

**CITY OF YACHATS
CITY COUNCIL MEETING**

June 14, 2017

Minutes

Mayor Gerald Stanley called the June 14, 2017 regular meeting of the City Council to order at 2:00 pm in Room 1 of the Yachats Commons. Council members present: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, and Max Glenn. Absent: Greg Scott. Staff present: City Manager Joan Davies, City Clerk Judy Richter, Water Treatment Facility Manager Rick McClung, Wastewater Facility Manager Dave Buckwald. Audience: 19.

I. Announcements

A. Mayor Stanley

Mayor Stanley began the meeting with a moment of silence for the attempted assassination on an US Congressman and a shooting at an UPS facility in San Francisco.

Stanley noted this weekend is Beachcomber's Days in Waldport. Stanley also noted Governor Kate Brown has restored the Arts Commission Awards for a citizen who makes an outstanding contribution to Oregon through the arts and suggested someone could nominate a local artist.

II. Proclamations and Special Recognitions

A. "Yachats Music Festival Days, July 7-9, 2017 – The Grand Finale" proposed by Max Glenn. Manager Davies read the proclamation into the record. Joanne Kittel (Yachats) reported this is the 37th year of the festival. Kittel and her late husband, Norm, started going in 1988 and have yet to miss one. Kittel noted internationally-renown artist Leon Bates has performed at every festival, requiring multi-year advance booking. Glenn added the Festival has adopted Yachatian Milo Graamans as a performer/participant.

Glenn moved to approve the Proclamation proclaiming July 7-9, 2017 – The Grand Finale"
Aye 4; No – 0.

B. ASK (Asking Saves Kids) Day - proposed by Bob Barrett
Manager Davies read the proclamation into the record.

Tooke moved to approve the proclamation proclaiming June 21, 2017 to be ASK Day: Aye 4; No – 0.

III. Public Comment

A. Chuck Lerwick, Dahl Disposal Operations Manager: delayed

B. Michelle Brannon, Lincoln County District Attorney: Brannon stated she wanted to reach out to counties and introduce herself. She noted she has been elected as DA for 3 years and has been a deputy DA for 15 years. Brannon began her with with juvenile and child abuse cases. She was recently lead prosecutor on a murder case. Brannon explained the awkwardness of seeing people in public and not asking about them as they often meet her in a very uncomfortable situation coming into her office. Brannon seeks transparency and wants to ensure Lincoln County remains a wonderful place to live. Mayor Stanley summarized his meeting with DA Brannon. Kittel added that Brannon has been an exceptional DA and advocate for children and the vulnerable.

C. Maxine Johnstone (330 King St): Johnstone, a 24-year Yachats resident, read a letter she wrote to Council in 2015 requesting businesses reduce outside music on the 4th of July to under

1 the recommended 85 dB level as recommended by public health agencies. Johnstone noted
2 nothing was done in response to her letter and she received no response from the Council. She
3 reported Councilor Scott suggested she go somewhere else during the festival. She respectfully
4 asked the council to "do something" and possibly pass an ordinance to limit sound levels. Frye
5 stated she was embarrassed that the Council had not responded. Frye stated the Council did
6 discuss them matter and noted the difficulty around how noise is measured and enforcement. She
7 noted the former Mayor had experience with measuring noise, and he indicated how complicated
8 that would be. Frye did not have a solution. Johnstone had no issue with the fireworks, just the
9 ongoing music. Johnstone believed a request from Council would impact the behavior local
10 businesses. Glenn stated he shared Johnstone's concerns and asked for clarification on "no music"
11 versus "lower volume music." Johnstone stated if they cannot enforce or measure the lower volume,
12 then she would prefer a ban.

13
14 Manager Davies noted she did not know about this issue in advance of this meeting or she would
15 have researched it. Manager Davies noted section 5.08.160.i of City Code addresses noise. She
16 noted there is code on sound-amplifying devices that could be modified. Manager Davies explained
17 to the Council and audience that she can research issues if she gets advanced notification.

18
19 Mayor Stanley suggested making a statement in the July newsletter about section 5.08.160.i and
20 about respecting noise levels. Frye stated she could not support a recommendation of no outdoor
21 music in town on that day, but would be in favor of trying to control volume.

22
23 June O'Connor (1618 Highway 101) noted in 1989 the Presbyterian Church put up carillons directed
24 at her home. O'Connor reported the County Health Department came to Yachats to measure noise
25 output. Davies asked O'Connor about her thoughts on the possible carillon at the Little Log Church.
26 O'Connor said her opinion would depend on the sound output and suggested they test noise levels
27 using speakers.

28 29 30 **IV. Consent Agenda**

31 **A. Minutes**

32 May 3, 2017 Work Session

33 May 10, 2017 Council Meeting

34 May 15, 2017 Budget Committee

35 36 **B. Accounts Payable**

37 Counselor Scott has previously reviewed this report.

38
39 By virtue of the Consent Agenda, the above minutes and accounts payable are approved.

40 41 **V. Reports**

42 **A. Council Reports**

43 Glenn, Frye, and Tooke noted they had nothing new to report since the June 7, 2017 Work Session.
44 Mayor Stanley attended an Economic Development Alliance meeting, led by Yahatian Caroline
45 Bauman, and praised the group for its efforts and efficiency. Frye offered to answer questions about
46 the Yachats to Florence transport and reported there is a delay of the start to August or September.
47 She noted discussion about the stops is ongoing, and persons can complete a survey online about
48 what services and stops are desired. Clerk Kimmie Jackson brought in cards with the survey website
49 address: ltd.org/connector

50 51 **B. Department Reports**

1 1. City Manager: Manager Davies summarized the report in the meeting packet.
2 Frye asked about Handicap Access at the grocery store pavilion. Manager Davies stated handicap
3 access is via traffic turn-ins and from the sidewalk onto 2nd St. She noted access by Planet Yachats
4 on 3rd St is no longer available. Frye asked why a curb was necessary on 3rd St blocking access.
5 Davies noted the design is in accord with ODOT standards and an access point would have to be
6 done through negotiations with the private property owner. Frye believed this issue should be
7 monitored. Sherry Dickenson posited that a person could challenge significant changes to access to
8 the a property that is not ADA compliant. Manager Davies noted the lot itself is ADA compliant.
9 Loren Dickenson asked whether the work in the C&K pavilion was part of the City contract or done
10 by the private property owners. Manager Davies stated that work is part of the ODOT project.

11
12 Shelly Shrock noted she has observed three people trip in the area on 2nd St between the Green
13 Salmon and Drift Inn. She noted there is a step where one expects a slope. Mayor Stanley noted
14 nuances with wheelchair access in the flashing crosswalk that is at the same location. Manager
15 Davies will investigate the reason why the step was put into place rather than a slope.

16
17 Frye asked about plans to pave 2nd St and Prospect St. Manager Davies indicated the hope was to
18 have leftover funds to widen and pave 2nd St to Prospect, but those funds did not become available.

19
20 Frye commended Manager Davies for her work, especially during this month of intense work on Hwy
21 101. Mayor Stanley also expressed his appreciation of Manager Davies' contributions.

22
23 2. Emergency Planning: Manager Davies noted Emergency Planning report and added
24 committee are still working on Tsunami getting signage and marking escape routes. Manager
25 Davies summarized ongoing efforts to plan for the August 2017 eclipse.

26
27 3. Code Enforcement: Manager Davies summarized the incidents in the report, noting how
28 the city is overgrown due, in part, to the heavy winter rains. Manager Davies noted there is a July 1,
29 2017 deadline for cutting grasses that will reduce fire danger later in the summer.

30
31 2. Public Works: Manager Davies noted a high wind advisory has been issued for tonight so
32 Wastewater Plant Lead Buchwald was currently taking down the banners. Water Treatment Plant
33 Lead McClung summarized his report in the meeting packet. McClung noted the Dollar General
34 construction hit the 4-inch water main and dumped 33,000 gallons of water in 10 minutes, explained
35 screw press now enables direct dumping of bio solids into dump truck, reported Pac Ex has been
36 easy to work with on 101 Project, and noted they have been contracting out use of vac truck.
37 Reported mounds of gravel on 4th St are ground asphalt grindings from the highway, saving the city
38 \$5,000 in haul-away fees and \$10,000 in materials acquisition. McClung noted this gravel provides
39 excellent street coverage, and Public Works plans to gravel the outside areas of ball field for
40 parking. McClung reported he plans to be done by July 4th, 2017. Mayor Stanley asked about
41 possibility of including a lane line on side streets connected to Hwy 101 to indicate turning areas.
42 McClung proposed they wait until project street lines are painted to assess situation. Glenn asked
43 when Central Lincoln PUD would take down utility poles. McClung replied that PUD is waiting on
44 Spectrum//Charter Internet to finish their infrastructure. Frye asked when the flashing pedestrian
45 light would be installed. McClung explained the crosswalk would be painted first, then the light
46 installed. He noted there will be only one flashing crosswalk at 2nd St. Bette Perman asked that
47 asphalt crumbles be used on shoulders of E 2nd since that road will not be widened. Frye asked
48 when landscaping on the 101 project will be done. Manager Davies indicated dirt will arrive
49 tomorrow and implementation is still a work in progress. She reported experts told her that planting
50 for long-term should be done in the fall, not now. Frye asked about the location of the mosaic

1 planters. Manager Davies indicated since they can block road views, they will stay where they are
2 for now. Manager Davies stated Portia will go on the NW corner of 4th and Highway 101.
3

4 **VI. Public Hearings**

5 Mayor Stanley opened the Public Hearing on Resolutions .

6 **A. Resolution 2017-06-01 Declaring City's Election to Receive State Revenues**

7 Manager Davies summarized the Resolution noting the total amount is relatively small (\$10,000-
8 15,000). Mayor Stanley would like to see some of these funds go into addiction recovery programs.
9 Frye moved to adopt Resolution 2017-06-01 Declaring City's Election to Receive State Revenues:
10 Aye - 4; No – 0.
11

12 **B. Resolution 2017-06-02 Adopt 2017-18 Urban Renewal Agency Budget**

13 Manager Davies read the Resolution into the record. Glenn moved to adopt Resolution 2017-06-02
14 Adopt the 2017-18 Urban Renewal Agency Budget: Aye - 4; No – 0.
15

16 **C. Resolution 2017-06-03 Adopt 2017-18 City Budget, Make Appropriations, Levy 17 Taxes, and Categorize Taxes**

18 Manager Davies read the Resolution into the record. Tooke moved to adopt Resolution 2017-06-03
19 Adopt the 2017-18 City Budget, Make Appropriations, Levy Taxes, and Categorize Taxes: Aye - 4;
20 No – 0.
21

22 Mayor Stanley closed the Public Hearing.
23

24 **VII. Business**

25 **A. Resolution 2017-06-04 Extending Worker's Compensation Coverage to Volunteers**

26 Manager Davies noted all volunteers must be covered by Worker's Compensation. Glenn moved to
27 adopt Resolution 2017-06-04 Extending Worker's Compensation Coverage to Volunteers: Aye - 4;
28 No – 0.
29

30 **B. Resolution 2017-06-05 Accepting Certain Identified Unanticipated Revenues to be added to the General Fund**

31 Manager Davies read the Resolution into the record. Manager Davies noted the \$1 million check
32 from ODOT is in the mail. Mayor Stanley asked for clarification on the \$480,000 from ODOT that
33 was not budgeted. Glenn moved to adopt Resolution 2017-06-05 Accepting Certain Identified
34 Unanticipated Revenues to Be Added to the General Fund: Aye - 4; No – 0.
35

36 **C. Resolution 2017-06-06 Authorizing Transferring of Monies between Objects of 37 Expenditure**

38 Manager Davies explained the complexity of this resolution and the justifications for the line items.
39 Davies noted previous City Record funded items via Supplemental Budgets. Manager Davies stated
40 she did not use this method and thus the details in this resolution. Glenn moved to adopt Resolution
41 2017-06-06 Resolution 2017-06-06 Authorizing Transferring of Monies between Objects of
42 Expenditure: Aye - 4; No – 0.
43

44 **D. Ordinance 347 – Publication – not ready for today**

45 **E. Late Request For Funds**

46
47 Manager Davies reported there were two grants last year for LED lighting of which the Friends of the
48 Commons got one to cover the installation of LED lighting in the Multi-purpose Room and Room 8.
49 Manager Davies noted the City agreed to pay \$10,000 as part of last year's grants. However, as
50 one grant was not received, the city did not have to contribute. The Friends are asking for 10,000
51 from the city for this year's grant to get LED lighting for the rest of the Commons. Manager Davies

1 noted this funding is not in the budget but the Council has the authority to authorize funding. Frye
2 wanted clarification of the granting sequence. Rose Valentine explained the Friends got one of two
3 grants that were submitted. This grant project is to complete the lighting project in the Commons.
4 Glenn asked if this grant was matching. Valentine said both the Friends and the City's contributions
5 would be matched. Mayor Stanley asked Parks and Commons Chair John Moore if he approved
6 this request. Moore indicated approval. Glenn moved to authorized the Friends of the Commons to
7 include \$10,000 of city matching funds for a grant to complete LED lighting for the Commons: Aye -
8 4; No – 0.

9 10 **F. 501 Building Uses**

11 Mayor Stanley noted the Library Commission would not be presenting their plan at this meeting.

12
13 Wendy Weimer explained her offer to purchase the 501 Building. Weimer planned to break the
14 building into three sections for different businesses. Weimer wanted an agreement for shared
15 parking and counted 36-46 parking spaces, many of which are currently unmarked. Weimar
16 summarized the terms of her offer of \$250,000. Weimar argued the City recovers half of the
17 investment and retains the majority of the parking.

18
19 Frye thanked Weimer for her offer and asked for clarification on the drive-through operation for food
20 service. Weimar noted real estate market is going strong and she is eager to proceed.

21
22 Manager Davies explained what public input could be made at present, what would be discussed in
23 executive session, what could be voted on following the executive session. Tooke and Mayor
24 Stanley believed offer was interesting. Glenn asked for clarification on the comp data provided in
25 Weimer's information packet, on the proposed map of the building, and how bathrooms would be
26 accessed from the various building sections. Tooke asked if food would be provided by a franchise
27 (no).

28
29 Shelly Shrock (121 Greenhill) strongly believed the Library is a much better use for 501 Building.
30 O'Connor (1618 N Hwy 101) asked for the interest rate. Dickenson (323 Jennifer Dr) expressed
31 concerned about joint use parking and how that would be incorporated with City code requirements
32 for parking. Perman believed the potential use of the 501 Building for the Library is more consistent
33 with the City vision. Shrock was concerned about the issues raised if the business does not go well.

34
35 Frye asked Weimer why she proposed buying rather than leasing. Weimer explained she would
36 invest in remodeling and does not need the full space for her real estate business. Frye asked
37 Weimer if she had looked at other available properties in Yachats and encouraged Weimer to do so.

38
39 Mayor Stanley ended this section of the public meeting to go into executive session at 4:15 pm.

40 41 **VIII Executive Session**

42
43 Mayor Stanley reopened the public portion of this meeting at approximately 5:20 pm.

44 45 **IX. 501 Building Use**

46 Mayor Stanley reported there was a consensus of the Council to not accept the offer from Wendy
47 Weimer to purchase the 501 Building.

48 49 **X. 2017-22 AFSCME Collective Bargaining Agreement**

50 Frye moved to reject the current AFSCME collective bargaining agreement and to instruct Manager
51 Davies to recommence bargaining discussions: Aye – 4; No – 0.

1
2
3 **XI. Other Business**

4 **A. From Mayor** - none

5
6 **B. From Staff** – none

7
8 **C. From Council** - none

9
10 The meeting was adjourned at approximately 5:25 pm.
11
12
13
14

15
16 _____
17 GERALD F. STANLEY, Mayor

18 ATTEST:
19
20

21
22 _____
23 Joan Davies, City Manager

Date