CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING
July 3, 2018

Approved Minutes

Mayor Gerald Stanley called the July 3, 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 form 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:

	Highest	Lowest
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.

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

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

Councilors consented to the agenda.

REGULAR MEETING

I. Announcements

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

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

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

II. Public Comment/Citizens Concerns

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Resolution 2018-07-01 URA Intergovernmental Agreement

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

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

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

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

V. Ordinance 351 Transient Lodging

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

V. Other Business

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

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

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

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

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

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

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

Mayor Stanley adjourned the meeting at 11:54 am.

_____
GERALD STANLEY, Mayor

ATTEST:

_____ _____
Shannon Beaucaire, City Manager Date