CITY OF YACHATS

CITY COUNCIL REGULAR MEETING

December 13, 2017

Approved Minutes

Mayor Gerald Stanley called the December13, 2017 regular meeting of the City Council to order at 6:00 pm in the Room 1 of the Yachats Commons. Council members present: Mayor Gerald Stanley, Jim Tooke, Max Glenn, Barbara Frye, Greg Scott. Staff present: City Manager Shannon Beaucaire. Audience: 59.

Mayor Stanley noted the agenda is limited due to the expectation of public comments.

I. Announcements, Correspondence and Proclamations

Mayor Stanley announced the following events:

1. Central Coast Chorale, Friday, December 15, 2017, 7 pm, multipurpose room
2. Victorian Christmas at Heceta Head Lighthouse, Saturday-Sunday, December 15-16, 2017, 4-7 pm
3. Winter Solstice Bonfire sponsored by YAAS, December 21, 2017, Picnic Shelter, 4-6 pm
4. Yachats' Indigenous People's Day, Peace Hike walk to the Amanda statue, January 1, 2018. Please note changes in scheduling.

Jim Tooke noted his Chester A. Arthur appearance due to oral surgery.

II. Minutes Approval

Councilor Frye moved to approve the November 1, 2017 regular meeting and work session minutes: Aye – 5 (Scott present); No – 0. Minutes approved.

Councilor Glenn moved to approve the November 8, 2017 regular meeting minutes: discussion

Councilor Frye asked for the following corrections:

Page 3, Line 26 should read: with the Library IT…
Page 3, Line 28 should read: the vacation rental amnesty program…
Page 4, Line 23 should read: Frye disagreed with the Library Commission's…
Page 4, Line 24 should read: Beaucaire believed the original intent…
Page 4, Line 28 should read: grant writer for the Friends of the Library, Meredith…
Page 5, Line 30 should read: Frye acknowledged that the 2+2 Committee was very grateful that Howell was donating…

Mayor Stanley noted page 1, line 41 where Carl Miller requested a meeting with Manager Beaucaire and Frye, and asked if that had been completed. Miller indicated he had talked to Manager Beaucaire and would still like to meet with Frye.

Mayor Stanley noted page 5, line 20, where Manager Beaucaire would check with the City attorney about the type of commitment city could make to ongoing support of the library. Beaucaire indicated that discussion was in process.

Call for vote: Aye – 5 (Scott present); No – 0. Minutes approved as amended.

III. Reports

A. Council Reports

Glenn reported he had the pleasure of being Santa at the Heceta Head Lighthouse and was pleased to return to town and see lights on the poles.

Frye reported the 2+2 Committee has accomplished much work. Loren Dickenson has been helping with the language to present to potential contractors. Frye noted four grants have been applied for and one has been approved, and part of that will be used to pay for the Pincus Report. She reported Lincoln Community Health Clinic has been focusing on internal issues, but are still committed to the clinic in Yachats.

Mayor Stanley reported he attended:

1. Oregon Coast Community College reception on November 9, 2017 where the Ladies Club honoring the Ladies Club and others in our community who sponsored scholarships.
2. Cape Perpetua Land-Sea symposium on November 15, 2017, attended by 150 people.
3. Village Mixer hosted by Rose Valentine and Patty Hodgins on December 1, 2017, attended by 35 people.
4. Official opening of the Winter Season at the Little Log Church on December 8, 2017.
5. Seashore Literary Center on December 9, 2017, honored four community champions, one of whom was Alice Beck, Director of YYFAP.

B. City Manager

Manager Beaucaire reported on November 29, 2017 there was gentleman in the picnic shelter consuming alcohol who got hostile when approached. She wanted the community to know the Sheriff's department was very responsive, and the Sheriff stopped the man outside the library.

Stanley thanked Manager Beaucaire for orchestrating putting holiday lights on the light poles. He also thanked Manager Beaucaire and Public Works for resolving the sidewalk drop-off issue along the west side of Highway 101 between 3rd and 4th Streets.

IV. Public Comment

Stanley noted there is no time limit on comments tonight. He also noted the sensitive nature of topics to be discussed and asked speakers to be thoughtful and courteous.

Rose Valentine (3019 NE East Line Rd), President of Friends of the Yachats Commons, thanked the City Council for accommodating large group by having this meeting in the multipurpose room. Valentine introduced the Friends of Yachats Board: Mary Aebi, Nan Scott, Dean Peterson, Sheila Voge, and Jo Crooks.

Valentine read a written letter to the Council. The letter summarized their mission and contributions, and indicated the recent changes in fee structure and the change from User Support Manager to Facilities Manager title have caused them to question where their mission can be fulfilled. As a result, they are taking a hiatus from soliciting grants and supporting projects until the City shows a commitment to the value statement as displayed on the wall of the City Council room. They will, however, continue to support the Yachats Academy of Arts and Sciences, the Yachats Big Band, and the Yachats Farmer's Market.

Carl Miller (211 Chief Albert Dr.) introduced Johnni Prince, a One of Us Productions board member. Miller highlighted: successful events produced by Polly Plumb Productions; the City

should consider setting a nonprofit rate at half of the current community rate: service on multiple commissions is illegal according to State law; and Helen Anderson, who appears to be spokesperson for the City, has been rubbing people the wrong way. Prince stated One of Us Productions will be taking a hiatus until 2019 or until rates go down.

Betty Johnston (542 W 6th St.) asked about the person consuming alcohol in the shelter. Manager Beaucaire indicated he was not a familiar face. Johnston asked why everything needed to change when it was going so smoothly, felt there was a negative underground current, wondered if the City of Yachats trying to make more money, believed Yachats does not have the same feeling, remained unclear about the role of Helen Anderson, and asked that the City better communicate things that happen.

Fran Morse (Marine Dr.) acknowledged the grief just expressed, asserted the changes taking place are part of the natural evolution of organizations as they move from a personality-based system to a system requiring more rules and systems, believed the current circumstance is something that has been going on for several years.

Morgen Brodie (258 W 2nd St.) stated, given the recent changes, it was important to focus on the relationship between the City and the people; she has noted differences in tone and believed it is inappropriate to had disparaging comments in the minutes and public documents; there is now a visual barrier in the office; there is a magical element of finding minutes in the doc library; she heard of changes via rumor as there was no public statement, no gratitude expressed for the person leaving, and no welcoming of the new person; the Commons is “our living room;” she felt confused and betrayed; and she would like to see email with updates on significant happenings with email links to relevant documents and consistent communication.

Bonnie Thornton (1260 King St.) stated there has not been enough information on what happened around Sterner; she feels grief and does not believe the new fee structure will work out; Leon Sterner and Don Niskanen have been longtime volunteers and have not received enough recognition fathers of the Commons; and she is upset by rumors and by a newspaper article where people were attacked at a Council meeting.

Joanne Kittel (1356 S Hwy 101) noted her long-time involvement with the community and recalled when the City purchased the Commons building; posited that necessary changes should not have to ruin the sense of community that exists; noted people come here for natural environment and sense of community; believed it is dangerous to think your are a community center when you really are an events center; emphasized the importance of the arts; and suggested the City focus on problem solving.

Steve Durham (248 Lincoln Ave.) noted his amazement to hear Sterner was dismissed, noting he was the Commons; recalled tearing up sidewalks, the Dollar General going in, and the wall in City Hall; and compared the old days in City Hall to what now looks like walking into to jail.

John Thornton (1260 King St.) stated, for 25 years, he has been saying that every day is a good day when you live in Yachats; and he does not think he can say that any more.

Deborah Fant (76 E Rainbow Rd., Waldport) thanked the Council and Manager for having this discussion to address the grief they are feeling; recalled the excellence of Sterner’s service; believed Sterner had masters level skills in working with people; welcomed the new Facilities Manager, Heather Hoen; was impressed that Mayor Stanley uses the names of people who come up to speak; and noted everyone can be welcoming.

Manager Beaucaire reported she will be starting an ongoing, regular time to meet with her and to share ideas beginning next Wednesday, December 20, 2017, from 4 to 6 pm in Council chambers.

Heather Hoen-Smith (123 Greenhill Dr.), new Facilities Manager, expressed concerned over the grumblings since assuming her position; noted her roots in the community as she is raising a fifth generation Yachatian and her grandfather is buried in Yachats Cemetery; has seen much change during her life here and noted not all changes are liked while some are great; believed community is not about one person, it is about many people; and noted she has memories of Sterner from childhood and does not want it to sound like he is dead and gone. Hoen asserted that at some point in time, the next generation has to come in or there will be no community. She stated this building is not an events center, and argued the community will only go away when we divide ourselves.

Mayor Stanley expressed gratitude to the speakers and noted the Council can only discuss these issues among themselves in a public meeting. He asked Council if they would prefer to comment now or to make their deliberations at the January 3, 2018 Council work session.

Scott suggested people could as specific questions about factual issues get clarifications now.

Frye noted there are questions about Sterner that are not appropriate for the Council to discuss. Frye acknowledged the large amount of grief expressed by citizens. She emphasized the frustrations Councilors feel because they can only discuss matters with each other in public meetings. Frye acknowledged the huge amount of change over the last year and noted things people see as sudden have actually been under discussion for months. She acknowledged that the City needs to do a better job of communicating. Frye stated her displeasure by some of the Facebook posts and her empathy for the grief people are feeling.

Scott asserted the Council is trying to achieve the mission as displayed on the meeting room wall. He asserted the problem now is one of perception, and the Council has a public relations problem.

Glenn shared the grief and also felt frustration over the Facebook posts containing misinformation and rumors. He noted that had it been any other group, he would have deleted the thread because it did not meet the standards of discourse. Glenn looked forward to the coming year with a fantastic new City Manager. He noted how much and how well Manager Beaucaire listens. He did not believe presenting a solution tonight was possible.

Tooke explained his path to becoming City Councilor and noted is still learning. He noted the uniqueness of Yachats. He noted the importance of how they address issues around Highway 101, especially with there being only one commercial strip through town. He noted the sign ordinance that Waldport had prevented the giant Dollar General sign. Tooke suggested issues around how Commons is managed were related to changes in City administrative structure. He noted former Manager Davies and former Mayor Brean did more work than should be expected of one person.

Brodie asked who the boss of City Manager was. Stanley indicated that is the Council.

Johnston would like written answer about semi-trucks going down Ocean View. Stanley reported City will get control of Ocean View Dr. in April 2019, and, at that time the City will have the responsibility installing signs and making decisions on traffic direction. Manager Beaucaire indicated the City will be responsible for maintenance once the road is transferred to the City.

Johnston asked why the City needs to pay someone to do the recording when previously there were three City staff who did recording. She also wanted to know if Dollar General really "snuck in" before there was regulation. Scott noted the Planning Commission had not finalized the ordinance when the developer submitted a building permit. Lastly, Johnston asked why the City does not have ordinance regulating transients.

Michelle Korgan (Ona) asked if they could see a comparison of the rate structure before and after the change. John Moore, Parks and Commons Commission Chair, explained the rate structure had not changed in several years, and the change in July 2017 was to eliminate waivers. Scott noted there were many undocumented waivers. Manager Beaucaire indicated there was a handout on the comparison. Korgan asserted the change was an increase in rates for those who had waivers.

Miller asked about a sign ordinance, indicating he believed the total amount of signage could not exceed 6 x 4 feet. Ginny Hafner noted the Planning Commission will be discussing signage at the December 19, 2017 meeting at 2 pm.

Hodgins asked for clarification on who is "The City" and asked there could be an official spokesperson for the City. Frye noted Facebook is a private, unofficial entity, and noted it is awkward for Councilors to respond on Facebook. Stanley tried to explain who could speak for what components of government. Glenn suggested questions about City management go to the City Manager. Frye referred people to the Yachats Citizen's Handbook.

Glenn asked how many people have been on the City's website. Quentin Smith (501 Lemwick Lane) stated the website is very cumbersome and non-user-friendly website.

Stanley posed a question about "When did Yachats cease to be the City I thought it was?" Stanley suggested there would be many different answers to that question. He noted Sterner was User Support manager for nine years, employed by the Friends of the Commons, and did an enormous amount of work for the Commons that was not part of his job. He hoped Sterner is not "gone" and hoped the hiatus of the Friends would not prevent Sterner from coming back.

Frye responded to the event center versus community center comparison by noting the Council has never thought of the Commons as events center. Frye added there were many unwritten deals around the Commons that the City did not know about. Bonnie Thornton asserted the arrangements were made by someone from the City. Thornton noted the Friends offered waivers to people whom were referred to them by someone from the City. Thornton explained someone who previously worked in City Hall made deals, and now the City was saying it was the Friends who made the agreements. She felt hurt by these criticisms. Several citizens noted elimination of the waivers meant a fee increase to those who received them, and some people receiving waivers were not even aware they were getting special treatment.

Nan Scott (480 Combs Cir.) applauded the City trying to make things uniform so that it is fair. She noted one fallout of the new system was the inability of a group wanting to have a vegetarian Thanksgiving dinner prepared in the kitchen that could not afford the room rent of $70 plus insurance of $140. The group could collect donations for the rent but not the insurance. The Friends took them under their insurance umbrella. She suggested the City find a way to provide insurance.

Scott wanted to address the wall in City Hall. He asserted the City is a multimillion-dollar organization with work that requires concentration and large project contracts that need managing.

Interruptions are a disservice. He noted the wall was built to allow people to do more technical work with privacy. He noted the City must adhere to the same regulations that Portland deals with, yet it only has three staff in the office.

Tooke noted the importance of the liability component of running the City. He suggested Parks and Commons discuss the insurance coverage issue. John Thornton noted for long time groups thought they had insurance when they did not. Tooke explained the lawsuit around the recreational immunity law in State. Manager Beaucaire reported the State has again changed the law so there are certain activities the City can insure.

Stephen Farrish (Waldport) stated he been waiting for an answer about Sterner and how he came to lose his job.

Mayor Stanley stated Sterner was an employed by the Friends for nine years. Stanley reviewed the history of support for the Commons. Nine years ago the City voted to eliminate a paid, unionized position of a person to support the Commons. Four months later, rather than recreate the position as a City position, they made a contract with the Friends of the Commons to contract out the position. Recently, the City and the Friends agreed to terminate their contract.

Nan Scott noted there were two contracts not with individuals and the former City Manager wanted those contracts to go directly to the individual as an independent contractor. She noted the Friends supported that decision, but only because they were assuming their current contract with Sterner would simply transfer to the City.

Glenn clarified that the decision for the City to make the positing contracted under the City was discussed by the Parks and Commons Commission, who then made a recommendation to Council to create the Facilities Manager position. Frye noted the new contract position had a new description.

Stanley reported there were four applicants for the new position, one of whom was Sterner. He asserted Manager Beaucaire then selected the applicant she could best work with. Glenn clarified that a panel of three people made the selection.

Manager Beaucaire explained the selection process for the Facilities Manager, noting each applicant was asked the same nine questions, which were each scored by a three-person panel. The person who received the highest total score based on their criteria was offered the position. Manager Beaucaire indicated her work in the process began at the time of receiving applications.

Morse explained the original position for Sterner was as a “sole source” provider with the Friends. After Sterner took a hiatus and others filled in for his work, he was no longer a “sole source” provider. Therefore, by law, the Friends had to put the job out for bid, which Sterner applied for and won.

Scott wanted clarification on whether the advertisement for the position was an RFP for which applicants were requested to submit a bid. Manager Beaucaire stated the ad was run in the Newport News Times, the paper of record. Nan Scott asserted the ad in the News Times was in the notice section, not the help wanted section. Manager Beaucaire explained that was the correct posting as the position was not for an employee.

Nan Scott stated it was a misconception that Sterner was fired, and she believed the process was fair. Nan Scott’s concern was about the bid format for an application, suggested the applicant

would need to provide cost estimates and would not have suitable means to address their experience and history. She noted the three interviewers had only been in Yachats for a short period and were not aware of important history.

Frye asked if the RFP process was required by law. Frye believed the RFP process was unreasonably cumbersome.

Manager Beaucaire read the advertisement. She noted there was no use of "bid" in the advertisement. Nan Scott reported the document former Manager Davies showed her stated, "All bids must be received by…" She stated Sterner conveyed to her that he did not know what it meant to submit a bid. Glenn indicated he never saw anything about a bid, and he copied the information from the ad to Facebook.

Citizens asked if Sterner did not get the position because he was underbid. Manager Beaucaire read the ninth interview question which asked how the applicant arrived at their bid. Tooke added that costs have to be discussed when negotiating a job.

Bob Langley (Spindrift St.) asked for clarification on how applicants were to provide cost information, using an example of bidding on a house. Manager Beaucaire indicated cost was not a factor in arriving at their decision, as she asked how the arrived at their estimate. Frye disagreed, asserting the estimate has to be a factor. Manager Beaucaire noted applicants provided a range of estimates, and she can only report that the lowest bid was not a factor. Langley asserted that given that applicants all submitted a cost estimate, they were under the impression they had to submit a bid.

A citizen asked if any of the questions addressed job experience. Manager Beaucaire read all nine interview questions.

V. Other Business

Mayor Stanley stated there were two items under Other Business from the Council. Glenn suggested the Council address these issues at the next meeting. Frye noted there is also an issue about allocating monies from the Hall bequest for the library move.

Mayor Stanley stated he heard consensus to postpone these discussion. Frye indicated she did not consent.

A. From Mayor – none
B. From Staff - none
C. From Council – none

Mayor Stanley adjourned the regular meeting at 8:35 pm.

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GERALD F. STANLEY, Mayor

ATTEST:

_____ _____

City Manager, Shannon Beaucaire Date