CITY OF YACHATS
CITY COUNCIL REGULAR MEETING

April 5, 2017

Minutes

Mayor Gerald Stanley called the 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, Greg Scott and Max Glenn. Staff present: City Manager Joan Davies, Wastewater Department Lead David Buckwald. Audience: 41.

I. Announcements and Correspondence

A. Mayor Stanley announced the Love Letters play is excellent and profound.

B. Mayor Stanley thanked those who took part in State of the City event and the citizens for coming (estimated 120)

II. Citizens Concerns

A. Burgundy Featherkile (Pacific View Dr): Freedom Cities

Featherkile asked the Council to adopt resolutions on Freedom Cities. Featherkile noted the resolutions were started by an offshoot of ACLU, People Power, to get law enforcement, cities, and villages to protect valued members of their communities and to let everyone know all are welcome. Featherkile asserted Rule 6, Redress, is especially important. Stanley appreciated the creative approach and asked for a representative from Newport to report on their efforts in the area. Responses included:

1. Sheriff Landers asserted the resolutions were law. (Judith Farrow)
2. The problem arises when ICE apprehends inmates as they are released from the Lincoln County Jail (Farrow). She noted inmate release information is available online. Stanley reported Sherriff Landers concurred with Farrow's statement.
3. The public could be educated on the appearance of different law enforcement uniforms. There have been situations where ICE identified as police. (Farrow)
4. The armor of ICE in Portland states, "police." (Larry Dalmron)
5. Citizens need to know they do not have to let ICE into their home, can ask for a warrant, and do not have to answer door in middle of night (Victoria Lambert, Ten Mile).
6. The Florence Republican Club reported incorrect information on immigrant community activities to the Florence City Council and asked that schools not be part of sanctuary programs because immigrants were "murderers, rapists, and likely to behead others." The Club is expected to present that night at the Siuslaw meeting. (Victoria Lambert)

Frye explained council could not make a decision at this meeting but they will discuss and do what they can. Scott made note of Yachats' mission statement and explained the Council would need to determine the fit within the City's mission and charter. Glenn stated his support of the resolutions but expressed concern with implementation of some points such as not allowing people in city facilities, as the city does not law enforcement nearby or onsite. Featherkile posited these resolutions could be a foundation for someone to take civil actions. Frye believed making a statement is important and expressed concern for lack of resources for enforcement, citing the example of fireworks on the beach.

Scott wanted clarification on whether the matter would be addressed through an ordinance or a resolution. Glenn would like to find ways to engage immigrant presence in community to provide things that would be supportive to them. Tooke agreed the issue is important and warrants further discussion. Frye reported the Lincoln County Healthcare Board indicated apprehension of being arrested has not affected use of services.

Glenn asked if there was evidence on people being apprehended in Lincoln County. Mayor Stanley stated he had heard reports in Yachats. Lambert confirmed reports of detainments in Waldport and Newport.

III. Minutes

A. Minutes

Glenn moved to approve the March 1, 2017 Council work session minutes: Aye – 5, No – 0.
Frye moved to approve the March 8, 2017 Council regular meeting minutes: Aye – 5, No – 0.

B. Accounts Payable Report

Scott stated he had reviewed the report.
Glenn moved to approve the Accounts Payable: Aye – 5, No – 0.

IV. Reports

A. Council Reports

1. Mayor Stanley attended: (a) Lincoln County Mayor's meeting hosted by Depoe Bay and was impressed with preparations for eclipse, (b) Board of Commissioners yearly meeting that was held in Yachats and all councilors attended, and (c) Council of Governments/Tri-County Council of Mayors.
2. Frye stated she had been to four meetings about transit and noted: (a) the pilot project on Florence bus service will start July 1, 2017 and a bus has been purchased but still stops need to be set, (b) the Lincoln County Transit group is developing a 20 year plan, is struggling with how to stretch resources, and is excited to put labels at bus stops to identify stops, and (c) Lincoln County Health Center discussions are continuing.

B. Department Reports

1. City Manager: Glenn found the report to be very helpful and noted 15 different categories that Manager Davies has put work into. Scott found the report to be concise and easy to read.
2. Public Works: Scott asked for clarification on the difference between the I&I (Inflow and Infiltration) and the Public Works reports and noted the large volume of I&I contribution to the sewer. McClung stated that while improvements have been made, the I&I problem is ongoing. He added that compared to other cities in the area, Yachats is doing well. Scott recommended the wastewater department track trends and asked to see this analysis. Frye asked for an explanation of what contributes to I&I. McClung noted examples of illegal downspouts, cracks in pipes, and leaks around manholes and stated inspections are done during winter and repairs performed during summer. Wastewater Plant Operator Dave Buchwald has a master plan.

   Mayor Stanley asked if Public Works was making progress in grease removal. McClung reported no changes. He reported it took 12 man-hours in February to clean 2 of 5 pump stations. Glenn asked if there was a way to track violations. McClung stated residential tracking is cost prohibitive but they can monitor restaurants.
3. Visitor's Center: Glenn appreciated receiving the quarterly report from the Visitor's Center and was pleased to see projects from the Events Coordinator, Robert Rubin.

4. Code Enforcement: Manager Davies stated she has been doing code enforcement since the departure of the code enforcement officer. Manager Davies stated she would like to have half-time person to do enforcement, it is currently not in budget, but she will put it in budget so council can decide whether to approve.
5. Events Coordinator: Rubin reported:
    a. Rainspout is April 28-30, 2017: a dinner and multiple bands
    b. Music Event before Eclipse: Glenn asked about the eclipse musical event. Rubin said since the eclipse was on Monday morning, it would be useful to have an event on Sunday.
    c. Alternative Energy Fair: Rubin is planning an Alternative Energy Fair on September 16-17, 2017 in conjunction with Electric Car Week. He hopes to have electric cars available for test drives and tours with Steve Burkle at his wind generator plant.
    d. 100th Anniversary – Bev Wilson asked for $2,500 for:
        i. Creating portable exhibits to be placed around the city and to include timelines, city history, Native history, and commons history.
        ii. A picnic on July 16, 2017 to celebrate the 50th anniversary of incorporation and 100th anniversary of US Post Office changing the name from Ocean View to Yachats to possibly include actors to portray key figures in Yachatian history (Beulah, Lester), human spelling of Yachats captured by drone, games, videos, and displays.
        iii. Yachats Academy of Arts and Science presentations
        iv. Presentation on history of the Civilian Conservations Corps (in conjunction with Cape Perpetua), noting they have recorded interviews from people who worked in the Corps

Stanley invited public to come to the Marketing meeting at 8:30 am on April 18, 2017 to share ideas.

Glenn asked Wilson about drop off in visitor numbers this year. Wilson suggested the numbers might be down due to weather and to parking lot disruptions. Stanley urged people to volunteer at the Visitor's Center and Wilson noted visitors come from every state and 22 countries and are usually happy.

Scott noted that from 2015 to 2016, tax receipts went from approximately $990,000 to $1,257,000. Tom Lauritzen stated some of the increase is due to an increase in tax rates and estimated the tax revenues increase to be around 5%.

6. Emergency Planning: none

C. Legislative Update

Manager Davies read the bill titles currently under consideration in the state legislature that might have impact on Yachats and noted the summary is online. Glenn stated the League of Oregon Cities has staff and lobbyists at legislative hearings and reports on bills relevant to city governments.

Scott made special note of a PERS bill, which could have significant impact on early retirement and employer needs.

V. Business

A. Proclamation of April 2017 as Sexual Assault Awareness Month

Lisa Norton, executive director at My Sister's Place, summarized their activities to raise money for and awareness of sexual assault issues. She appreciated the continued support from the Yachats Ladies Club. Mayor Stanley read the Proclamation into the record. Norton asserted the importance of individual efforts to do what they can to eliminate sexual assault. She reported they secured a $500,000 to hire an attorney to investigate sexual assault cases.

Glenn made a motion to adopt the Proclamation regarding sexual assault: Aye – 5, No – 0.

B. 501 Building Usage

Mayor Stanley summarized that the 501 Building was purchased in 2015 as a means to attain additional parking and potentially getting another bank in town. In May 2016, Glenn headed a committee to examine potential uses of the facilities. Mayor Stanley asserted the City is aware of its financial responsibility to either generate revenues from the facility or sell at a profit.

David Dunston (Searose Beach) reported the Library Commission passed 3 motions at its last meeting:

1. Expressing formal interest in 501 Building as a Library
2. Requesting of the Friends of the Yachats Library $2,000 to hire a consultant for interior design
3. Setting meeting topics for the next three months to ask for public input on the Library location and on their strategic plan, to review a cost study on feasibility of moving, and to make a final decision on their desire to move.

Dunston introduced commissioners Marv Wigle, Marion Godfrey, and Nikki Carlson.

Carlson (Hanley Dr) reviewed the history of the Library's interest in the 501 Building, noting that when the council approached library with a plan that included part of the building for bank, the Library declined believing its usage was not a good fit with a bank. The desire to move the Library is due to current space constraints, shelving non-compliance with ADA standards, and shelving non-compliance with state earthquake support requirements. Carlson argued the 501 building could meet needs of the Library well into the future, including additional meeting rooms and closer proximity to evacuation points (but not out of tsunami zone).

Scott asked for show of hands from the audience for who was present specifically for library question: 10 hands raised. Frye reported she and Manager Davies met with Library representatives and expressed her appreciation of the thoughtfulness of commission in thinking through this decision.

Tom Lauritzen explained financial scenarios around facility usage:

a. The City currently pays $17,800 per year in rent for City Hall offices and chambers.
b. The above space could be rented to recover rental income loss to the Friends (1800 sf).
c. The City could restructure financing on the 501 building so as to repay existing borrowing and acquire mortgage at competitive rate in which amortization would not exceed the amount currently paid for rent.

Glenn noted that a library in the 501 Building would satisfy five of the goals the committee raised: (a) private space for person to do Medicare consultations, (b) computer space for public, (c) interpretive kiosk for trails, (d) community history displays, and (e) additional storage. Glenn asked Carlson if the Library would be amenable to having an interactive ATM as part of the facility. Carlson stated that was possible and noted the Medicare consultations could have expanded hours due to the private room.

Yvonne Wolfe suggested the architecture of the building could result in substantial costs due to the need to drill into the concrete floor for stabilization and move electrical circuits.

Dunsdon noted in reference to Lauritzen's cash flow analysis that the old library building were used to generate revenues.

Scott asserted when one has major project needing community support it is best to go through the library because of its importance in the community. Scott was excited by the turnout and library's interest in building. Scott encouraged the commission think outside the box to incorporate the significant changes in electronic communications and to build a library of the future. Frye noted how her work at library showed the importance of library in the community.

Mayor Stanley asked for clarification on community use of meeting rooms and noted he is not in favor of City Hall and the library sharing space.

Rubin reported the 501 Building is scheduled through November 2017, and he supported the Library's move to that facility. Bette Perman (E 2nd St) liked the idea of moving the library but cautioned moving City documents and records closer to water's edge.

McClung revealed he has the 501 blue prints to the delight of the Library Commission.

C. Parliamentary Procedures – postponed to next meeting

D. Appointment of Temporary Chair to the Public Works Commission

Scott moved to appoint John Moore as temporary chair of Public Works and Streets Commission for a period not to exceed one (1) year: Aye – 5, No – 0.

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B. – continued – 501 Building Usage

Scott asked councilors what other options they want to consider for the 501 Building. Glenn presented the history of interactions with Steve Burkle on using the building as an assembly plant for the EiP turbines. As of last week, Brad and Steve Burkle are still interested. Glenn and Scott noted they will be meeting with the Burkles on April 28, 2017. Glenn suggested the City retain ownership and develop a leasing agreement that would factor in the business growth. Mayor Stanley stated his priority of renting for income. Frye agreed

Stanley says his priority is to rent to Burkle. Frye agreed original Council intent was to have 501 be a rental, but she was would like to see a more firm intent from Burkle. Tooke stated he sees EiP technology and the Library are the two main contenders.

Scott stated he gives priority to what most benefits community and weighs financial aspects less. He concluded a library is a better fit and would be a welcoming presence on the highway. He stated his preference to have City Hall remain where it is. Frye would like to see the old library used for a health clinic. Glenn emphasized that the Commons is a community center not a commercial events center. Scott noted survey results from the Comp Plan study and from the 1990s both indicated residents rate the Commons as instrumental to character of Yachats

Frye raised the issue of shelter for expensive equipment. Scott deferred to Public Works on how best to protect rolling stock. Tooke noted he had not seen any recent activity on the ball field. A discussion ensued on the status of the ball field as usable property.

Councilors reached a consensus that City Hall should not be in the 501 Building and the Library is the better fit for the 501 Building. Tooke summarized the questions before the council are what to do with the library, how to protect rolling stock, and what to do with the 501.

Mayor Stanley would like to have room 3 for offices of YYFAP.

The Council discussed the likelihood of raising an additional $17,000 from rental income from what is now City Hall space.

Dean Shrock (Greenhill) Parks and Commons Commission recently addressed usage of commons as community center and as revenue generator. The commission decided to cap usage for commercial events like arts and crafts fairs. As an instance of heavy usage without income generation, they commission noted live theater program. Shrock suggested the Council look at potential uses for the ball field.

Frye not sure current city hall space could generate $17,000 in revenue. Shrock asserted from the Parks and Commons assessment that revenue generation from renting the City Hall space is unlikely. Helen Anderson noted the $17,000 figure roughly translates to $1,500 per month and questioned the likelihood of achieving that. Lauritzen noted the entire Commons generated $22,000 for the entire past year.

The Council agreed that a three-month time frame for the Library to do their discovery was adequate for all parties.

E. Rental Rates and Copying Services

Manager Davies noted she had presented councilors with all documents regarding rental fees. Davies emphasized city staff faces on an almost daily basis confusion around rental rates and noted a 1991 Resolution declaring renters provide the City with an accountability of revenues and expenditures. She could find no examples of such reports. She noted a 2016 document that was drafted but never presented to the Parks and Commons Commission and a memorandum of understanding between Polly Plumb Productions and the Friends of the Commons stipulating a waiver of all Commons fees for Polly Plumb events. Parks and Commons was not involved in this MOU.

Manager Davies cited examples of confusion that arises over pricing and who must pay room rentals. Davies questions why an event that makes money does not have to pay for room rental. Davies also presented examples of requests for city staff to do copying, collating, folding, and stapling of event programs. She emphasized the burden this puts on staff time and workflow by having the copier be in use. Davis reported people asking for services state, “We’ve always done this” in regard to getting clerical support. Davis emphasized rules should not change depending on who is asking. She noted that some of the groups asking for waivers and services state they “give a lot to the City.” Davies noted some people have been told they do not have to pay for rooms up front.

Issues raised around Commons policy included:

1. Confusion about what constitutes a city group (Mayor Stanley). Stanley argued the rental fee policy needs revision and all should pay for rental fee.
2. Equal application of policy.
3. The role of the Facilities Manager (Glenn).
4. Copying and clerical services by City staff.

5. The relationship and MOU between Polly Plumb Productions and the Friends of the Commons. Friends Board Member Shelly Shrock reported her confusion over profit distributions posited in the MOU.
6. Reservations process and system (Anderson). Anderson reported her experience with making reservations for the Yachats Pride event in June was very time-consuming and frustrating. Dean Shrock stated the online reservation system is easy to use.
7. The oversight and jurisdictional relationship between Parks and Commons and the Friends of Yachats Commons
8. Policy on insurance coverage provided by the Friends to small group versus big event (Manager Davies)
9. Jurisdiction of the Friends – can they arrange deals with users without getting approval from the Council or the Parks and Commons Commission? (Dean Shrock)

Scott posited that all copying and clerical services by City staff should cease, effective immediately. Parks and Commons Commission Chairman Moore stated his intention to create clear recommendation on rental fees and policies at their next meeting. Tooke surmised these practices appear to have been going on for a long time and favored having a discussion to determine relationships between all involved parties.

Glenn wanted to review the agreement between the Friends of the Commons and the City. Manager Davies was not aware of such a document, noting she did find the contract for the Facilities Manager employed by the Friends. Glenn posited the council considers drafting a document with the Friends that is more than a contract with the facilities employee.

Stanley read item 2 on the 1991 document relating to waiver of fee for city events and supported the policy of charging rent for non-city events. Scott stated he was not for a blanket statement of everyone paying rent, as there groups who do not charge money but still promote the City, such as View the Future.

Scott indicated that the Friends were formed to raise money to support the Commons facility. Initially they hosted events to raise money. More recently they have raised funds through grants. Scott noted their important work in improvements such as the new LED lights and carpet.

Mayor Stanley asked Manager Davies to succinctly stipulate her wishes. Davies asked that: (1) copying and clerical services be used only for official city business and (2) all parties obey the rules.

Scott moved to authorize office staff to only provide printing and other clerical services for official city business: Aye - 5, No – 0.

Frye wanted the council to put in writing their position on following rules so Manager Davies and Clerk Kimmie Jackson do not get blamed for policies that some might not like. There was consensus they put their position in writing and have conversations with the Chair of the Friends and the Facilities Manager.

The council discussed issues around setting pricing policy. Suggested input to pricing included:
Realize there are exceptions (Crestview High School using picnic shelter)
Pricing could factor in the inability to raise sufficient money to cover costs, such as is done by the Health Education Center in Newport (Dean Shrock). Newport HEC charges 10% of revenues.

Tooke noted there is a policy on alcohol. The Council reaffirmed the policy that sale or consumption of alcohol must be approved by Council though an application process through City Hall.

Glenn would like to see enactment of an item in the original 1991 resolution that requires user to provide an accounting of revenues for an event in which money is charged. Mayor Stanley suggested they reaffirm 1991 resolution effective today until further notice.

Glenn moved to reaffirm resolution 208 dated October 1991 as current policy effective immediately: Aye – 5, No – 0.

Scott moved to authorize city manager to only apply existing written policy with respect to renting and rates: Aye – 5, No – 0.

The council agreed to take the following actions:

1. Meeting between Mayor Stanley, Scott and leadership of the Friends
2. Meeting between Manager Davies and the Facility Manager
3. A letter to Polly Plumb that the MOU has come to their attention and has not been accepted
4. A statement in the Newsletter

The meeting was adjourned at 5:25pm.

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GERALD F. STANLEY, Mayor

ATTEST:

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Joan Davies, City Manager Date