CITY OF YACHATS

CITY COUNCIL REGULAR MEETING

November 8, 2017

Minutes

Mayor Gerald Stanley called the November 8, 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. Absent: Greg Scott. Staff present: City Manager Shannon Beaucaire. Audience: 34.

I. Announcements, Correspondence and Proclamations

Mayor Stanley expressed sympathy for those affected by the Sutherland Springs church shooting and noted Yachats is about the same size as Sutherland Springs, remarking that no community is immune from such disasters.

Councilor Glenn announced Mayor Stanley is having an 80th birthday celebration on Tuesday, November 21, 2017 from 7-9 pm at the Lions Club. Mayor Stanley clarified that his friends were the ones inviting the public.

Mayor Stanley announced:

1. This weekend is the Celtic Music Festival.
2. The Cape Perpetua Land-Sea Symposium on November 16, 2017 at the Commons. It is open to the public and people can rsvp online.
3. The Siletz tribe is celebrating the 40th anniversary of the restoration of the Tribe on November 18, 2017 at the Casino in Lincoln City.

II. Public Comment

Carl Miller (211 Chief Albert Dr.) read a statement about the impact of the City of Yachats' changes in rental fees on One of Us Productions. Miller highlighted the amount of money One of Us has donated to the community since its inception in 1995 ($85,000 with $32,000 going to the Commons) and the number of volunteers who participate in productions. Miller announced the production of "You're A Good Man Charlie Brown" slated for April 2018 has been cancelled. One of us has been here since 1965. He indicated there was a non-spoken agreement between the City and One of Us to charge $400 per play for facilities and to print the program at City Hall free of charge. He did not understand why copying would cost the City money as the City pays a flat fee for copier rental. Miller requested a meeting with Councilor Frye and Manager Beaucaire to discuss the matter further.

Frye expressed sadness in this news, as the arts are part of what makes Yachats special. She thanked Miller for coming to address the Council. Frye indicated they will work to find a solution and suggested the Council might not have been as thoughtful as they could have been in developing the new fee schedule. Parks and Commons Chair John Moore explained the reasoning for their fee structure and stated they were open to allow for exceptions. He suggested Miller submit an appeal to the Parks and Commons Commission. Miller noted he had been on Parks and Commons and argued that Yachats should be a community center. Moore asked Miller to come to the Commission meeting on Thursday, November 16, 2017 at 2 pm in Room 1.

Dave Cowden (One of Us Board Member) argued that making things fair was in opposition to how One of Us Productions gives money back to the community.

Creight Horton (105 Reeves Cir) loved the idea of live theater in Yachats and wanted to see One of Us supported.

Councilor Glenn expressed sadness with the situation and appreciation for all the work Miller had done for the community. Glenn wanted more information on the situation.

III. Consent Agenda

A. Minutes and Accounts Payable

Manager Beaucaire indicated she would get clarification on whether the meeting minutes could be combined into one vote.

Glenn moved to approve the October 4, 2017 work session minutes: Aye – 4; No – 0.

Glenn moved to approve the October 11, 2017 regular meeting minutes: Aye – 3; No – 0; Abstain – 1 (Frye, absent).

Glenn wanted to correct a statement from Mayor Stanley on page 1, lines 42-50, that asserts Waldport offers limited police support to Yachats. He noted only the Lincoln County Sherriff provides limited law enforcement support. Glenn reported Waldport has long wanted Yachats to share in the cost of the 80 hours of support they receive form the Sherriff's Department at a cost of $330,000. Glenn did not believe Yachats would see an increase in coverage if they shared in Waldport's cost. Mayor Stanley noted he spoke inaccurately in the last meeting. Neither Glenn nor Mayor Stanley checked to see if service to Yachats would fall under Waldport's 80 contracted hours.

IV. Reports

A. Council Reports

Glenn reported he attended the Cascade Council of Governments first awards dinner. The City had nominated Sandy Dunn for the Citizen of the Region award. Wendy Kirby, Dr. Larry Mullins (Samaritan Health), and David Price (publisher) were other nominees and Dr. Mullins won. The Port of Toledo Boatyard won Project of Year. Carolyn Bauman had nominated the Brooks Foundation (Sam and Margaret Brooks of Yachats) for the Business/Community Award. Glenn also reported progress had been made between the Lincoln Community Land Trust and Proud Ground in Portland to enhance the resources for affordable and workforce housing.

Mayor Stanley noted he also attended the awards dinner in Corvallis and the event will be held at Salishan in Gleneden Beach next year. He also attended the My Sister's place fundraising event at the Commons.

B. City Manager

Mayor Stanley reported the Code Enforcement report is at the end of the Manager's report document in the document library. He noted the Manager's report contained a summary of what Manager Beaucaire learned at the International City Manager's Association Conference in San Antonio. Glenn asked Manager Beaucaire if she had anything she wanted to highlight. Manager Beaucaire indicated she is currently focusing on gathering information from the community, the Commissions, and staff and is tracking where she spends her time. She is working to determine how to best utilize her time and to determine what additional resources are needed. Mayor Stanley invited Manager Beaucaire to highlight other aspects of her report that might be relevant to citizens and the Council. Manager Beaucaire reported the vacation rental seminar at the conference was standing room only. She noted 50 or more rentals were considered to be a significant issue for a jurisdiction. There are 3500 communities throughout US having 50 or more rentals, and the industry is growing with 35,000 listings added per month for the past nine months. She noted Yachats' Ordinance met several criteria on their nine best practices list. Responding to Glenn's question, Manager Beaucaire did not hear discussion about a national organization promoting vacation rentals through controversial practices. Manager Beaucaire reported there is a growing cottage industry on tracking and managing rentals. There was a theme at the conference about the value of public-private partnerships in city government. Manager Beaucaire noted another emphasis on fiscal, environmental, and other sustainability factors to make cities more resilient, more livable, and more enjoyable.

Mayor Stanley noted the public in Gearhart, OR voted 75% in favor of keeping the ordinance on vacation rental caps. Glenn expressed appreciation for Manager Beaucaire continuing to develop the City Manager role in the City's governance. Glenn noted from the from the Code Enforcement report that all vacation rental license applications have been processed. Glenn wanted Manager Beaucaire to address to investigate the issue of people sitting on licenses. Mayor Stanley reported he had heard of instances where people applied for licenses with no intent to use it.

Frye asked Manager Beaucaire about situation with IT since the recent departure of the IT support person. Manager Beaucaire is working on a short-term solution as well as a long-term strategy for managing IT. Frye asked if anyone responded to the amnesty program. Clerk Judy Richter noted there were two, one of which is still being addressed.

V. Business

A. Urban Renewal District Board (URD) and Registered Agent

Manager Beaucaire stated there is an annual requirement from the Secretary of State to establish the Urban Renewal District Board and Agent. Glenn resolved to establish the Mayor as the Registered Agent and the Council as members of the established Urban Renewal District Board: Aye – 4; No – 0. [don't know if "resolved" is the correct verb here. Does someone "move to resolve"]

B. Ordinance 349 – Yachats Municipal Code - Building Height/Hazard Areas amendments – second public hearing

Glenn moved to approve Ordinance 349 amending Section 9.52.050 Hazard Areas and 9.52.170 General Exceptions to Building Height Limitations of the City of Yachats Zoning and Land Use Ordinance (second vote): Aye – 4; No – 0.

C. Ordinance 350 – Yachats Municipal Code – Obstructing Streets amendments – second public hearing

Mayor Stanley noted he is now in favor of this Ordinance and believes it to be a positive change. Glenn moved to approve Ordinance 350 amending the Yachats Municipal Code Title 6 – Vehicles and Traffic; adding Chapter 6.09 – Vehicle Impoundment Procedures; and establishing an effective date (second vote): Aye – 4; No – 0. Manager Beaucaire indicated the effective date will be 30 days after the vote.

D. Update from Library Commission: Library Move

Mayor Stanley recalled the Commissions previously made reports at the Council meetings. He would like to see the Council at least review the minutes of the Commissions and welcomed any Commission to make a report at a Council meeting.

Mayor Stanley noted he and Manager Beaucaire saw the grant document and wanted to include this issue in the business section of the agenda to get more details. He hoped the Library Commission or 2+2 Committee person would present an update on the move. Manager Beaucaire believed an update would be beneficial to this meeting, especially before getting into the details of grant questions.

Frye did not believe the Library Commission was ready to give a report. No Library Commissioner was currently present. Manager Beaucaire indicated she had sent an email to the 2+2 Committee, Library Commission, and Friends of the Library about being on the agenda.

Frye asked if the Mayor and Manager had read the MOU between the Library Commission and the Council. Frye was still confused about the Library Commission's role in this meeting and the lines of communication. Manager Beaucaire noted one original intent of the 2+2 Committee was to resolve conflict between the Council and Commission.

Stanley wanted to know if Frye could address questions he and Manager Beaucaire had about the grant application. Frye noted the grant writer, Meredith Howell, was present and could address the grant.

Meredith Howell (150 NE Star Creek Dr.) stated the granting agency is the Lincoln County Community and Economic Development fund and the grant seeker is the Friends of the Yachats Library. Howell noted the Friends are an independent nonprofit organization.

Mayor Stanley recalled the Library is equally an agency for citizens and for visitors. He was curious as to why the grant plan does not incorporate Visitors Amenities Funds. Howell asserted they are developing a strategy to maximize grant opportunities and to position themselves to win grants, especially when they do not currently have a known project cost. She stated they did not want to start the process with asking for funds from the City. She noted the Friends must seek the grants now to be part of this grant cycle, as they cannot ask for funds now once work is completed. Mayor Stanley asked Howell if CIP money would be needed and if the Finance Committee needed to know what might be expected. Howell noted this plan is the start of a communication about what funding sources will be.

Mayor Stanley noted the grant application states this funding is not intended for staff operations, yet the project description indicates staff will be used. Howell clarified staff work is actually "in kind" in the budget. She explained the $15,000 is targeted for shelving, and other project costs can include staff time. Howell noted the 2+2 Committee will need to figure out how to include the City Manager's involvement.

Mayor Stanley cited a statement in the collaboration section that City will provide a long-term lease to the Library Commission. He noted (a) no such lease had been arranged, (b) such an arrangement did not make sense given that the Commission is a branch of the City, and (c) the MOU clearly indicated City is to remain in control of the use of the building. Frye indicated grantors want to know the City is not going to "kick the library out of the building" in five years. Howell noted they do not have to call it a lease; they could call it a "long-term use agreement." Frye stated the grantor needs some statement that the City is committed to the library staying in that building. Tooke believed the lease issue is not standard practice for the City, and he did not believe this council could bind future councils to their decisions. Manager Beaucaire agreed that the Council should not bind future councils through actions such as issuing a lease. Frye argued that there could be a commitment without issuing a lease. Howell noted the current grant could move forward without a statement about a lease, but a future grant from the Ford Foundation would definitely require some formal commitment or statement to keeping the Library in that building for the foreseeable future (typically five years). Manager Beaucaire asked what would qualify as a formal statement. Howell replied they could write a letter stating, “We look forward to housing the Library in this building for years to come.” Frye did not see this statement of support as binding to future councils. Manager Beaucaire asked Howell about the legal ramifications if the City were to close the Library after a grant is made. Howell could not be certain of their response. Manager Beaucaire indicated she would check with the City Attorney about what kind of commitment the City can make.

Glenn was pleased with comprehensive nature of this plan. Glenn noted the Library and the Library Commission are arms of the City Council, not separate entities. Glenn indicated he understood the need to show collaboration between entities in the grant writing process. He argued the City Council, the Library Commission, and the Library are not legally three entities. He noted the City is the ultimate decision-maker on how funds are used. He was not in favor of the suggestion that the City would have a fundraising drive for the Library. Frye understood the 2+2 Committee was charged to do the planning and grant applications for the Library move. Frye emphasized it is the Friends who are applying for the grant. Howell noted between now and February 2018, there are seven grants they could apply for. Frye was thrilled with Howell donating her time to help the Friends apply for grants.

Manager Beaucaire noted she has been impressed with amount of thought and volunteerism that has going into this project. She noted page 3 of the draft operational structure identifies the City Council, City Manager, Library Commission, 2+2 Committee, and Friends of the Yachats Library as parties in the decision process, with the Friends reporting to the 2+2 Committee, the 2+2 Committee reporting to the Library Commission, the Commission reporting to the City Manager and the City Council. Frye did not understand the role of the Library Commission. Manager Beaucaire explained City Code establishes that the Library Commission is part of the organizational structure of the City and is under the Council. She also asserted the July 12, 2017 MOU is between City and the Library Commission. She understood the role of the 2+2 Committee to be to help with the Library’s move and to resolve conflicts that arose the Commission and the Council. Frye believed the intent of that memo was broader than what Manager Beaucaire stated.

Manager Beaucaire suggested she meet with the 2+2 Committee and the Friends. She noted the preliminary inspection of the 501 Building arrived earlier that day. The report indicates the sequence of what needs to happen with renovation, beginning with the preliminary design phase. Completion of the preliminary design will provide a means to estimate the budget needed. Manager Beaucaire noted that item 7 in the MOU commits the City to funding the preliminary design costs. She suggested a meeting to come up with a plan about how to proceed with the preliminary design, to identify the next steps, to examine the financing, and then to present the plan and financing structure to the Council.

Mayor Stanley reminded Council that there is a November 16, 2017 grant deadline and asked if the City was ready to recommend to the Friends that this grant is premature due to a need to clarify staffing and City contributions. Manager Beaucaire noted while some issues might be premature, the City cannot tell a nonprofit not to submit a grant. Howell noted this grant is “easy money” from the County, and the City’s support of this County grant is important for getting later grants. Howell questioned need for the City to halt grant application done by the Friends. Frye thought the in-kind staff costs were for volunteers. Howell stated she could remove the in-kind staff costs from the budget. Howell stated they would need to include time required of Manager Beaucaire once they agree to what her contribution will be.

Glenn asked if the technical assistance grant for $4,000 to compensate Howell for her work had been submitted. Howell asserted that the $4,000 from that grant is for her planning and organizational work, not for grant writing. She is not asking to be paid for the grants that she writes for this project.

Manager Beaucaire asked for clarification on how the Hall monies indicated as secured. Howell explained in their scope of work, the 2+2 Committee will ask the Library Commission to release $75,000 of Hall funds for use with this project. Howell stated this money would indicate secured funding to the grantor and that Library Commissioners Marion Godfrey and Marv Wigle believed the $75,000 was appropriate for this use. Glenn recalled the $150,000 Hall Bequest was to the City of Yachats for use for the Library. Frye reported the discussion at the 2+2 Committee meeting was that this money would be used for the same items regardless of whether the Library remained in their current building or moved to the 501 Building. She also noted the Library wanted to put some of the Hall money into an endowment. Frye suggested the Commission wanted the bequest to be earning income. Glenn informed Manager Beaucaire that the Library Commission had erroneously thought the City was going to use the Hall bequest to pay down the debt on the 501 Building.

Howell reported she will be at the November 17, 2014 Library Commission meeting. Howell explained that if the Library Commission were to recommend to Council to spend the Hall money on this project, she would take that recommendation as an indication of funds being secured. She also indicated that, if at any time, information in a grant application is no longer accurate, she can withdraw the application.

Stanley reiterated his hope that the Library will use Visitor Amenities Funds and expressed relief that there seems to be agreement to not use "lease" language.

Howell asked if she should continue to work on the proposal, noting that she will remove mentions of staff time and the lease agreement. Manager Beaucaire noted the July 12, 2017 MOU indicates expenditures from the Hall bequest requires Council approval. Anderson clarified the next Library Council meeting is work session, not regular meeting, so they cannot take a vote. Howell indicated she can indicate that support is "pending."

Manager Beaucaire emphasized need to meet soon to agree upon a plan and communication structure. Frye noted the next meeting of the 2+2 Committee on Friday, November 10, 2017. Manager Beaucaire pointed out that day is a City holiday and, as that is a City meeting, they might consider having the meeting during business hours. She also asked whether the meeting was open or closed. Frye and Howell asked why the meeting needed to be public. Manager Beaucaire reiterated the 2+2 Committee is a City committee so their meetings are public. Tooke agreed with Manager Beaucaire and raised the issue of having a City meeting in a private residence. Frye noted that Sandy Dunn had mobility issues. Manager Beaucaire had heard of complaints from citizens in the past about the perception of meetings being closed.

Howell noted her concern about Frye's comment of having the Council look through each grant application. Manager Beaucaire noted this issue lends import to the 2+2 Committee, the Library Commission, and the City Manager meeting to create a funding plan and how communications should proceed in the future. Howell noted organizations develop grant policies about review and submission of grants, and this information would be useful to be in a communication plan.

E. Council Shepherding Goals

Frye reported:

(a) She did not have anything to add about the library
(b) Nothing has been done on parking in the core business area
(c) She received a report from the Code Enforcement Officer that the south gate sign creation and placement is ready to go
(d) There will be meeting next month on the health clinic. The last meeting was delayed because Lincoln County has contracted with consultant to look at the strategic plan for County, they are still committed to the project, but they have not had an architect look at the building
(e) Nothing is happening with transportation to Florence
(f) The formula business ordinance was approved
(g) The Library Commission strategic plan is underway. Mayor Stanley reported he heard the Florence bus company indicated they were not interested in the project.

Tooke reported the Finance Committee meet with the engineer and contractor on the south tank project. He noted Manager Beaucaire made it clear they need clearer communication on change orders and they need to work on savings. They discussed public restrooms, restroom access for the Sunday Farmer's Market, and the potential for permanent outside facilities. They also talked about putting restroom in south bay area.

Glenn reported:
(a) He previously mentioned housing and was looking forward to working with Mayor Stanley on housing plans
(b) A lot is happening with the Emergency Planning Committee. Marc Courtenay is the new Chair. The signage for directing traffic for tsunami evacuation routes has arrived, and Public Works is waiting for suitable weather to install signs and blue lines. They have renewed and inventoried the contents of the two emergency supply containers and distributed new keys. They are updating the Emergency Operations Plan and are recruiting volunteers for CERT training.
(c) He has been working with the Code Enforcer on identifying blighted properties and remedying the matter.
(d) He is gathering six people for a subcommittee to work on acquiring kinetic art. He was notified of two pieces for sale from the Freed Gallery in Lincoln City. One is a whale tale bench, appropriate for the Whale Tale Park. Another is a circular object that could be a point of interest for tourists to take pictures. Glenn asked the Code Enforcement Officer to identify places along the highway appropriate for art. Glenn asked if the Council wanted him to proceed with purchase of these two objects. Frye wanted to have a theme for new art rather than having random pieces installed. She also wanted to see local artists contribute. She would like to see a committee make recommendations. Mayor Stanley concurred with Frye's suggestion for committee recommendations. Glenn reviewed other ideas for art projects such as painting sidewalks and crosswalks on side streets.

Stanley asked if a committee could change its leadership without a formal process. Glenn reported Manager Davies had indicated they could.

Stanley reported the marketing committee had wonderful meeting. They have had good responses to a national magazine advertising campaign. The 50/100 project group photo is going to be printed as a post card. The art in the kitchen group completed a three-panel mural. The 76 photos and descriptions on Yachats history that were displayed in the multipurpose room are going to be installed at the Little Log Church. Two women are planning to have a Honey Festival in February, modeled on the Mushroom Festival.

Stanley asked that Tooke's work on ocean resiliency be added as shepherding goal. The Council gave consent.

VI. Other Business

A. From Mayor – none

B. From Staff - none

C. From Council

Keesey's parliamentary procedure workshop is Monday, November 13, 2017 at 10 am.

Glenn will be attending the Economic Development meeting on the November 16, 2017.

Tom Lauritzen noted the Finance Committee takes CIP requests from Commissions each January, February, and March. Additionally, any Commission that has a CIP project can come to any Finance meeting to request an amendment.

Mayor Stanley adjourned the regular meeting at 7:58 pm.

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GERALD F. STANLEY, Mayor

ATTEST:

________________________________ _____________
City Manager, Shannon Beaucaire Date