussion of Potential Options for Riggs Property

Manager Beaucaire summarized what was discussed at the previous Council meeting on the Riggs property. Councilor Tooke reported he and Mayor Stanley meet with a representative from the Oregon Department of Forestry (ODF). Tooke reported that Matt Thomas, the representative for ODF for this area, would be bringing the ODF claims representative to walk the property. Tooke emphasized the current owners have made no response to any contact from ODF. Tooke praised Craig Berdie's work and the summary document on the situation and options to move forward. Tooke noted View the Future is looking into the situation, and he suggested OWEB might be interested in supporting the project.

Councilor Glenn stated this property should be a high priority for the City and was encouraged by the communications with relevant parties. He suggested this property could be placed into a conservation easement.

Councilor Frye thanked Berdie and asked Manager Beaucaire to ensure the information is properly filed so that it can be accessible in the future, which would include placing a footer with the name and date in the document.

Mayor Stanley suggested they need someone to drive the project and to ensure all of the data is preserved. He discussed several of the options and consequences, such as the owner spraying the property with herbicide, the owner not touching the property for two years, or a trade with Siuslaw National Forest for the property. Frye noted the shepherding program previously addressed issues like this. She added this project fits well with her goal of assessing the City's financial priorities.

McClung explained the impact on the watershed is that one side of the creek has been logged. Glenn asked whether the unlogged side could be accessed and logged. McClung noted the unlogged section was landlocked. Tooke noted there was an easement to access the property, but the owner removed the access.

Craig Berdie indicated he has spoken to Jim Litherland, the contact with Mr. Riggs, who indicated he had not spoken to Mr. Riggs in three or four years. Berdie reported Litherland

1 suggested that the most likely way to engage with Mr. Riggs would be to submit an offer on the
2 property to the address listed on the tax returns and that Mr. Riggs would not be likely to accept
3 a low-ball offer.
4

5 **B. Review of Council Rules Update**

6 Manager Beaucaire indicated the meeting packet contained a redline version of the document.
7 Frye stated she had some formatting suggestions for Manager Beaucaire. Frye suggested they
8 add a list of revision dates to the document. Frye also suggested that they create a policy on
9 routinely updating documents. Glenn suggested documents like this one be prominently
10 available in the new website design. Mayor Stanley noted the recent revisions to this document
11 have been precipitated by the change to a City Manager system.
12

13 **C. Discussion of Vacation Rental Rules Update on Dogs**

14 Manager Beaucaire explained a concern a citizen had about dogs. She noted she included a
15 sample of an ordinance on regulating dog behavior in the meeting packet. Glenn noted Mr.
16 Calkins, the complainant, specifically asked that the City add to the vacation rental code
17 instructions to have a specific spot on their properties for dog bathrooms. Glenn noted the
18 residents of Fistera Gardens were taking their dogs to Overleaf property to relieve themselves
19 now that construction on the other side of Diversity Drive is blocking access to grassy areas.
20 Glenn believed a requirement for a dog bathroom area on vacation rental properties was
21 appropriate. Glenn suggested the ordinance draft was a good starting point. Frye suggested
22 asking the vacation rental owners and managers to cooperate. Frye was cautious about
23 creating a law and finding a way to enforce it. Tooke wondered if such designated spots would
24 be used, as dogs do not often "go" exactly where the owner wants it to go. Mayor Stanley was
25 uncomfortable targeting vacation rental owners and speculated vacation rental users are no
26 different in their allowing their dogs to use the bathroom elsewhere. Mayor Stanley speculated
27 that vacation renters would be negatively impacted by additional rules posted in the vacation
28 rental homes.
29

30 Frye suggested they create some educational piece to go to everyone. Manager Beaucaire
31 asked Frye for clarification on what she meant by "educational piece," noting she had heard
32 designated bathroom areas, not running loose, controlling barking, and asking rental homes to
33 carry dog waste bags as the main issues. Frye and Manager Beaucaire tried to get clarity, and
34 Frye offered to help Manager Beaucaire draft some message.
35

36 Glenn suggested this information be presented in a positive light such as, "We welcome your
37 pets" and "being a good neighbor in Yachats." Frye wanted to try a soft approach before
38 creating an ordinance.
39

40 Code Enforcement Officer Quentin Smith stated he did not see much difference between the
41 example ordinance and what is already in the Code for vacation rentals. Smith argued the
42 example ordinance would be unenforceable from a practical standpoint. Smith noted that while
43 education might have some impact, reaching out to the vacation rental managers might have
44 more impact.
45

46 Manager Beaucaire clarified that the regulations on dogs in the Code applied only to vacation
47 rentals. Recorder Anderson read Section 5.08.030 of the Yachats Municipal Code on animals
48 at large:

49 No owner or person in charge of any animals shall permit the animal to run at
50 large; including, but not limited to, dogs, chickens or other domestic fowl, horses,
51 mules, cattle, goats and sheep.

1
2 Tooke noted the clauses in the example ordinance addressed the major concerns of citizens
3 around dog behavior.
4

5 Manager Beaucaire explained Council would need to have a public hearing to vote on an
6 ordinance, and a public hearing must be posted in advance. Mayor Stanley suggested this topic
7 be on the agenda for the August 8, 2018 meeting.
8

9 **D. Mid-Coast Water Planning Partnership Update**

10 Tooke reported he attended a three-day conference with three other water partnerships. He
11 highlighted the issues discussed:

- 12 - Impact of climate change on availability of water, such as the lowering of the water
- 13 table in Harney County.
- 14 - Need for regional planning, noting Yachats does not have financial resources on its
- 15 own.

16 Tooke read a list of questions that would be useful for Yachats to address.
17

18 Tooke explained the Policy Option Proposal, which summarizes the goals of the partnerships.
19 He noted the partnerships need support in the form of lobbying for this Policy Options Proposal.
20

21 Tooke asked for the City to earmark up to \$25,000 to the Mid-Coast Water Partnership to be
22 used to continue their work. Tooke indicated the Oregon Water Resources Department has
23 ample documentation on their website. Tooke also noted there is grant funding available for
24 securing water resources, and the Riggs property might fall into this category. Manager
25 Beaucaire suggested they talk about how to handle this request at their facilitated session.
26

27 Glenn asked for clarification on how the Riggs property factors into the work of the Partnership.
28 Tooke noted the Oregon Water Resources Department addresses issues that impact
29 watersheds and all of the mid-coast cities depend on streams for their water.
30

31 **C. Update and Discussion Council Facilitated Session**

32 Council set September 10, 2018 as the date for the facilitated session. Manager Beaucaire
33 explained how she developed the draft agenda and read the topics to be discussed. Glenn
34 referred to his motion to have the facilitated session and noted expression of Councilor
35 concerns, organizational structure, and status of projects were in the motion but do not appear
36 to be on the proposed agenda. Frye stated she did not understand what Glenn meant by
37 Councilor concerns. Glenn provided an example of how Councilors to adjust to the rules
38 established in Administrative Policy #6 and how these policies would be enforced. Frye asked
39 that they use specific examples on what issues need clarification. Frye wanted to address the
40 communication Council gets so they are not blindsided. Mayor Stanley added that he thought a
41 general check-in could be part of Council concerns.
42

43 Mayor Stanley stated they have around twelve instruments to evaluate the City Manager, and
44 they could establish which instrument they would use for evaluations at the work session.
45

46 Frye suggested Manager Beaucaire could establish time allotments for each topic. Manager
47 Beaucaire indicated the facilitator would control time, and she would be giving Council a lot of
48 materials to read before the session. Glenn stressed that while the facilitated meeting is an
49 open meeting, the approach is to limit discussion to the Council and not take public input.
50

51 **D. Approve Agenda for 8/8/18 City Council Meeting**

1 Manager Beaucaire noted a public hearing on the dog ordinance, an update to Commons Fees,
2 and additional Commission appointments would be added to the Agenda presented. Councilors
3 consented to the agenda.

4 5 **REGULAR MEETING**

6 7 **I. Announcements**

8 Bette Perman (410 E 2nd Street) announced the “Incarceration Then and Now: What Have We
9 Learned” program begins on Saturday in Newport, then moves Waldport on August 13, and
10 then to Yachats on August 16 at the Presbyterian Church.

11
12 Mayor Stanley announced the Art Quilt Show: Stories of West Africa begins on August 25, the
13 Holistic Health and Psychic Fair on August 11, and the Annual Yachats River Farm Tour is
14 August 11.

15
16 Water Treatment Plant Lead Rick McClung the South Tank Reservoir was currently being filled.

17 18 **II. Public Comment/Citizens Concerns**

19 Shelly Shrock (121 Greenhill Drive) noted work on the South Tank involves cutting into the east
20 side of Crestview, and she has concerns about drainage in that area, especially because of the
21 mudslide a few years ago.

22
23 Frye asked about plans to replant trees around the South Tank. McClung indicated the
24 previous City Manager had designated tree replanting as a City obligation. Frye asked for
25 clarification on what that means. McClung indicated he wants to get input on the types of trees
26 to plant and research the best time to plant the trees. Frye reminded people that the City
27 committed to the residents in that area that trees would be replaced.

28
29 Linda Hetzler (Drift Inn) asked Council to consider allowing the service of hard liquor in the
30 Commons, noting some people have allergies that only allow them to drink distilled spirits.
31 Hetzler suggested the OLCC does not distinguish between hard liquor and beer and wine in
32 terms of what constitutes one serving.

33
34 Hetzler noted the allotment of \$20,000 to hire a person to do programming has been an issue
35 as the money can only be spent on salary, and there are other components of programming that
36 need financial support, such as the possibility of an Ambassador Program. Manager Beaucaire
37 noted the Ambassador Program could help oversee the dog waste control efforts.

38
39 Tom Lauritzen (204 Shell Street) observed the City is beginning to shift from a transactional-
40 based economy to a services based economy. Lauritzen noted he reported at the State of the
41 City event that after paying for water and restricting funds, the City is left with \$400,000 to run
42 the City offices. Lauritzen asked that Council consider the types of services the City wants to
43 deliver and how they would raise revenues for those services.

44 45 **III. Resignation of Councilor Greg Scott/Appointment of Council President**

46 Manger Beaucaire recommended that the Council accept the resignation of Councilor Greg
47 Scott effective immediately.

48
49 Glenn moved to accept the resignation of Greg Scott from the City Council effective
50 immediately: move to discussion
51

1 Frye asked that Council send a letter to formally express appreciation for Scott's service.

2
3 Frye moved to amend the motion to send a letter to Scott acknowledging his resignation and
4 thanking him for his service on the Council and to the City: Aye – 4; No – 0.

5
6 Motion is amended to accept the resignation of Greg Scott from the City Council effective
7 immediately and to send a letter to Scott acknowledging his resignation and thanking him for his
8 service on the Council and to the City.

9
10 Call for vote on amended motion: Aye – 4; No – 0.

11
12 Council discussed the procedure for electing a new Council President and filling the Council
13 vacancy and how that related to the upcoming elections. Glenn was in favor of appointing a
14 person to fill the vacancy at the August 8, 2018 Council meeting so that person could be part of
15 the facilitated discussion. Frye could not recall a discussion about filling the vacancy in relation
16 to the election in the past and wanted to appoint a new Councilor. Mayor Stanley argued that
17 appointing a person now gives that person a benefit of incumbency, and he would like to
18 appoint someone who would not be running for the position. Glenn did not believe the Council
19 could dictate whether an appointee could run for the position. Frye added that there is some
20 urgency to appoint someone so they can ensure they have quorum at future meetings.

21
22 Glenn moved to make known to the public that there is a vacant Council position and Council
23 will interview interested parties and appoint a replacement at the August 8, 2018 Council
24 meeting: Aye – 3; No – 1 (Stanley).

25
26 Lauritzen noted the City Charter indicates the Council "will appoint" a replacement. Frye noted
27 the Charter did not state when the appointment would be made. Manager Beaucaire clarified
28 that the City Attorney recommended that Council appoint someone to fill the position.

29
30 Mayor Stanley reported the League of Oregon Cities, Newport, and the City Charter do not
31 require that a new Council President be appointed. Manager Beaucaire reported that the City
32 Attorney recommended the Council appoint a Council President as that position carries duties
33 that are important.

34
35 John Moore suggested it would be prudent to appoint a President, especially with the Mayor's
36 surgery scheduled for August 2018. Frye noted a duty of the President is to step in for the
37 Mayor should the Mayor become unavailable. Tooke indicated he was in favor of appointing a
38 new President. Mayor Stanley expressed concern that the appointment of a President could
39 have an impact in the upcoming elections. Frye stated the Council has historically appointed
40 the most senior member as President and it would be insane to think appointment of herself as
41 President would have impact on the elections. Mayor Stanley took objection to his position
42 being described as "insanity."

43
44 Frye moved to appoint Max Glenn as Council President until the January 2019 election of a
45 President: Aye – 4; No – 0.

46
47 **IV. Resolution 2018-07-03 Council Rules Update**

48 Tooke moved to adopt Resolution 2018-07-03, a Resolution adopting changes to City Council
49 Rules: proceed to discussion

1 Frye asked to add a caveat to indicate the revision date on the document and to add a date for
2 when the documents would be reviewed in the future. Mayor Stanley wanted to discuss annual
3 review of documents as part of the facilitated discussions.

4
5 Frye moved to amend the motion to add each revision date to the document: proceed to
6 discussion

7
8 Glenn was concerned about asking the City Manager to have to go through documents to add
9 all of the revision dates. Frye did not believe this was a complicated matter. Manager
10 Beaucaire suggested they add a running list of revision dates on the cover of the document, and
11 she could ask staff to update documents accordingly.

12
13 Call for vote on the amendment: Aye – 4; No – 0.

14
15 Call for vote on amended motion to adopt Resolution 2018-07-03, a Resolution adopting
16 changes to City Council Rules and to add each revision date to the document: Aye – 4; No – 0.

17
18 **V. Resolution 2018-08-01 Declaration of Phase 1 Water Shortage**

19 Glenn moved to authorize Phase 1 water conservation actions by adopting Resolution 2018-08-
20 01, a resolution declaring a water shortage emergency: Aye – 4; No – 0.

21
22 **VI. Resolution 2018-08-02 Authorization to Engage Auditors**

23 Clerk Judy Richter explained the City is required to have an annual audit, and the auditors have
24 provided the City with a letter of engagement outlining the scope of their work. Richter noted
25 work on the South Tank using Federal dollars requires additional auditing work. Richter
26 explained this work follows general accounting standards and regulations.

27
28 Glenn moved to adopt Resolution 2018-08-02 to authorize the City Manager to sign the letter of
29 engagement from the City auditors: Aye – 4; No – 0.

30
31 **VII. Resolution 2018-08-01 Small City Allotment Grant**

32 Manager Beaucaire reported the Engineer of Record had been working with the City on
33 planning for street repavement and the Engineer had found a grant that could generate up to
34 \$200,000 to pave W 1st and E 2nd Streets. Manager Beaucaire noted this money would apply to
35 specific sections of these streets. McClung explained the identified sections currently have
36 drainage issues. McClung added there are plans to upgrade the water lines from Prospect
37 Street to the east end of E 2nd, so paving that section should be delayed. He noted the west
38 end of W 1nd is currently gravel, and there is significant drainage that comes from the State Park
39 because the road is sloped opposite of what is needed to be to manage water runoff.

40
41 Frye asked McClung when the eastern section of E 2nd would be paved. McClung indicated the
42 plan is to complete the work in two years. Frye asserted she has been told five times in the last
43 eight years that their street would be paved, water currently drains onto her property, and the
44 potholes on that section are the worst in the City. McClung explained the work for the street
45 where she lives is a \$250,000 project. Frye asked for an explanation as to why they have been
46 repeatedly told their street would be repaved. McClung noted Council approved the
47 recommended CIP funding, which did not include money for E 2nd Street paving. Frye asked if
48 the potholes could be repaired, and noted this is the fifth time the potholes would be repaired.
49 McClung noted the City took significant money from his reserves to put into the street light
50 project, and he had to modify his CIP projects accordingly. Frye asked McClung if they could
51 put up signs to indicate the parking at the west end of E 2nd was for small cars only. McClung

1 noted the water reserves have not been as low as they are in many years. Frye asked what
2 water reserves had to do with paving. McClung explained the money for paving comes from the
3 water reserves.

4
5 Mayor Stanley clarified that the grant would impact the work of the Public Works and Streets
6 plans for repaving. Moore explained there is \$200,000 now for repaving, and he could not recall
7 ever seeing plans for repaving including the east end of E 2nd Street.

8
9 Tooke moved to adopt Resolution 2018-08-02, a resolution for small city allotment: Aye – 4; No
10 – 0.

11
12 **VIII. Council Reports**

13 Glenn reported he has been approached many times by citizens asking him to “do something”
14 about a particular issue. He has been approached about a noise issue in which a vendor has
15 been playing loud music at the Farmer’s Market, and he passed that information to the City
16 Manager. He also noted the excessively loud music coming from the Underground Pub, which
17 prevented them from having dinner at the Luna Sea tent. Glenn indicated he went to Heidi’s
18 and asked if they would complain, and he was told they could not as it would affect their
19 business relations. Manager Beaucaire reported the Code Enforcer has looked into the matter.
20 Code Enforcer Quinton Smith suggested the noise at the Farmer’s Market should be resolved
21 by the entity overseeing the Farmer’s Market, currently the Friends of the Commons. He
22 suggested the issue be redressed next year when the City will oversee the Market. Smith noted
23 the regulations on noise in the Yachats Municipal Code are very truncated, noting there is no
24 permit system for noise. Smith also noted “too much noise” is a subjective assessment, noting
25 many cities establish maximum decibel levels at property lines, but this regulation has practical
26 limitations with respect to enforcement given the hours the Code Enforcer works.

27
28 Mayor Stanley adjourned the meeting at 12:42 pm.

29
30
31
32
33 _____
34 GERALD STANLEY, Mayor

35 ATTEST:

36
37
38
39 _____
40 Shannon Beaucaire, City Manager

Date