1. Agenda

    Documents:

        CC AGENDA 02-14-18.PDF

2. Meeting Materials

    Documents:

        2017-02-14 CM REPORT.PDF
        2018-02-14 COUNCIL RULES.PDF
        2018-02-14 VACATION RENTALS.PDF
        2018-02-14 VISITORS CENTER REPORT.PDF
        DRAFT 01-10-18 CITY COUNCIL MINUTES.PDF
        DRAFT 1-03-18 CITY COUNCIL MINUTES.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, February 14, 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: 1/03/18 Work Session
- B. Regular: 1/10/18 Regular Meeting

IV. Reports
- A. Council Reports
- B. City Manager Report
- C. Visitors Center Report

V. Business
- A. Review and Discuss Updates to Council Rules — DISCUSSION/VOTE
- B. Discussion of Vacation Rental Pilot Program — DISCUSSION

VI. 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 February 9, 2018**

City Manager's Report

February 14, 2018

Dear Mayor Stanley and Councilors,

Here are a few highlights from the month of January.

- **Communication/Community Engagement**: In addition to my individual community contacts, my manager meetings are continuing to generate great conversation. I make sure to follow up on my notes from the previous meetings to make sure we are continuing to make progress on issues raised.

  A good example is the website. I have received lots of feedback regarding the website and I researched possible solutions. Working with Greg, we are dedicating my manager's meeting on February 21st for an opportunity for everyone to list their comments, concerns, and praise and for the Programmer to be present to ask clarifying questions so that we truly implement a solution that addresses the issues. We will have a computer present so individuals can demonstrate the difficulty they are having first hand. I will be taking note of all listed items and at the end we will prioritize the issues so we know what is of highest importance to address first.

- **IT:** We have decided to pursue an intergovernmental partnership with OCWCOG. OCWCOG will help provide a team to help us analyze our existing hardware and software, address any issues that arise during the course of business, and what we need for the future. Our discussion on February 21st will assist in determining the best route to improving notifications and communication to citizens.

- **Budget**: We have begun weekly staff meetings regarding budget needs. Commission chairs are working with their committees to develop proposed budgetary needs for FY19. February 22nd Judy and I will be attending a Local Budget Law Seminar in Newport hosted by the State of Oregon. We are also attending the annual CIS conference February 28 – March 2.

- **Ocean View Drive:** On February 6th, Councilor Tooke, the Public Works Chair, and a community member with extensive engineering background met with Lincoln County's County Attorney & Public Works Director. We were provided a copy of the settlement agreement negotiated in 2001 that dictates that the County shall transfer Marine & Ocean View Drive to the City. Discussions about the road's condition upon transfer are still in discussion.

- **Evans/Betz Property:** The is a public hearing on January 29th regarding our OWEB grant application was well attended and lots of input was taken by OWEB. We are waiting for OWEB's process to occur to determine if the grant will be awarded. In the meantime, TPL will be working on another grant from the OPRD. The deadline for the OPRD grant is April 1, 2018.

- **Code Enforcement**: The Code Enforcement Officer tendered their resignation. Based upon the contract, the officer's last day is March 15, 2018. As recommended by the officer, the City of Yachats & Waldport have made a joint announcement advertising for code enforcement services. The announcement has been published at Newport News & the League of Oregon Cities. The

deadline for resumes and cover letters is February 28th. We have set aside March 6th and 9th for interviews.

- **Little Log Church & Museum:** We have received the analysis & recommendations for rehabilitation of the little log church & museum. The report has been forwarded to the Parks & Commons Chair for review and recommended action by the Commission. We will certainly look for options that will not require the Conclusion's notation that rehabilitation will require the facility to be closed for most of a calendar year. While we need to address the rotting logs presenting a potential compromise of the structural integrity, we will look for options that will not close our City's landmark to the community.

- **South Entrance Sign:** On October 31, 2017, Ms. Davies forwarded an email to Council regarding the South Entrance sign. Historical information has been exchanged between myself and the Parks & Commons Chair so that the project can be prioritized.

- **Commission Round Tables:** The Commission chairs and I have agreed that meeting monthly has shown to be useful exchanging information and collaborating. The Planning Commission hosted a very successful public input meeting regarding the proposed sign ordinance. As noted at the last council meeting, we will be proceeding with an RFP for a project manager for the Library relocation. Parks & Commons and Public Works & Streets updates on the numerous projects they are handling, such as the Commons fees that they updated the Council on at the last meeting, and plumbing the women's restroom for hot water. All Commissions are focused on collaborating and working for the best result for the community.

- **South Tank:** Following negotiations, Civil West has proposed a final amendment to carry us through the remainder of the tank project on the project management/engineering side. The retaining wall is complete.

- **501 Building:** The glass for the 501 building is on its way. The stair lighting has been addressed and the lights in the 501 parking lot have been repaired as necessary and new bulbs have been installed to provide illumination in the parking lot. I did request a quote for retrofitting the light poles with heads that match the poles on 101 that meet dark sky standards. The Parks & Commons Commission will consider this project in the analysis of project prioritization in the next fiscal year.

- **Commons:** We are working with the Fire Marshall on resolving the violations noted in her report. I did confirm that her report would stand regardless of whether or not YYFAP would be in the building. We are waiting for a quote from the company that came out last Wednesday afternoon.

I. CODE ENFORCEMENT

To: **Shannon Beaucaire, City Manager**
From: **Joan Davies, Code Enforcement**
Date: **5 February 2018**

CODE ENFORCEMENT REPORT 01/03/18-02/05/18

503 Coolidge	No visible house numbers
509 Yachats Ocean Road	No visible house numbers Exterior lights left on
Picnic shelter	Car parked overnight with three occupants
Horizon Hill	Gravel washing from parking lot onto street
Overhanging trees	447 W. 7th Street
Overhanging trees	451 W. 7th Street
Overhanging trees	575 W. 7th Street
Overhanging trees	Shell Street
Noxious weeds (blackberries)	130 Spring Hills Road
Pickup parked in right-of-way	286 W. 3rd Street
Bus parked in right-of-way	286 W. 3rd Street
Pickup parked in right-of-way Trailer w/ advertising at home Driveway built on right-of-way	412 Marine Drive
Garbage cans in sight	Multiple vacation rentals
Exterior lights left on	537 Cape View Drive
Exterior lights left on	509 Yachats Ocean Road
Tent pitched next to car	W. 4th Street

Created files for each vacation rental, to contain all inspections and photographs
Created electronic file with photos of each vacation rental
Researched and located previous inspection sheets
Conducting inventory of all vacation rentals, taking photographs, noting deficiencies
Reading Municipal Code and marking sections for amendment
Wrote ordinance to amend Code concerning dogs, submitted to Parks & Commons

II. PUBLIC WORKS

Date: February 2, 2018

To: Shannon Beaucaire, City Manager

From: Public Works Department

City Manager's Report

Re: January 2018 Public Works Report

Total Rain fall for the month of January 2018: 12.00 inches
Total Water production: 3,607,500 gallons
Total Wastewater treated: 8,368,581 gallons

Streets:

- Filled holes with 2.5 yards of rock on Windy Way.
- Spread 1.25 yards of rock on the corner of Radar and E. 7th St.
- Cut and removed failing alder tree at the top of Radar Rd.

Drainage:

- Re-established drainage ditches on the following:
    1. Cedar Ave 120 feet.
    2. 1 St. 120 feet.
    3. E. 7th 160 feet.
    4. Horizon Hill 600 feet.
- Received estimate to remove 23 trees from Surfside Drive to establish drainage ditch. $3,200.00.

Water:

- Plant maintenance.
- Cleaned Reedy Creek headworks with the new backhoe. No issues.
- Cleared wind blown fallen tree at the water plant. Damage to lagoon fence.

Distribution Sys:

- Read meters.
- Repaired 2-inch water line break on Horizon Hill. 75 gallons per minute.
- Water service repair on Aqua Vista due to contractor damage.
- Rotated fire a hydrant on E. 3rd St. for easy access to the Fire Department.

Sewer:

- Plant maintenance.
- Headworks motor replaced at Wastewater plant. Spare motor ordered.
- Contracted electrician to repair pole light at the WWTP. Completed.

Collection Sys:

- Degreased Main pump station, 14 manhours.
- Investigated a sewer blockage complaint on Village Lane. CCTV showed blockage was in customers service lateral.
- Flushed sewer main on Village Lane.
- Power outage—NO issues with water or sewer.

Sewer & Water CIP:

- Requested Manure spreader for biosolids be moved to the next budget year due to the uncertain availability of the Hall Farm site for biosolids land application.

Parks & Commons & 501 Bldg:

- Picked up piles of brush for trails crew.
- Cleaned gutters at the Commons and the Little Log Church.
- Fixed gutter down spout at the Commons.
- Installed replacement float on sump pump at the Commons.
- Installed locking cover on receptacle for sump pump at the Commons.
- Glass clean up and temporary door replacement at the 501 building after break-in.
- Installed wall mounted First-Aid kit at City Hall.
- Rearranged desks in small office in City Hall.
- Contracted electricians to repair pole lights at the 501 bldg parking lot. Three fixed two still need parts.
- Painted yellow curbs and had electrician install a new step light at the North East corner steps of the Commons.
- Developing plans to build a wind-break fence for the Commons two trash cans.

Public Works:

- Vehicle maintenance.
- Shop maintenance.
- Repaired Vac-truck high pressure pump (in house).
- Removed Christmas lights and banners from 18 Hwy 101 light poles.
- JD Link has been installed at the WWTP. JD Link is a system program to monitor the maintenance and operations of the new John Deere backhoe.
- Completed ODOT permit application for two speed flashback signs.

Emergency Preparedness:

- Public Works completed an energy and fuel assessment worksheet to be part of Lincoln Counties Emergency Plan. This data helps the County quantify power demands for essential services that may be needed during a disaster.

City Council Action Item Cover Sheet

Agenda Item: Council Rules

Person/Group Initiating Request: Mayor Stanley

Item Summary/Background:

- At the January 10, 2018 meeting, Mayor Stanley noted the need for a policy about executive sessions per a conversation with the League of Oregon Cities.
- Other updates may be required throughout the Council Rules
- The Current Council Rules are in your packet

Question Before Council:

- Review and Update of Council Rules

City Council Rules

City of Yachats, Oregon

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1 Authority and Purpose Statement

The Charter of the City of Yachats provides that the Council shall adopt rules for the government of its proceedings. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted.

2 Meetings of the Council

2.1 Meetings to be Public

The deliberations and proceedings of the Council shall be open to the public, except as state law may provide otherwise (e.g., executive sessions).

2.2 Regular City Council Meetings

The Council shall meet at 2:00 p.m. on the second Thursday of each month in the City Hall Council Chambers or at any place that the Council may direct. On recognized City holidays which fall on a Thursday, the Council shall determine date, time and place of that meeting.

2.3 Special City Council Meetings

The Mayor, or in the Mayor's absence, the President of the Council may call a special meeting of the Council. Three Councilors may also call a special meeting by filing a request with the City Administrator. Notice of a special meeting shall be given to each member of the Council at least 24 hours in advance of the meeting. Notice may be given in writing, in person, by telephone or by electronic communication. No business other than that for which a special meeting is called can be transacted at a special meeting.

2.4 Executive Sessions

An executive session (a meeting closed to the public) may be held in accordance with the Oregon Public Meetings Law. The Presiding Officer may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Executive sessions may also be separately scheduled pursuant to the requirements for special meetings.

2.4.1 Attendance at Executive Sessions

The Presiding Officer shall determine which persons other than the Council shall attend an executive session.

2.4.2 Media Attendance

Representatives of the news media shall be allowed to attend executive sessions except those called pursuant to the ORS subsection for deliberations with persons designated to carry on labor negotiations. The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session.

2.4.3 Final Decision Prohibited.

No final decision shall be made in executive session. To make a final decision, the Presiding Officer shall either call the meeting into open session or place the decision on the agenda of a future open session.

2.5 Work Session Meetings

Work Session meetings will be held on the Monday prior to the regular Thursday City Council meeting. Work Session may also be scheduled as necessary by consensus of the Council. Worksession meetings are informal sessions to review upcoming issues, receive special reports, conduct goal setting sessions and for special training purposes.

2.5.1 Subjects For Work Sessions

Review the list of topics to be included on the agenda of the next regular meeting with the following considerations:

- **Staff/Council Discussion**. Provide an opportunity for discussion between staff and Council to analyze an issue and receive direction from Council on how to proceed.
- **Information**. Receive selected information concerning proposed agenda items.
- **Available Data**. Establish if enough information has been submitted for the Body to make informed decisions. If more information is required, notify City staff that additional information is required before the regular meeting.
- **Finalize Agenda**. Set final Agenda for the regular meeting. Allowing for time constraints, determine if an additional meeting will be needed to address all agenda items or if certain items can be carried over to the next month's agenda.

2.5.2 Limits To Topics For Discussion

The merits of specific topics brought before the body by the public should not be discussed nor any direct action taken until a regularly scheduled meeting.

3 Meeting Procedures

3.1 Presiding Officer and Duties

The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. In the case of the absence of the Mayor and the Council President, the City Administrator shall call the meeting to order and the Council shall elect a Presiding Officer by majority vote. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council subject to these rules. The Presiding Officer may debate and vote on any issue.

3.1.1 Quorum Requirements

The Presiding Officer shall call the meeting to order at the time designated for a scheduled meeting. Except to adjourn, a quorum is necessary to conduct business at any meeting of the City Council. Quorum is defined by charter as a majority of the Council members.

3.1.2 Right of Councilor to be Heard

Every Councilor desiring to speak shall gain the attention of the Presiding Officer by raising his/her hand and, upon recognition by the Presiding Officer, shall confine their remarks to the question under debate. No member shall speak more than once on the same subject until all members who wish to speak have had the opportunity to do so. Agenda item "Other Business - Council" is the time for Council members to offer a topic for consideration for a future Council agenda. Members should state their concern up front, followed by a brief explanation of why the Council may want to consider the topic at a future meeting. ii. Questioning of Staff. Councilors desiring to question the administrative staff may direct the inquiry to the Presiding Officer or to the person designated by the Presiding Officer to answer the inquiry during the Council meeting.

3.1.3 Preservation of Order

The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of Councilor's motives, and confine Councilor debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive, or disruptive may be removed from the meeting. The presiding officer may summon the assistance of police or other administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary by the presiding officer to restore or maintain order, the presiding officer may sign a complaint or citation on behalf of the city.

3.1.4 Points of Order

The presiding officer shall determine all points of order, subject to the right of any Councilor to appeal to the Council.

3.1.5 Administrative Staff, City Employees Addressing Council

City administrative staff and other City employees desiring to address the Council shall first be recognized by the Presiding Officer and shall address such remarks to the Presiding Officer. The staff shall respond to questions or comments by the Council or members of the public with permission of the Presiding Officer, and shall do so in a polite, tactful manner.

3.1.6 Citizen Question or Discussion

No person shall enter into any discussion without being recognized by the Presiding Officer. Any citizen desiring to address the Council should come to the designated location to address the Council and be recognized by the Presiding Officer. After being recognized by the Presiding Officer, the person shall state their name and address for the record and their remarks shall be limited to the question under discussion or agenda items.

Agenda item "Citizens Concerns" provides the opportunity for any member of the public to speak on any topic that is not on the meeting agenda. There will be an opportunity to speak on agenda items as the items are announced. Audience members will be recognized by a show of hand, and will come forward to the podium, stating name and address for the record. Audience members are asked to address their comments to the Presiding Officer, avoid personalizing or

directing comments to any one or more individuals, try to be succinct and avoid lengthy commentary. Responses from Council members should be made after being recognized by the Presiding Officer.
Any citizen addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer. No citizen shall be allowed to speak more than once upon any one subject until every other citizen choosing to speak has had an opportunity.

After a motion has been made, no citizen shall address the Council without first securing permission from the majority of the council.

3.2 Decorum of Meeting.

3.2.1 Improper Conduct

The following items are not condoned by the City Council and may be cause for the Presiding Officer to have the person(s) removed from the Council Chambers:

- Using or making of loud or disruptive language, noise or conduct which obstructs the work or the conducting of the business of the Council.
- Engaging in violent or distracting action.
- Willful injury of furnishings or of the interior of the Council Chambers or other meeting place.
- Refusal to obey any rules of conduct, including the limitations on occupancy and seating capacity.
- Refusal to obey an order of the Presiding Officer or an order issued by a Councilor which has been approved by a majority of the Councilors present.

3.2.2 Removal Action

The Presiding Officer shall warn any person(s) whose conduct is described above before taking action to have such person(s) removed.

3.2.3 Vacating Council Chambers

If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Councilors present may call for a recess until order is restored.

3.2.4 Picture Taking and Filming

Filming in the Council Chambers or other meeting places shall be allowed when permitted by the Presiding Officer.

3.2.5 Seating Capacity And Safety Requirements

The safe occupancy and seating capacity of the Council Chambers, as determined by the Fire Chief, shall be posted within the Council Chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.

Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the chambers, and should not move forward of the seating areas unless wishing to address and be recognized by the Presiding Officer.

3.2.6 Flags, Signs and Posters

No flags, posters, placards, or signs, unless authorized by the Presiding Officer, may be carried or placed within the Council Chambers, any other meeting place, or in any meeting place where a public hearing is being held. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing of individuals, provided that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another.

3.2.7 News Media

The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Accommodations shall be made where practical for members of the press at Council meetings so that they may observe and hear proceedings clearly. The terms "news media" "press" and "Representative of the press" for the purpose of these rules are interchangeable and mean someone who:

- Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and
- Regularly reports on the activities of government or the governing body.
- Final decisions on the qualifications of an individual as a representative of the news media shall rest with the Council.

3.3 Rules of Order

The City of Yachats has adopted Modern Parliamentary Procedure by Ray E. Keesey (Barnes and Noble, 1984 edition) as its procedural guide for deliberation and decision making, subject to charter and ordinance provisions.

3.3.1 Ordinary And Special Motions

General consent may be used for ordinary and special motions such as:

- to adjourn
- to recess
- to close deliberation
- to postpone
- to refer
- to withdraw, reconsider, or rescind

3.3.2 Main Motions

For main motions such as requests for action, policy changes, appointments, etc., use the following:

Parliamentary procedure:
After a motion has been made the presiding officer:

- Asks if the motion is understood by the entire Council.
- Invites discussion (from the Council).
- Restates the motion in its final form (the minutes taker can repeat the motion).
- Asks for the affirmative vote followed by the negative vote.
- Announces the result of the voting and adds any necessary information to interpret or to effect the decision.

3.4 Order of Business

The order of business of the City Council shall be as follows:

- Announcements
- Correspondence
- Citizen's Concerns
- Consent Agenda
- Minutes of the Previous Work Session, Executive and Regular Meeting.
- Bills for Approval
- Resolutions Memorializing Actions Taken by Simple Motion at Previous Meeting
- Resolutions Not Requiring Further Discussion by Council
- Other Actions Not Requiring Further Discussion by Council and Those Actions Outlined in Council Rules
- Reports
- Guests
- Commissions
- City Council
- Public Works Director
- City Administrator
- City Attorney
- City Planner
- Public Hearing
- Unfinished Business
- New Business
- Other Business
- From the Council
  - From the Staff

The Mayor or Presiding Officer has authority to adjust the agenda items and order of business.

3.4.1 Consent Agenda

Before the vote is taken on the Consent Agenda, a Council member may request that one or more items be excluded therefrom. The remaining items may then be voted upon as a whole. Items removed from the Consent Agenda as provided above shall be taken up for action

immediately after the Consent Agenda vote and before the next item on the agenda is taken up.

3.5 Public Hearings

The public hearing procedure shall be followed as set forth in the Municipal Code and or Resolutions adopted by City Council. See Exhibit "A" (attached).

The Presiding Officer may, with the approval of Council, limit the time and number of speakers at each public hearing. In such event, the Presiding Officer shall announce such restriction prior to beginning of the hearing.

3.6 Voting Procedures

The vote on every motion shall be taken and entered in the meeting minutes. The Council will normally exercise its administrative authority by approving resolutions. Actions adopted by simple motion shall be memorialized by adoption of a resolution at the following meeting. Such resolutions shall be placed on the consent agenda.

3.7 Duty to Vote

Except as otherwise provided by law, every member when a question is taken shall vote, unless a majority of the Council for special reason excuses the member. Any Councilor shall withdraw themselves from the item being voted on should there exist a direct pecuniary interest in the matter. If a member is not ready to vote, the member may request additional time to consider their response and the Council may wait.

3.7.1 Reconsideration of Actions Taken

Any Councilor who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered at the same meeting, no motion for further reconsideration shall be made without unanimous consent of the Council.

3.7.2 Absentee Voting

The right to vote is limited to those present at the time of the vote.

4 Agenda Packets for City Council Meetings

- Any councilor may request to have an item placed on the Council agenda.
- Any Councilor may request, if responsible for an agenda item, postponement of the item to another meeting if the Councilor cannot be present at the meeting at which time the item is scheduled.
- Any two Councilors may request that an item be postponed to the following meeting. Further postponement requires a majority vote of the Councilors present.

4.1 Deadline

The deadline for public submission of topics for inclusion on the Agenda of a regularly scheduled Council meeting shall be 12:00 noon, on Wednesday of the calendar week before the meeting for the Council.

4.2 Late Submissions

Items submitted after the deadline may be heard by the Council at their own discretion. Otherwise, they shall be put on the Agenda of the next regularly scheduled meeting.

4.3 Packets Available

Packets shall be available for Council members to pick up at City Hall at the end of business hours on Friday of the week before a regularly scheduled meeting. A sample Council packet will be filed intact in the permanent files. Packets shall be available at City Hall and the Library for public review. Copies may be obtained at the current cost. A complete packet will be available for audience review during Council and Commission Meetings.

4.4 Packet Material

4.4.1 Text Exhibits

Packets shall include copies of applications, map locations and any other pertinent, easily reproducible text exhibits.

4.4.2 Drawings and Reports

Drawings, reports and other materials difficult or expensive to reproduce will be made available in limited quantity at work sessions or scheduled meetings and will be available for inspection at City Hall during regular business hours.

5 Minutes of the City Council Meetings

5.1 General Format

All official printed minutes of City Meetings shall be fashioned after the minimum as required by State Law with minor additions. Audio tape recordings of entire meetings will be kept on file for more detailed references for a period of two years.

5.2 Contents of Minutes

- **Meeting Particulars.** Minutes shall include the date, time, and place of all meetings.
- **Audio Taping.** Agendas shall indicate that all proceedings are being audio tape recorded for back-up reference.
- **Attendance.** Minutes shall include the names of all members of the governing body and indicate whether they are present or absent.
- **Motions.** Minutes shall include all motions, proposals, resolutions, ordinances, and measures proposed and their disposition.
- **Result of Votes.** Minutes shall include the results of all votes and the vote of each member by name.

- **Substance of Topics.** Minutes shall include an outline of the substance of discussion on any matter.
- **Reference to Documents.** Minutes shall include any references made to any specific document mentioned in discussion.
- **Public Participants.** The Minutes shall include the name and address of member of the public who addressed the body.
- **Emergency Meetings.** The Minutes shall include, if required, the nature of the emergency for calling an emergency meeting.
- **Speeches and Statements.** Speeches or statements or the exact text of discussions shall not be transcribed verbatim.

5.3 Submittal to Council

After being prepared in draft form by the City Administrator or designee, the City Administrator submit them to Council as part of the "Consent Agenda" for the next regular Council meeting agenda.

Amendment and Approval

5.4 Approval by Council

The Council may amend the minutes to more accurately reflect what transpired at a meeting. An individual Councilor may call for additions or corrections to the minutes during the Work Session Meeting or before adoption of the consent agenda, and unless there is disagreement from other Councilors, the motion to approve the Consent Agenda shall include the minutes as amended. If the Council questions the minutes or is unsure they accurately reflect what transpired during a meeting, the Council may postpone approval of the minutes until a transcript of the portion of the meeting in question can be prepared. Information obtained subsequent to a meeting, which is relevant to discussions or action which occurred during that meeting, may be referenced into the record of the meeting at which the minutes are approved. The Council is the final authority as to amendment of the minutes. After Council approval, the City Administrator shall incorporate any amendments approved by the Council, the Mayor shall sign the minutes. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes such a change.

5.5 Retention

When approved and fully executed, the minutes shall be kept on file in the City Administrator's Office. A "working copy" may be prepared for use in the City Administrator's Office with the original transferred to the city storage area for permanent retention.

5.6 Public Access and Copies

Both written minutes and sound recordings (as long as kept) shall be available for public inspection during office hours. Copies of the written minutes shall be available to the public at the currently established price. Sound recordings and a transcriber shall be available to the public for use on City premises. Citizens may use their own tapes and Administrators to make copies of sound recordings. The City Administrator may implement additional reasonable rules

and procedures to assure the preservation of original sound recordings. The City is not required to cause a transcript to be made of Council meetings. Upon a citizen request, however, copies of transcripts made for other purposes shall be made available in the same manner and for the same cost as written minutes.

6 Guidelines and Procedures for City Councilors

6.1 General Conduct

- Councilor should only speak for himself/herself and not for other Councilors, unless authorized to do so by the Council.
- Councilors should avoid personalizing issues; therefore, discussion should be issue-oriented.
- Councilors should not create or infer a change in City policy before, during or after consideration of a particular issue unless the specific issue has been established as policy by vote of the Council.
- During public meetings, Councilors should not attempt to edit or rewrite existing ordinances because of the potential impact on other issues. If changes are necessary, amendments to an ordinance shall be prepared and reintroduced.

6.2 Conflict of Interest

Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

6.3 Legal Advice

Use of the City Attorney's time must be authorized by the Mayor or Council President. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the majority approval of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Administrator to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Administrator. Exceptions to this are issues related to the performance of the City Administrator and unique and sensitive personnel that involve city business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Administrator.

6.4 Communication with Staff

Councilors shall respect the separation between policy making and administration by:

- Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
- Not attempting to influence or coerce the City Administrator or department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.
- Addressing all formal inquiries and requests for information from staff to the City Administrator or City Attorney and allowing sufficient time for response. All written information given by the City Administrator or his/her designee to one Councilor should be distributed to all Councilors.
- Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.
- Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members. All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.

Requests of use of City staff time shall be made to, and scheduled through the supervisor. This shall include, but not be limited to, typing, site inspection, telephoning, etc.

6.5 Confidentiality

Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, City Staff or City Attorney.

If the Council in executive session provides direction or consensus to city staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

All public statements, information, or press releases relating to a confidential matter will be handled by staff designated by majority of the Council.

The Council, by vote, may reprimand a member who discloses a confidential matter, or take any other appropriate legal action.

6.6 Expenses and Reimbursement

Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, as established by City policy. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) must require advance Council approval according to the purchasing rules which apply citywide.

A Councilor who will be traveling on City business may make his or her own reservations for travel and lodging in accordance with City policy. Upon request to the City Administrator, travel accommodations for Councilors will be made by City Staff.

The City does not reimburse Councilors for expenses incurred by their spouses.

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Exhibit A – Hearings Procedures for Land Use Matters

CITY OF YACHATS - RESOLUTION NO. 2007-02-01

A RESOLUTION ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF HEARINGS RELATING TO LAND USE MATTERS AND REPEALING RESOLUTIONS NO. 62 AND NO. 280

WHEREAS, legislation of the State of Oregon mandates the adoption of rules for the conduct of certain hearings before the Council and Planning Commission; and

WHEREAS, the Council has determined that the rules set out in Resolution 280 need updating to provide clarity;

NOW THEREFORE, the City of Yachats resolves that the following hearing procedure rules are adopted:

RULES FOR CONDUCT OF HEARINGS

Section 1. Scope of Rules.

These rules shall govern the conduct of hearings held by the Council and the Planning Commission, hereafter referred to as the deliberating body, pursuant to the Zoning and Land Use Code of the City of Yachats, including all hearings and appeals provided for within said Code. Any other matters coming before the deliberating body for hearings may be governed by any or all of these rules at the discretion of the Council or Planning Commission, hereafter referred to as members.

Section 2. Nature and General Conduct of Hearing.

1. The deliberating body, in conducting a hearing which will result in a determination as to the permissible use of any specific property, is acting in an administrative, quasi-judicial capacity and all hearings shall be conducted accordingly. Interested parties are, therefore, entitled to notice of hearing, if required by Charter, Code or statute, an opportunity to be heard, to present and rebut evidence before a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered supported by findings of fact as part of that record.

2. No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Such conduct may be cause for immediate suspension or continuance of the hearing by the deliberating body or the presiding officer may have the person or persons causing said disturbance removed from the hearing room.

3. No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address.

4. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by City staff shall be deemed relevant, material and competent unless objected to by any interested party with good cause at the first available opportunity.

5. The presiding officer, members of the deliberating body and, with the approval of the presiding officer, the City Attorney or any other officer or employee of the City may question any person who testifies.

Section 3. Challenge for Bias, etc./Disqualification

1. Any proponent or opponent of a proposal before the deliberating body may challenge the qualification of any member thereof to participate in such hearing and decision. Such challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to a member's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.

A) Such written challenge must be delivered by personal service to the City Administrator and the member whose qualification is challenged not less than 48 hours preceding the time set for public hearing.

B) Such challenge shall be incorporated into the record of the hearing.

2. No member shall participate in discussion of the proposal or vote on the proposal when:

A) Any of the following has a direct or substantial financial interest in the proposal: The member or spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or

B) The member has a direct personal interest in the proposal; or

C) For any other reason, the member has determined that he or she cannot participate in the hearing or decision in an impartial manner.

3. Any member owning property, or having an interest in property within the area entitled to receive notice of the public hearing shall declare for the record the nature and extent of such interest. If the member has determined that he or she cannot participate in the hearing or decision in an impartial manner that member shall remove himself or herself from the deliberating body and join the audience and abstain from the vote on the proposal.

4. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give an official opinion to the deliberating body on the proposal without first declaring for the record the nature and extent of such interest.

5. The general public has a right to have members free from pre-hearing or ex-parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Members of the deliberating body shall place on the record the substance of any written or oral ex-parte communications concerning a decision or action at the first hearing on the decision or action which occurs after the communication was made. Parties shall be given the right to rebut the substance of the communication. If such contacts have impaired their impartiality or their ability to vote on the matter, they shall so state and shall abstain therefrom.

6. Notwithstanding any provision of this or any other rule:

A) An abstaining or disqualified member may be counted for purposes of forming a quorum; and

B) A member may represent himself or herself, a client or any other member of the public at a hearing provided the member:

1) Abstains from the vote on the proposal;

2) Removes himself or herself from the deliberating body and joins the audience; and

3) Makes a full disclosure of the member's status and position at the time of addressing the deliberating body.

Section 4. Presiding Officer.

1. The Mayor, the Council President in the Mayor's absence, Chair of the Planning Commission or the Vice Chair in the Chair's absence shall be the presiding officer at all hearings. In their absence, or with their consent, the deliberating body may designate one of its members, or any other officer, employee, or person to act as presiding officer at a hearing. A presiding officer, if not a member shall have no vote on the question in determination of the matter.

2. The presiding officer shall have authority to:

A) Regulate the course and decorum of the hearing;

B) Dispose of procedural requests or similar matters;

C) Rule on offers of proof and relevancy of evidence and testimony;

D) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations and rebuttal testimony; and

E) Take such other action authorized by the deliberating body appropriate for conduct commensurate with the nature of the hearing.

Section 5. Burden and Nature of Proof.

1. The burden of proof is upon the proponent. The more drastic the change or the greater the proposal or the greater the impact of the proposal on an area, the greater the burden is upon the proponent.

2. The requested proposal must be supported by proof that:

A) It conforms to the Comprehensive Plan for the City of Yachats as now or hereafter constituted, and any other special plan for the area involved;

B) It conforms to all applicable City Charter and other Code requirements;

C) There is a public need for the proposal;

D) The public need will be best served by granting the proposal, (if the proposal is for a zone change, proof must be submitted that the public need will be best served by changing the classification of the particular piece of property in question as compared with use of other available property); and

E) If other areas have been previously designated for use or development submitted in the proposal, there is a necessity for introducing the proposal into an area not previously contemplated and that the property owners there should bear the burden, if any, of introducing that proposal into their area.

3. The following criteria and factors are deemed relevant and material and shall be considered along with other factors deemed relevant by the deliberating body in reaching its decision on a proposal:

A) Mistake in the original zoning ordinance or Code;

B) Change of conditions within the immediate neighborhood in which the use or development is proposed;

C) All factors pertinent to the preservation and promotion of the public health, safety and general welfare, including but not limited to the character of the area involved, its peculiar suitability for particular uses, the conservation of property values and the direction of building development.

Section 6. Order of Procedure. The presiding officer, in the conduct of the hearing shall:

1. Open the Hearing. Announce the nature and purpose of the hearing and summarize the rules for conduct of the hearing. Hearings on land use actions shall include a statement that:

A) Describes the applicable substantive criteria which will be used to review the land use action;

B) Testimony at the hearing must be directed towards the criteria which will be used to review the land use action, or other criteria in the plan or land use regulations which a party believes to apply to the land use action;

C) Failure to raise an issue with sufficient specificity to afford the decision makers and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals based on that issue.

2. Objections to Jurisdiction. Inquire of the audience whether there are any objections to the jurisdiction of the deliberating body to hear the matter, and if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if an inquiry results in substantial evidence that the deliberating body

lacks jurisdiction or the procedural requirements of the ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the deliberating body.

3. Call for Abstentions.

A) Inquire of the deliberating body whether any member thereof wishes to abstain from participation in the hearing. Any member then announcing his abstention shall identify the reasons for abstaining and shall not participate in discussion of the proposal or vote on the proposal.

B) Any member whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex-parte or prehearing contact with proponents or opponents may make a statement in response thereto or in explanation thereof, for the record, and his decision to participate in the hearing. This statement shall not be subject to cross-examination except upon consent of that member, but shall be subject to rebuttal by the proponent or opponent, as appropriate.

4. Staff Report. Summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the Planning Commission if on appeal to Council and provide such other information as may be requested by the deliberating body. The presiding officer may request a representative of the Planning Commission or any other city officer or employee to perform this duty.

5. Applicant's or Proponent's Case. Determine whether the proponent will conduct the case in person or by representative. The applicant-proponent shall first be heard followed by any other persons in favor of the proponent's proposal.

6. Opponent's Case. Allow all persons in opposition to the proposal to present evidence and argument.

7. Applicant's Response. Allow the proponent to offer rebuttal evidence and testimony. Because the applicant bears the burden of demonstrating that the application should be approved, the applicant may respond to any opposing testimony but no new evidence shall be accepted.

8. Staff Recommendation. If the deliberating body wishes, request staff to make final comments and give their recommendations on the application.

9. Close of Hearing and Deliberation.

A) If the deliberating body decides that all necessary evidence has been presented, the presiding officer shall conclude the hearing and the deliberating body shall deliberate the proposal. The deliberating body shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, or staff, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced; but shall be within time limits established by ordinance. The subsequent meeting shall be for

the purpose of continued deliberation and shall not allow for additional submission of testimony, except upon decision of the deliberating body.

B) If the deliberating body decides it needs more information, the hearing may be continued to a future date, the time and place of which must then be announced; but shall be within time limits established by Code.

Section 7. Official Notice.

1. The deliberating body may take official notice of the following:

A) All facts which are judicially noticeable; and

B) The Charter, Code, resolutions, rules, regulations and official policies (if written) of the City of Yachats.

2. Matters officially noticed need not be established by evidence and may be considered by the deliberating body in the determination of the proposal.

Section 8. Record of Proceedings.

1. The City Administrator or designate, or, if unable to attend, a designee of the presiding officer, shall be present at each hearing and shall cause the proceedings to be recorded. It shall not be necessary to transcribe testimony unless required for judicial review or unless ordered by the deliberating body.

2. The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering the same and whether presented on behalf of proponent or opponent. Unless evidence is capable of being offered and incorporated into the record of the case, it shall not be received. All exhibits received into evidence shall be retained by the City until after any applicable appeal period has expired, at which time the exhibits may be released upon written demand to the person identified thereon.

3. Any member of the public shall have access to the record of the proceedings at reasonable times, places and circumstances. Any members of the public shall be entitled to a copy of the record at their own expense.

Section 9. Publication of Rules.

1. These rules shall be filed with the City Administrator.

2. A copy of these rules shall be available at all meetings of the deliberating body at which a public hearing is scheduled. A copy shall be available to the public at a reasonable cost.

3. These rules are supplementary to any rules of procedure previously adopted by the City Council, either by ordinance or resolution, for the conduct of public hearings; provided, however, these rules shall control where there are conflicting provisions.

Section 10. Amendment and Suspension of Rules.

Any rule of procedure not required by law or the City Charter may be amended, suspended or repealed at any hearing by majority vote of the deliberating body members present and voting.

Section 11. Repeal.

Resolutions 62 and No. 280 are hereby repealed.

PASSED AND ADOPTED by the City Council February 2007.

EXHIBIT B – Mayor and Council Duties and Goals

Need to review and add again because we did not know about EXHIBIT "A" when we talked about adopting the matrix I created.

DRAFT

City Council Action Item Cover Sheet

Agenda Item: Vacation Rental Pilot Program

Questions Before Council:

1) Do you have specific areas of concern in language that was included in the VR ordinance?

2) Are you aware of any specific issues or problems with the change in the VR ordinance?

3) Are there any new VR issues that need to be considered?

Person/Group Initiating Request:

- Councilor Scott

Item Summary/Background:

- At the September 13, 2017 meeting Ordinance 347 (attached) was adopted.
- Section 4.08.040 C notes that
  - "The provisions in this subsection on issuing new licenses shall be in effect from October 15, 2017 through October 14, 2019. Prior to that date, City Council will consider the status of current vacation rental licenses and may consider whether to begin accepting applications for new licenses. That determination must be made of record prior to the expiration of this provision, in the form of an ordinance amendment."
- Ordinance 347 is attached.

CITY OF YACHATS
ORDINANCE NO. 347
AN ORDINANCE AMENDMENT TO
YACHATS MUNICIPAL CODE CHAPTER 4.08 RELATED TO VACATION RENTALS

Whereas, the City has regulated vacation rentals for over twenty years so it has been able to observe the impact of the regulations on the community and observe what areas of the regulations could be improved to better obtain the desired results; and

Whereas, the City desires to maintain a strong sense of community and not overwhelm neighborhoods with short-term rentals that impact livability for owner-occupied and long-term rental homes; and

Whereas, the City has a record of responding to complaints related to vacation rentals and the impacts that these rentals have on neighborhoods, including noise, excessive trash, and parking problems; and

Whereas, setting a cap on the total number of vacation rental licenses within the City will help to maintain the community feel of our City by controlling the number of vacation rental licenses issued in the City; and

Whereas, the City has limited resources and staff that can be devoted to enforcement of vacation rental complaints, so limiting the total number of vacation rental licenses will ease the burden on City resources; and

Whereas, the City understands the needs of owners that choose to rent out their homes on a short-term basis, so the City seeks to balance the wants of such owners with the wants of their neighbors that deal with the nuisance impacts that can result from vacation rentals; and

Whereas, in order to ease the burden of vacation rentals on City staff and neighbors, so that complaints are responded to within two hours of notification, each vacation rental must have a local contact person that has authority to act in relation to the vacation rental; and

Whereas, the City wants to encourage all those property owners that engage in short-term renting of their property to license their activities so that all property owners are operating under the same rules,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 4.08.

Yachats Municipal Code Chapter 4.08 shall be amended to read as follows:

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to

preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in the addition to City ordinances and federal and state laws and regulations. The purpose of an inspection is to ensure the health and welfare of the occupants. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291a, 2010; Ord. 148 § 1, 1992)

Section 4.08.020 Definitions.

"Dwelling unit" means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

"Incident" means an offensive activity or breach of the standards.

"Overnight" means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

"Local contact person" means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

"Rental occupant" means a person over the age of four years who occupies a rented dwelling unit.

"Sleeping area" means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

"Surfaced" means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

"Vacation rental" means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than 30 days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling, however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four different vehicles over the course of a month, for three consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than 30 days. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291a, 2010; Ord. 226, 2002; Ord. 148 § 1, 1992)

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual units located on the same property, such as a duplex or triplex as defined above in Section 4.08.020, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license

covering any other property. Any change of ownership, in whatever form, shall be reported to the City within 30 days.

B. Vacation rentals in residential zones shall have no more than four bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within 10 miles of the City of Yachats and be available for response to alleged violations, within two hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 am to 11:00 pm.) and respond within two hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current.

E. One on-property parking space, as defined in Section 9.04.030 for off-street parking, shall be provided for each bedroom in the dwelling, but in no event shall fewer than two spaces be provided for the vacation rental. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance all parking must be contained on the rental property. Owners are required to provide parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of overnight vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six vehicles, whichever is less. Daytime parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of overnight occupants shall be two persons per sleeping area plus two additional persons per vacation rental. The rental agent shall match the

number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer of moderate size, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided and must have bear-proof mechanisms. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the GoYachats website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contacting information current shall constitute a violation of this Chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

(Ord. 328, 2014; Ord. 324, 2013; Ord. 311, 2012; Ord. 291, 2010; Ord. 237, 2003; Ord. 226, 2002; Ord. 191, 1997; Ord. 148 § 3, 1992)

Section 4.08.040 Inspection, license and annual fee.

A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. If a license is renewed annually until at least five consecutive years have elapsed the City will re-inspect before issuing a license for the sixth year. The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each five-year inspection completed by the City. A vacation rental licensee shall not be required to pay a business occupation license

fee in addition to the annual license fee. The annual license and inspection fees shall be set by resolution of the City council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. Upon the effective date of this ordinance, the City shall stop issuing new vacation rental licenses, and establish a cap of 125 licenses. City staff shall process fully-completed applications that have been submitted up to that date. Applications submitted prior to the effective date of this ordinance that are missing information or are otherwise incomplete as of the effective date of this ordinance shall not be processed. The provisions in this subsection on issuing new licenses shall be in effect from October 15, 2017 through October 14, 2019. Prior to that date, City Council will consider the status of current vacation rental licenses and may consider whether to begin accepting applications for new licenses. That determination must be made of record prior to the expiration of this provision, in the form of an ordinance amendment. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below 125 in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come-first-served basis, with process identified through administrative policy. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291, 2010; Ord. 284, 2009; Ord. 199 § 1, 1997; Ord. 148 § 4, 1992)

Section 4.08.050 Complaints.

All complaints shall be in writing on a form provided by the City and signed by the complainant. The complainant must show or attest that they have made a timely attempt to resolve the issue with the person representatively responsible for management of the property. The complainant is expected to initiate the process while the out of compliance incident is occurring or when they first become aware that a property is not in compliance with the regulations. All complaints filed with the City shall be verified by the City for validity.

A. When a complaint is filed that is verified by the City to be valid, the owner and local contact person will be notified in writing by mail or email, and provided with a copy of the complaint. Either the owner or the local contact person will be required to meet with a City representative to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, City staff will prepare a report for City council action.

B. Upon a second complaint that is verified by the City to be valid, the owner and local contact person will again be notified in writing by mail or email and provided with a copy of the complaint. Either the owner or local contact person will again be required to meet with a City representative to further discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time the City recorder will prepare a report for City council action.

C. Upon a third complaint within a 90-day period that is verified by the City to be valid, the owner and agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint.

a. City staff may schedule a hearing and prepare a report for City council action.

b. The City council may schedule a hearing.

c. Either the City Manager or City Council may, without a hearing, revoke the license immediately.

d. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the council shall be filed with the City within 15 days of the notice of revocation.

D. Standards of judging complaints shall include, but are not limited to, the following:

1. Noncompliance with vacation rental license standards as stated in Section 4.08.030;

2. Monopoly of on-street parking;

3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose.

E. The City Council, upon hearing the evidence, may (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license. (Ord. 328, 2014; Ord. 311, 2012; Ord. 226, 2002; Ord. 148 § 5, 1992)

Section 4.08.060 Violations—Penalties.

It is unlawful for any person so required to fail or refuse to apply for a license, or operate without a license as required herein. Any person who violates any provisions of this chapter is subject to a fine of up to $1,000 per violation, with each day of a continuing violation constituting a separate violation. The third violation within any consecutive twelve month period shall result in revocation of the vacation rental license for twelve months, after which time the owner may reapply for a new license, in accordance with Section 4.08040(C). Violations shall be subject to the procedures and penalties of Chapter 1.12, as now constituted or hereafter amended or revised. (Ord. 328, 2014; Ord. 185 § 4, 1996; Ord. 148 § 6, 1992)

ADOPTED by unanimous vote on September 6, 2017 and September 13, 2017. (Stanley, Scott, Frye, Glenn and Tooke: 5-0)

DATED this 13th day of September, 2017.

_____

Gerald F. Stanley, Mayor

ATTESTED: _____

Joan Davies, City Manager

City Council Action Item Cover Sheet

Agenda Item: Visitors Center Report

Person/Group Initiating Request: Yachats Visitors Center

Item Summary/Background:

Yachats Visitor Center October – December 2017 Report

Question Before Council:

None. Update Only

CITY OF YACHATS
VISITORS CENTER
October-December 2017
Activities Report

Submitted by Beverly Wilson, Contract Director

*corrected 1/11/18

CONTACTS	OCT-DEC '13	OCT-DEC '14	OCT-DEC '15	OCT-DEC '16	OCT-DEC '17
Visitors Logged at VC	1,434	1,579	1,631	1,798	1,702
Yachats Visitor Brochures distributed via outdoor box at VC, local Festivals, Groups, Other Merchants (approximate #)	675	725	775	850	900
Phone calls logged	404	393	379	358	343
Info requests from individuals & Travel Interest Leads from OCVA, Travel Shows and leads from TO advertising.	1,204	945 Fewer OCVA leads	996	2,967 New: TO annual advertising leads	2,901
Total # of Q Contacts with visitors/prospective visitors	**3,717 13.7%**	**3,642 [2.0%]**	**3,781 3.8%**	**5,973 58%**	**5,846 [2.1%]**
Note: These counts do not include thousands of visitor and potential visitor contacts made via web site and social media.					

The Visitor Center was open 10 am to 4 pm daily through October, and on Fridays, Saturdays, and Sundays during November and December. The center was also open Thursday, December 28, and on New Year's Eve and New Year's Day. Volunteers filled approximately 50% of the front desk hours this quarter.

Desk staff fielded an enormous array of questions about local activities, businesses, and attractions, and this included the quarter's major events: the Yachats Village Mushroom Fest in October, the craft show and the Celtic Music Festival in November, and the string of Winter Celebration events that dot the calendar from Thanksgiving to the New Year's Day Peace Hike. We also fielded some questions about the upcoming Yachats Agate Festival, Yachats Lions Crab Feed, and spring crafts shows. The Mushroom Festival talks and workshops on Saturday and walks on Sunday had fabulous attendance. For some of the talks, every seat available in the house was taken, and people stood in the back or sat on the floor. The enormous turnout was partly owed to having to cancel Saturday walks due to wind (and pre-registration had filled all of the Saturday walks.) The Visitors Center remained busy through Mushroom Fest weekend (despite wild weather on Saturday) and traffic picked up again Celtic Fest weekend and New Year's / Winter Whale Watch weekend. It was very quiet at other times in December.

<u>Committee Work and Meetings this Quarter</u>

- *Yachats Coordinated Marketing Team*
  Called monthly meetings and worked on the following committee projects:

  1. Yachats Shoppers Holiday Raffle during Winter Celebration month:

a. Contacted all local nonprofits and businesses for winter celebration events updates.
b. Contacted local businesses for information about their participation in the Merchants Holiday Open House (held the day after Thanksgiving) and their participation in and contributions to the Shoppers' Holiday Raffle.
c. Formatted the Yachats Winter Celebration's web calendar into a print program.
d. Distributed the raffle tickets containers, flyers, tickets, and YWC printed programs to area shops and motels.
e. Placed Yachats ads announcing the holiday raffle for 2 consecutive weeks.
f. On December 27 held the raffle drawing at the Visitor Center and notified our two-dozen drawing winners.
g. Picked up raffle prizes from local businesses and mailed them to the winners. (Still awaiting call backs from a few of the winners.)

This raffle continues to be fun for participants and well received by most shopkeepers.

2. Oregon Coast Honey Lovers Festival – to be held February 17
   a. In November, team member Mary Crook invited and introduced local beekeepers to our group with whom she had discussed having a honey tasting around Valentine's Day and to possibly coordinate this with the Wedding Vow Renewal Ceremony.
   b. Led team discussion and brainstorming about the potential for such an event.
   c. The end result is we have scheduled and planned a culinary and educational event that will feature honey tastings and honey-themed exhibits, vendors, speakers (including a keynote from OSU), demonstrations, and children's activities. In addition to learning opportunities about honey, beekeeping, and bee friendly gardening, there will be education about other pollinators. Local restaurants will also create special honey-themed options available for patrons during the festival.

3. Advertising - coordinated the production of our advertising for 2018, including:

   a. Print/Online Ads in *Willamette Living / Portland Metro / Capital Edition*
   b. Yachats Print Ad in OCVA's *Oregon Coast Visitor Guide* (mailed out by OCVA to people who contact them for coast travel information.) This is a 1/3 page ad that uses a winning image from our Many Moments Begin in Yachats social media photo contests.
   c. Yachats Online Ad on OCVA's Cities page. This ad uses a different crop of the image used in this year's OCVA print ad.
   d. Yachats Ad in *Travel Oregon Magazine*. This 1/12 page ad uses a different crop but same image (as in a. above) and provides us with access to coast travel interest leads on from Travel Oregon.
   e. *Oregon Coast Magazine / OCM Mile-by-Mile Guide* ads, using the same photo as used in our ads, with a different crop. This publication is one of the most distributed on the Oregon Coast.

Media

- *Oregon Coast Magazine (Jan-Feb)* – provided upcoming events information for their calendar, and information about the Oregon Coast Honey Lovers Festival. In addition, included a honeycomb inset photo in our ad for this issue. OCM published the ad and festival description side by side.
- *Willamette Living/Portland Metro / Capital Living,* provided a similar ad to them and am sending updated information about the Honey Lovers Festival for their Feb/Mar issues.
- Broadcast the Agate Festival news release to Oregon media, and *Willamette Living* immediately

included it in their online newsletter.

- Yachats was featured in several great articles this quarter, including in the following:
  Oregon Coast Magazine, Nov./Dec. (Those Who Came Before – A short history of the early inhabitants of the Yachats area)
  Register Guard, Nov. (Stroll by the Seashore – coastal trail, forest, and garden paths)
  Vogue Magazine, Dec. (The Best Way to Experience the Oregon Coast).
  Expedia (just after the new year) named Yachats "*The best place to escape to in Oregon*"!

Miscellaneous

- Following up on their request for winter-centric marketing content, I provided OCVA with a list of Yachats area winter activities and events. OCVA responded that they will be sending a videographer to Yachats on January 14 to film material for 15-second video clips that can be used for winter marketing. One of these clips will be of the Yachats Agate Festival and beautiful agates. Others will be taken of people on the beach, trails, viewpoints, and at an indoor wine tasting.

- Made regular Facebook/Twitter posts (as a volunteer). Coordinated with Cape Perpetua in broadcasting their Cape Perpetua Speakers Series posts and posts about local conservation events.

- Currently in process of creating digital and print programs for the Oregon Coast Honey Lovers Festival and a news release for broad distribution. Two of our Marketing Team members have just met with a reporter from *Oregon Coast Today,* who is working on an article about the event.

YACHATS VISITORS CENTER
2017 QUARTERLY BUDGET REPORTS

Submitted
1/05/2018

BUDGET ITEM	2017 BUDGET	Quarter 1 July-Sept	Quarter 2 Oct-Dec	Quarter 3 Jan-Mar	Quarter 4 Apr-June	YEAR TO DATE
FACILITY						
Rent	6,500.00	1,575.00	1,575.00	1,575.00	1,575.00	6,300.00
Repair & Maintenance	400.00	0.00	0.00	15.00	62.25	77.25
VC & Restroom Cleaning	1,050.00	310.00	240.00	220.00	220.00	990.00
VC Office Equipment & Supplies	1,200.00	132.31	192.69	143.20	0.00	468.20
Bookkeeping	500.00	0.00	500.00	0.00	0.00	500.00
PERSONNEL						
Contract Director	37,850.00	6,308.32	12,616.64	9,462.48	9,462.48	37,849.92
Admin. Assist. (in season)	7,590.00	499.00	0.00	0.00	720.00	1,219.00
Events Coordinator	20,000.00	0.00	0.00	4,999.98	2,499.99	7,499.97
Training/Volunteer Training	400.00	0.00	0.00	0.00	0.00	0.00
PROMOTION						
Yachats Brochure/2-year surplus	1,750.00	0.00	0.00	0.00	0.00	0.00
Printing/Design: Lists/Cards/Publications	2,550.00	2,137.00	1,669.03	572.80	552.25	4,931.08
Postage: Information/Mail-outs	1,500.00	872.74	855.00	505.75	0.00	2,233.49
Oregon Events Calendar – Events Listings	200.00	0.00	0.00	0.00	200.00	200.00
Telecommunications	2,525.00	719.08	776.12	621.03	704.57	2820.80
Memberships, OFEA/OCVA	500.00	400.00	0.00	100.00	0.00	500.00
Travel OR Welcome Ctr Brochure Program	250.00	0.00	0.00	0.00	312.80	312.80
TOTAL	84,765.00	12,953.45	18,424.48	18,215.24	16,309.34	65,902.51

CITY OF YACHATS

CITY COUNCIL MEETING
January 10, 2017

Minutes

Mayor Gerald Stanley called the January 10, 2018 meeting of the City Council to order at 6:00 pm in Room 1 of the Yachats Commons. Council members present: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, and Greg Scott. Absent: Max Glenn. Staff present: City Manager Shannon Beaucaire. Audience: 22.

I. Announcements, Correspondence, and Proclamations

Mayor Stanley announced the Agate Festival is this coming Saturday and Sunday and there is now an ongoing volleyball game.

Councilor Frye announce the second annual Women's March will be January 20, 2018 an starting at City Hall in Newport beginning at 11:30 am.

II. Public Comment

Carl Miller (211 Chief Albert Dr.) handed out a letter and brochure highlighting the contributions of One of Us Productions. Miller read his letter into the record. He noted Catherine Rickbone from the OCCA is willing to speak to the Council.

Ann Stott Hansen (915 Driftwood Ln) expressed concern over lack of lighting for pedestrians on Driftwood Lane and Ocean View Drive.

Mayor Stanley noted there are many people who are adamantly against more lighting. Councilor Scott added that Yachats has a goal to become dark sky certified. Mayor Stanley asked Public Works and Streets Chair John Moore if the Commission would consider this matter.

III. Minutes

A. December 6, 2017 Work Session and Regular Meeting

Councilor Frye noted the following corrections:

- page 2, line 9: "decided they would contract for project management work" should be "recommended the City look at hiring an architect or project manager"
- page 2, line 12: "would be involved on building decisions" should be "could be involved on building decisions"
- page 2, line 15: Frye referred to a comment made by Glenn referring to the Council members on the 2+2 Committee being representatives of the Council, not decision makers for the Council. She wanted to be clear the 2+2 is a recommending body.
- page 2, line 24: Currently reads – "Frye did not see the 2+2 Committee had decision-making authority about the building, but it did have that authority over decisions made about the library" should read – "Frye believed the 2+2 Committee does not have authority over decisions but would make recommendations to the Library Commission and the Librarians"
- page 2, line 32: "Library Commission has $75,000" should be "Library Commission wants to dedicate $75,000"
- page 3, line 2: "Hickam" should be "Janet Ratcliff"

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Scott moved to approve the December 6, 2017 minutes as amended above: Aye – 4; No – 0. Minutes approved as amended.

B. December 13, 2017 Meeting

Frye moved to approve the December 13, 2017 minutes: Aye – 4; No – 0. Minutes approved.

IV. Reports

A. Council Reports

Tooke reported he attended a Lincoln County Commons Committee meeting, a group addressing what to do with the Lincoln County Fair Grounds. The Committee wanted to name the facilities the Lincoln County Commons. They recommended all buildings be demolished and replaced, as it would cost more to bring the current facilities into compliance. The Committee investigated relocating the events center to another location, but they could not found a suitable property. Tooke noted they do have a website that will post updates.

Frye reported the Lincoln County Transit Advisory Committee has reactivated and has a received a grant to study transit; the 2+2 Library Committee is continuing to meet every other Thursday at 10:00 am and welcomed citizen input; and she and the Mayor are on the Lincoln County Health Council and the Yachats Community Clinic is still under consideration.

B. City Manager Report

Manager Beaucaire reported:

1. The 501 Building was broken into last night by breaking the tempered glass in the front door. The intruder cooked in the kitchen and slept on the yoga mats with the yoga blankets. City Clerk Kimmie Jackson noted the items cooked were obtained from the food pantry that day. Jackson gave a description of the person to the Sheriff. The glass will take 10 days to replace.
2. Public Works did a commendable job in responding to the power outage the previous week, noting they were able to keep sewer and water systems on without interruption.
3. During the power outage, Facilities Manager Hoen was concerned about power for the commons and the sump pump that keeps the basement dry. Hoen found the building had power but the sump pump was unplugged, with a cell phone charger plugged into the outlet instead.
4. Her first “Meet the Manager” meeting on December 21, 2017 was very positive and constructive. She received useful feedback on community communications and engagement. She noted community and communication mean many different things to different people. There will be another meeting on January 17, 2018 from 4-6 pm in Room 1.
5. She had been reaching out to people to understand the history in the community and how groups have worked together and would like to work together. She has discussed with several individuals the concerns raised at the last meeting about the fee structure and insurance. She has forwarded her findings to the Parks and Commons Commission.
6. The Lincoln County Counsel will ask that the legalization hearing be continued to March 21, 2018, regarding Ocean View Drive.
7. She is continuing to work on long term IT plans.
8. The City of Waldport is undergoing a building assessment and needs evaluation. She has asked Manager Kemp to keep her updated on their work.

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9. There will be a community meeting on the Evans/Betz property on January 17, 2018 at 6:00 pm and a public hearing on January 29, 2017 at 9:00 am regarding the City's current grant application.
10. Oregon Cascades West Council of Governors policy roundtable where they established six areas to focus on regarding State legislation. She noted they are looking to work as a group on issues like affordable housing, working with ODOT, and assessing impacts of legislation on small cities.
11. She is now meeting with Commission Chairs each month to update each other and to prepare information for Council.
12. The South Tank Project is a few weeks behind schedule, and she is working on managing cost overruns.
13. The Visitors Center RFP was awarded to the Chamber of Commerce.
14. The first July Council meeting falls on July 4th. Stanley indicated they could reschedule this meeting at the February work session.
15. There is an office staff person out for medical reasons for a few weeks, and she is working to ensure staffing.

Frye stated she was pleased with the activity around community interaction and emphasized the importance of community input. Scott noted the efficiency resulting from the cover form attached to each document for agenda items. He hoped this form would help Councilors focus on their task. Mayor Stanley wanted to pursue the idea of a "Conversations in the Kitchen" event, liked the idea of the Commission Chair roundtable, and wanted to clarify Items the Code Enforcement Officer raised about vacation rentals not up to code. Manager Beaucaire noted the Code Enforcement Officer has re-inspected these homes and all vacation rentals were now in compliance.

Frye asked about current sign ordinance regarding flashing and digital signs such as was placed at the Sea Note. Manager Beaucaire indicated digital signs are allowed but flashing and moving signs are not per current Yachats code. Beaucaire indicated the Planning Commission is currently working on a revision of the sign ordinance. Several audience members offered brief comments. Tooke added the amount of light significantly increases north of the bridge.

V. Business

A. Commission Appointments

1. Planning Commission

Mayor Stanley invited Mary Ellen O'Shaughnessey to the microphone. Frye asked why O'Shaughnessey picked the Planning Commission. O'Shaughnessey stated she read the Citizens Handbook when she moved here and found the Planning Commission to be most interesting and relevant to her skills in policy administration. She has worked with attorneys and is adept in working with policies and focusing on the words.

Frye moved to appoint Mary Ellen O'Shaughnessey to the Planning Commission: Aye – 4; No – 0.
Tooke moved to reappoint Helen Anderson to the Planning Commission: Aye – 4; No – 0.

2. Parks and Commons Commission

Scott moved to reappoint Ruth Bass to Parks and Commons Commission: Aye – 4; No – 0.
Tooke moved to reappoint Scott Gordon Parks and Commons Commission: Aye – 4; No – 0.

3. Public Works and Streets

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Scott moved to reappoint Larry Nixon to Public Works and Streets Commission: Aye – 4; No – 0.
Scott moved to reappoint Don Groth to Public Works and Streets Commission: Aye – 4; No – 0.

4. Library Commission

Frye moved to reappoint Marv Wigle to the Library Commission: Aye – 4: No – 0.

All Commissioners up for reappointment were reappointed to their seats.

B. Resolution 2018-01-01: Extending Worker's Compensation Coverage to Volunteers

Beaucaire noted per ORS 656.031 the City is able to provide coverage to volunteers and the resolution before Council is the same as approved for last year.

Scott moved to approve Resolution 2018 extending worker's compensation coverage to volunteers in the City of Yachats: Aye – 4; No – 0. Motion approved.

C. Review Park Master Plan

Manager Beaucaire reported the Trust for Public Lands (TPL) is assisting in finding grants for acquiring the Evans/Betz property. TPL suggested creating a Parks Master Plan to enhance grant applications. Manager Beaucaire noted the upcoming public meetings to get input on how to use the property. She noted the Plan was developed by the City Planner and the previous City Manager and has been seen but not voted on by the Parks and Commons Commission. TPL would like the Council to review the Plan and would like to get input from citizens. The question before the Council is whether they would like for the Planning and Parks and Commons Commissions to make a recommendation regarding the Plan after incorporating input from various sources.

Scott asked about the Planning Commission's role in this Plan. Planning Commission Chair Anderson explained the Planning Commission is not involved in establishing and managing parks, but it is in charge of overseeing the Comprehensive Plan which does stipulate the City should establish parks for recreation. Scott suggested the work be focused with Parks and Commons. Frye believed the plan is being rushed. She believed a Master Parks Plan would involve more citizen input and wanted more information on what they would be approving. Scott suggested the Parks and Commons Commission could identify changes from the existing Parks and Commons Master Plan.

Tooke clarified the questions before the Council listed on the Action Item Cover Sheet are that (1) the TPL is asking for input from the community and (2) whether the Council should ask Commissions to review and recommend the document.

Mayor Stanley noted the Council is again being asked to make decisions because of action needed around a grant application. He agreed with Frye that the document has not had necessary input for various sources.

Councilors discussed whether the proposed Plan was a revision of a previously existing plan, what items were included in the Plan, whether trails should be included in the Plan, and who should be responsible for the January 17 community meeting.

Frye noted they are trying really hard to get the Commissions operational and the current approach seems to be bypassing established processes. Mayor Stanley wanted clarification on

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the document that preceded this current proposal. Scott suggested Councilors should avoid going into too much detail about the current document and instead recommend that Parks and Commons review it, noting this is a project that the City does want.

Parks and Commons Chair John Moore noted their next meeting is Thursday, January 19, 2018, and has a full agenda. He asked Council if this issue could be addressed at their March meeting. Manager Beaucaire reported approval by Council at their March meeting would satisfy the needs of TPL. Scott suggested the Commission consider a special meeting to address this plan and make a recommendation to Council.

Mayor Stanley was not certain if this plan incorporated all of the issues he would like to see in a parks plan, such as issues related to pollinator plants. Frye wanted to include more information on trails. Frye asked for clarification on why the East Hillside Watershed and Southeast Viewshed were included in the plan. Tom Lauritzen (Finance) noted the East Hillside Watershed is in the City's CIP in order to acquire property that is part of the watershed for the City's water supply. Scott noted some of the language comes from the vision of View the Future.

Tooke believed the issue before the Council is whether Parks and Commons should review the Parks Master Plan and asked the Council to focus on that question.

Frye moved to remand the City of Yachats Parks and Open Space Master Plan to the Parks and Commons Commission for their review and recommendation to be completed as soon as possible: Aye – 3; No – 1 (Stanley disagreed with comprehensive input on document). Motion approved.

D. Council Shepherding Goals

1. Clarification of the role of Shepherds

Scott reported the concept of the Shepherd was to assign projects to Councilors to monitor project activity to keep Council informed and focus attention on priorities. Frye added there was no City Manager position at the time this process was implemented so there was a greater need to oversee projects. Frye noted Manager Beaucaire is now tracking projects and informing Council of their progress.

Frye noted Manager Beaucaire was also reviving the Commissions so that the Commission Chairs will play a bigger role. She believed that was a problem as the Commissions were not very operational at the time.

The issue was raised that the Shepherding Goals could be eliminated. Tooke suggested Manager Beaucaire could ask for Councilor assistant should she need help in monitoring a certain project. Scott added there might be greater clarity without a Shepherding system.

Mayor Stanley asked that this discussion be moved to the February work session.

2. Recommend deletion and rewording of tasks – not addressed

VI. Other Business

Mayor Stanley informed the Council of a conversation with Scott on rules of the Council. Currently, any Councilor can call for a special meeting. If the Chair of the Council (Mayor) does not want that meeting, three Councilors could over rule that Chair's request. Mayor Stanley noted there is no such policy around executive sessions. The League of Oregon Cities

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indicated to Mayor Stanley that such a policy would need to be part of City regulations. Scott suggested this item be added to a work session agenda.

Mayor Stanley reported he would likely be having a serious surgery in the next few weeks. He expressed his gratitude for and seriousness about serving the City.

Scott stated he would not be running again for Council in November 2018 due to personal events occurring in his near future. He wanted to make this announcement now to allow others time to explore their interests in being a Councilor.

Mayor Stanley adjourned the meeting at 7:29 pm.

_____
GERALD F. STANLEY, Mayor

ATTEST:

_____ _____
Shannon Beaucaire, City Manager Date

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CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING
January 3, 2018

Minutes

Mayor Gerald Stanley called the January 3, 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: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, Greg Scott, and Max Glenn. Staff present: City Manager Shannon Beaucaire, Water Plant Lead Rick McClung. Audience: 31.

I. Work Session Discussion Topics

Mayor Stanley explained Councilors would discuss their thoughts on the comments from the last meeting.

A. Public Comment from December 13, 2017

Councilor Frye expressed appreciation for all of the community events over the holidays. Frye noted the honesty and respect with which people spoke and realized the importance of informing the community about what they do. She was struck by the perception of people that the Commons is becoming an events center. She believed the fee structure went from one extreme to the other and suggested some parts be reevaluated.

Councilor Tooke reported he experienced confusion about how the City operated when he first joined the Council. He believed the Council needed to get more clarity on roles and improve communications.

Councilor Scott noted Manager Beaucaire has already scheduled regular meetings with the public. He reported he has asked the Parks and Commons Commission to examine the insurance questions and expanding categories of rental groups. He believed the City puts out a lot of information on the website and in the document library.

Councilor Glenn appreciated the input and believed a conversation has been started. He noted his surprised at how many people had been to the website, but he noted they quickly heard the website is not user friendly and people could not find what they were looking for. Glenn summarized he heard expressions of pain, grief, resistance to change, betrayal, suspicion of powers, need for information, loss of community, rumor as communication, and recognition of an evolving organization. Glenn asked people to think about what community is to them. He believed part of community is the ongoing discussion beginning at the December 13, 2017 meeting. He was pleased with the feedback he has been getting since the last meeting.

Mayor Stanley believed the meeting was positive in that people got to voice their opinions. He asked Fran Morse to repeat what she had said in the January 2018 newsletter. Mayor Stanley discussed issues around a city becoming a tourist town. He remained confident about the future. He asserted the distinction between a community center and an events center is both useful and destructive. He believed user fees needed to be readdressed. He discussed issues around whether the Commons loses money on the operations of the Commons. He believed insurance is a big question.

Frye wanted to address specific instances such as the Friends of the Commons feeling devalued. She also expressed concern for Carl Miller, his theater group, and the art group.

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Scott thought steps are being taken to address the groups, the insurance, and the fees. Mayor Stanley and Frye wondered if a committee to examine these issues would be warranted. Scott was not in favor another committee for this matter as it falls under the purview of Parks and Commons.

Glenn suggested they face an organizational question about how all the pieces interact. Glenn noted the issue around a nonprofit whose sole purpose is benefit another entity. He noted he has asked the City Manager to get a legal opinion on this issue, as this relationship needs to be clarified. Mayor Stanley asserted he has been in favor of raising the standing of Commissions. He believed the Friends groups have contributed more than raising money. Tooke stated his understanding of the Commissions is to advise the Council. Scott noted the mission statements of the Friends groups explain their purpose. Frye encouraged Manager Beaucaire to continue to establish better electronic communications. Frye discussed some problems around using Facebook as a communications medium. She suggested a Conversation in the Kitchen group similar to Art in the Kitchen. Glenn added that there have been unwritten approaches where people with certain skills step up to do something and things are now changing. Mayor Stanley concluded they had identified the issue and would address solutions at a later time.

B. Request from Library Commission & Update on Library Move

Manager Beaucaire read the request from the Library Commission passed at their last meeting:

> The Library Commission recommends to the City Council that a maximum of $75,000 of the John Lester Hall Jr. bequest to the library be dedicated to the Library Move Project and that these funds be expended in a manner and for such purposes as will be mutually agreed upon by the Library Commission and the City Council.

Glenn believed the request made sense. Scott clarified these funds would be applied to the internal parts of the building and not to getting the building ready for occupancy.

Mayor Stanley reported former Library Commission Chair David Dunsdon had requested the Council advise and clarify the roles and authority of the Library Commission, the 2+2 Committee, the Library volunteers, the Friends of the Library, and the library shepherd. Glenn referred to Manager Beaucaire's previous email replies to Dunsdon. Glenn read YMC 2.08.04 regarding the duties of the Library Commission. Beaucaire noted there is no delegation clause in 2.08.04 under which they could pass their duties to another group. She added that the Library volunteers help to manage the library as required in YMC 2.08.040.

Library Commission members Marion Godfrey and Nikki Carlson clarified they were not aware of Chair Dunsdon's initial request for clarification. Godfrey clarified the Library Commission delegates day-to-day management of Library operations to Janet Hickam and Janet Ratcleff. Godfrey noted "director" is a more appropriated term for those roles.

Manager Beaucaire summarized the email from Chair Dunsdon inquiring about legal or ethical issues around how the Hall funds were being used. Glenn asked Godfrey and Carlson if there were issues for the Library Commission around the role they have. Godfrey indicated the Commission understands its role.

Mayor Stanley believed there was confusion between the 2+2 Committee and Commission roles. Godfrey indicated Commissioners were satisfied with the way things were working.

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Tooke asked if the other items on Dunsdon's list needed to be addressed at this meeting. Godfrey stated the Library Commission is comfortable with the ways things are working.

Mayor Stanley asked why the 2+2 Committee meetings had to be made public. Manager Beaucaire clarified they were instructed to have public meetings that are ADA compliant and with minutes when they were at an earlier ethics training in Newport. Mayor Stanley believed the 2+2 Committee was not a Committee but a work group.

Frye explained her interpretation of the role of Council shepherds in tracking work and project areas. Scott suggested the 2+2 and the shepherd roles had previously been confused for some people. He saw the shepherding role as for informing the Council and the 2+2 role as doing the work for the project. Carlson clarified this confusion might be a remnant from previous discussions on role hierarchies.

Frye summarized recent work of the 2+2 Committee and referred to a document in the meeting packet on scope of work for occupancy expenses and library move expenses. She noted there were some categories that did not fall neatly into those two categories.

Frye noted the Committee now planned to have the City rather than the Friends of the Library apply for the Ford Foundation grant. Glenn suggested the interior windows and entries should fall under the move expenses. Frye noted Loren Dickenson has been extremely helpful in developing conceptual layouts for the interior. She summarized the next steps of the 2+2 Committee work.

Frye stated they are considering holding a public meeting to get input on the conceptual layouts. Godfrey noted the Library Commission would be making another iteration on the layout.

Mayor Stanley stated he was not clear on what monies were being requested from the City. Frye noted they do not know what the improvements will cost so they cannot say what will be asked of the City. Glenn expressed concern about fundraising without having established costs. Nan Scott, Treasurer of the Friends of the Library, noted the only grants they have applied for are related to interior items.

C. State of the City

Frye asked when the State of the City would be scheduled. Mayor Stanley noted the Council would set the agenda for the State of City. Councilors agreed March is an appropriate time.

D. March 14, 2018 Joint Session with Lincoln County Board of Commissioners

Mayor Stanley stated the Council needs to decide on topics they wish to address for their meeting with the County Commissioners. Glenn wanted information about the County permitting and inspection processes and the rules around tiny houses outside of the City limits. Scott wanted the Commission to understand the City of Portland has adopted new legislation around tiny houses. He would like the Commission to adopt similar measures. Mayor Stanley wanted information on the contract involving pollinator plants, especially for parks within the City. He also wanted to see if Lincoln County could do something about transportation to Florence, given that Lane County has dropped the project.

E. Request from Lincoln County for Commons/Fair Ground Visioning Process

Manager Beaucaire noted she received an email from Kevin Greenwood asking for a representative from Yachats to serve on the Fair Grounds Committee. Mayor Stanley noted

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Lincoln has renamed the fairgrounds the County Commons and wants a City Councilor to serve on a the committee. Tooke volunteered to attend the January 8, 2018 meeting.

F. Ocean View Road Engineering Analysis & Survey

Tooke explained that the County has indicated they will transfer Ocean View Drive and Marine Drive to the City. He summarized the situation with potential archeological sites, over paving, the need for one-way traffic, and erosion along the cliff. He reported the preliminary idea is to make Ocean View on-way from the Landmark to W 7th St heading north. He noted he, Glenn, and Manager Beaucaire recently drove the area and conducted a survey of traffic flow options. Tooke also noted they were considering making W 3rd Street one way heading west from Highway 101 to Pontiac to allow semi trucks to get to the loading dock for C&K on W 2nd St. He added the existing roadway encroaches into private property, and the Council would like to not take away private property. Manager Beaucaire noted there is a hearing on the legalization of this property on January 17, 2018, and she needed to know if she could inform the County they do not need to continue with that hearing as the City has no plans to take the private property. Mayor Stanley believed the County should take responsibility for removing the roadway on private property. Manager Beaucaire indicated the County would not do this removal, as the County's solution is simply to take ownership of the encroached areas.

G. Approve Agenda for 1/10/18 City Council meeting at 6 pm in Room 1

Scott and Glenn wanted to not have a vote on the Master Parks Plan. Scott asked if this document was coming from the Parks and Commons Commission. Commissioners wanted clarification on what the new/changed parts of the plan were. Chair John Moore of the Parks and Commons Commission clarified this document was prepared by the former City Manager and was drafted to be part of the Evans/Betz grant project. Scott asked that someone present the document and changes at the next meeting. Tooke clarified the City has set aside $200,000 from Visitors Amenities Funds to go the Evans/Betz project.

Councilors consented to the agenda.

Mayor Stanley adjourned the work session of the City Council at 11:29 am.

REGULAR MEETING

Mayor Stanley called to order the regular meeting of the City Council at 11:37 am.

I. Public Comment/Citizens Concerns

Nan Scott (480 Combs Circle) commends the Council for the work they are doing to encourage community. She believed a community center is a place that is welcoming to the community. She believed it should not be a financial burden for residents to use the Commons.

II. Request from Library Commission & Library Project Move

Scott moved to approve the recommendation from the Library Commission for the use of $75,000 from the Hall Bequest for the Library Move Project and to direct the City Manager to include the appropriate amount in the proposed budget: Aye – 5; No – 0.

III. Ocean View Road Engineering Analysis & Survey

Glenn moved to authorize the City Manager to inform County Counsel that the City will be assuming responsibility for Marine Drive and Ocean View Drive and, therefore, the January 17, 2018 legalization hearing is not needed: Aye – 5; No – 0.

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Manager Beaucaire clarified the County would make the encroached-upon property legal County land in order to have clean records prior to giving the road to the City if the City did not tell them to stop the proceedings. She noted the City would address improvement to the road by the County at a later time.

IV. Proclamation: Peace Pole Day

Manager Beaucaire read into the record the proclamation read on January 1, 2018 at the dedication of the Peace Pole. Glenn thanked the City Manager, Mayor, and Council for taking this action. Mayor Stanley emphasized the importance of having a reminder for peace in the shopping district and the heart of the City. Glenn reviewed the history of how the pole was created. Glenn noted the property owners will be sending a letter giving permission to have the pole on their property. Glenn also noted ten trees were planted in Africa in honor of the Reverend Marie Soward Green and a record of the dedication will be registered with the International Peace Project. Frye suggested creating a record of the history of various memorials and markers within the City.

Tooke noted our country has been involved in war in Iraq and Iran for seventeen years and there is no discussion on the topic. He would like for people to think about this fact.

Glenn moved to adopt the Proclamation for January 1, 2018 as Peace Pole Day in Yachats, Oregon: Aye – 5; No – 0.

V. Other Business

Glenn noted the January issue of the Yachats Gazette features an article on Manager Beaucaire.

Mayor Stanley adjourned the regular meeting at 12:02 pm.

_____
GERALD F. STANLEY, Mayor

ATTEST:

_____ _____
Shannon Beaucaire, City Manager Date

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