

1. Agenda

Documents:

[03-01 CC WS AGENDA 03-01-2017.PDF](#)

2. Meeting Materials

Documents:

[03-01 CITY COUNCIL MINUTES 2017 01 12.PDF](#)

[03-01 COUNCIL GOALS WITH SHEPHERDING TASKS.PDF](#)

[03-01 ECLIPSE INFO.PDF](#)

[03-01 EIP TECHNOLOGIES.PDF](#)

[03-01 MEASURE 21-177.PDF](#)

[03-01 MEMO ON EVANS-BETZ PROPERTY V3.PDF](#)

[03-01 STATEMENT ON SPRAYING MEASURE.PDF](#)

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 WORK SESSION AND REGULAR MEETING



441 Hwy 101 N., Yachats Commons, Room 1

Wednesday, March 1, 2017 at 9:30am

WORK SESSION AGENDA

- I. CALL MEETING TO ORDER
 - a) Information presentation: Ken Gagne on beach safety project
 - b) Information presentation: Jim Adler/Andrea Scharf on Evans/Betz project
 - c) Information presentation: Linda Hetzler on Visitors Center issues (501, events, etc.)
- II. WORK SESSION DISCUSSION TOPICS
 - a) Housing development proposal – Fistera Gardens/Layne Morrill
 - b) State of the City topics, participants and plans
 - c) County Commissioners joint meeting on March 15 topics and plans
 - d) Memo of Understanding showing support for health care project
 - e) Measure 21-177 – Prohibits aerial pesticide spraying; creates local citizens rights
 - f) EIP Wind Energy Project (Burkles) – add to CIP
 - g) Solar Eclipse – City responsibilities and participation
 - h) Council Shepherdding Goals – changes, assignments, reports, priorities
 - i) Approve agenda for March 8, 2017 City Council meeting

REGULAR MEETING AGENDA

- I. BUSINESS
 - a) Planning/Finance/Parks & Commons Commission/Committee appointments
(James Kerti) (Don Groth) (Michael Hempen) VOTE
 - b) Minutes (01/09/17 and 01/12/17) tabled from February meetings VOTE
 - c) Friends of the Commons insurance coverage for small groups; rental money VOTE

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 **Feb. 27, 2017**

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CITY OF YACHATS
CITY COUNCIL REGULAR MEETING

January 12, 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, Water Department Lead Rick McClung, Wastewater Department Lead David Buckwald, Facilities Manager Leon Sterner, Code Enforcement Officer Don Niskanen. Audience: 28.

I. Announcements and Correspondence

Mayor Stanley welcomed the audience and reviewed some of his background that is relevant to council work. He then opened the floor to other announcements.

A. Announcements

1. Agate Festival on January 14-15, 10:00am-4:00pm (Sterner)
2. Talk by Greg Scott on Canadian Rockies January 16, 2:30pm, Room 8 (Scott)
3. Lions Club Crab Feed on January 28 is sold out (Glenn)
4. Agate Festival this weekend; next Sunday, Greg Scott on Canadian Rockies; follow-up by Creighton Horton at the same time, in Room 8, about his book; Movie sponsored by Friends of Commons on Feb. 5, 2:00pm (Sterner)
5. Women's March on January 21, noon, Newport (Frye)
6. Ladies Club 90th Anniversary Celebration, January 29, 2:00-4:00pm (Stanley)

B. Correspondence

- A. Lincoln Co. Board of Commissioners – Joint Session March 15 in Yachats
Mayor Stanley reported the Lincoln County Board of Commissioners is meeting in Yachats March 15 and welcomes input from councilors and citizens.

II. Citizen's Concerns

Mayor Stanley told the audience that this section is for items not on the agenda. He asked speakers to come sit at the table, give their name and address, and keep their comments about their concern to no more than five minutes. Then he will ask if anyone else has a comment about that concern. Councilor Scott asked, as a point of order, whether the Mayor was asking the council to address issues as citizens bring them up. The Mayor said, "Only if you want to." Councilor Glenn said that traditionally, the citizen comes to the table, gives their name and speaks. What the Mayor was describing sounded to him more like what is done within the agenda. Councilor Frye said there is a fine line – the Council needs to hear input, but they also need to have background on a subject before they address it. That is why there is an agenda. Councilor Glenn added that for the benefit of the audience, the Council has a work session where they discuss things that need to be on the agenda for the regular meeting.

The council discussed the role of the agenda in meetings. Mayor Stanley stated he removed "Sanctuary Cities" from the agenda because he had a misunderstanding that putting an item on the agenda meant he was advocating for that item. He stressed that this issue is one he hoped citizens would discuss.

- A. Robert Barrett, 260 Jennifer Drive, Yachats: Asked the council to consider his request to place the Diversity Coalition's "safe" signs in windows of city buildings to allay fears of minority groups not being welcome. He reported incidents in Newport of hate crimes, including the painting of swastikas on buildings. Mayor Stanley asked Manager Davies

1 to summarize what was discussed at council work session. Davies said the council had
2 approved allowing the sign on bulletin boards but not officially "posting" in city buildings.
3

4 **II. Consent Calendar**

5 Minutes from 12/02/16 Council Work Session and 12/08/16 Council Meeting; Bills for Approval
6 Scott moved to approve minutes: Aye – 3; No – 0; Abstain: Mayor Stanley and Tooke abstained
7 because they were not on the Council during the December meetings).
8

9 **III. Reports**

10 **A. Council**

11 **1. Frye reported:**

- 12 a. She attended meeting with Lincoln County Transit where they assessed
13 needs for next 20 years. She will be meeting with Lane County Transit at the
14 end of the month about transportation between Yachats and Florence. Lane
15 Transit has received a one-year grant to provide transportation.
- 16 b. She met with the group from the Lincoln Community Health Center about
17 providing health care in Yachats. The group continues to be committed to the
18 idea, with LCHC owning and managing the clinic. She noted Yachats has
19 been designated as an underserved city in terms of healthcare. Inadequate
20 healthcare is a significant reason residents have to move from Yachats.

21 2. Glenn reported he continues to work with Lincoln County Land Trust on new models
22 for affordable housing, and serves on the Angell Job Corps Committee.

23 3. Scott elected to delay his report to later in the meeting.

24 4. Tooke reported he will serve in six areas identified in the Shepherding Goals Matrix.

25 5. Mayor Stanley reported he had learned a lot from a meeting with mayors of Lincoln
26 County, and had a productive meeting with the Chamber Marketing Committee.
27

28 **B. Department Reports**

29 Mayor Stanley confirmed the council has received monthly reports from the Manager,
30 Code Enforcement, Public Works, Emergency Planning, and Events.
31

32 Mayor Stanley asked Code Enforcement Officer Don Niskanen about a complaint on King
33 Street. Niskanen explained there was a complaint about the porch light shining into the house
34 across the street, they put a globe on it, but that did not help. Another complaint was that an
35 apple tree was dropping apples in the other person's driveway, and that the neighbor with the
36 light was also backing out too far, and hitting the neighbor's bushes across the street. He said
37 the City Administrator was getting the brunt of the calls. A motion detector has now been placed
38 on the offending light, but the backing out is reported to still be a problem.
39

40 Frye asked Manager Davies for an update on the Dollar General store. Manager Davies wrote
41 a letter to the developer, Cross Development, as a follow-up to the town meeting. The most
42 recent news is that they are still planning to build. Davies noted the new store in Philomath has
43 a solid wooden border fence, and after contacting their city manager, she learned Philomath has
44 a positive working relationship with the company. Davies met with City Planner Lewis and he
45 reported back to the company about Yachats building code regulations, including building
46 height, setbacks, signage, lighting, parking, and accommodating pedestrians.
47

48 Frye asked about plans for light posts in the highway construction project. McClung reported
49 there will be 18 posts that are weather resistant, black in color, approximately 14 feet tall, with
50 LED lights that are "dark sky"-qualified. Davies noted that Waldport's light posts on Hwy 101

are 20-25 feet high, while Newport's light posts along the highway are 14 feet, similar to what Yachats will have, but with a different top.

Chamber Events Coordinator Robert Rubin reported on recent events, including five new events: three outdoor summer concerts, a Mystery Game during the Celtic Music Festival, and a Maria Muldaur concert. Future plans include a September "Plug In" as part of a national week to recognize electric car use, and he has a goal to bring more people to Yachats for the weekend of the total eclipse (August 21). Rubin has been looking into creating an "Escape Room" in the 501 building, an event that involves having players enter a confined space, then solve puzzles to escape from the room. Rubin said escape rooms are an international phenomenon. He added that local artist Ruth Bass has organized an art quilt show for March 10-12 in The Commons multi-purpose room, sponsored by Polly Plumb Productions.

IV. Business

- A. Council President – nomination and discussion. Glenn nominated Greg Scott. Frye expressed praise for Scott and his leadership. Scott stated he hoped to incorporate more mentoring into the position. Motion to appoint: Aye - 5; No - 0.
- B. Resolution 2017-01-01 Setting Recreational Marijuana Tax Rate: Manager Davies read the resolution into the record. Scott clarified that the City tax does not increase the existing state tax, but is a part of it. Scott moved for approval: Aye - 5; No - 0.
- C. Ordinance 346 Amending Marijuana Tax Ordinance 345: Manager Davies read the ordinance into the record. Glenn moved for approval: Aye - 5; No - 0.
- D. Resolution 2017-01-02 Department of Revenue Intergovernmental Agreement for Collecting Recreational Marijuana Taxes: Manager Davies read the resolution into the record. Frye moved for approval: Aye - 5; No - 0.
- E. Council meeting and work session days: Manager Davies reviewed discussion on meetings at council work session. She presented a new option to have both meetings be regular meetings with the option to also have a work session during the regular meeting. Frye asked for clarification on meeting flow. Scott requested that work session occur during the first part of meeting. Glenn wanted to be clear that the agenda for the second monthly meeting be set at the first monthly meeting. Scott was not in favor of taking Citizen's Concerns at the first work session meeting. Frye reminded the council that citizens can request items on the agenda for a work session, so their opportunity to contribute is not hindered. Scott suggested the decision be made in three parts: meeting days, work session part, and time of day.
 - 1. Scott moved that the Council have two meetings each month on the first and second Wednesday: Aye - 5; No - 0.
 - 2. Frye moved that the first meeting of the month be a work session followed by a regular meeting in which motions can be made: Aye - 5; No - 0.

Regarding meeting times, Scott argued that local citizens do not like to come to evening meetings. Frye and audience member Jan Hogen believed people do want evening meetings. Stanley pointed out that the audience addressed at the last meeting did not include people who could not come to daytime meetings. Frye posed that people need time to learn about and adjust to new meeting schedules, so a trial period of six or more months is necessary. Scott argued that council should learn from the history of people not showing up for evening meetings. Frye believed Scott's argument neglects allowing people to learn a new system. Glenn suggested that they assess survey results before moving the meeting time.

Audience member Bette Perman stated that not having an evening meeting is a statement from the council that working people and business owners are not invited. Leon Sterner stated his

1 experience indicates lower attendance at evening meetings and suggested having evening
2 meetings only when there are agenda items of particular interest to businesses. Frye reiterated
3 her belief that the council should make itself as available as possible to constituents and an
4 evening meeting creates more opportunity. Don Niskanen believed meetings that start at
5 7:00pm run too late into the evening. Robert Rubin suggested that the season (early darkness)
6 and weather impacts likely attendance at evening meetings.

7
8 Mayor Stanley recessed for a ten-minute break at 3:31pm. Meeting resumed at 3:50pm.
9

10 **V. Council Shepherd Goals – changes and assignments**

11 Mayor Stanley announced that the Council Shepherd Goals are agreed upon annually. Scott
12 and Frye agreed that goals should be assigned a priority level to occur at a future work session.
13 Glenn asked Manager Davies to read the goals.

- 14 1. Provide for the effective governance of the City of Yachats
 - 15 2. Improve administrative process to maintain and surpass previous high standards
 - 16 3. Improve city infrastructure
 - 17 4. Provide/Facilitate opportunities for self-growth, education, and participation in
 - 18 programs/projects to enhance quality of life
 - 19 5. Foster “Seventh Generation” thinking
- 20

21 Glenn moved that the council approve these five goals with the objectives and shepherding
22 assignments: Aye – 5; No – 0.
23

24 **VI. Council Rules Handbook and Matrix – continuing review of changes**

25 Manager Davies presented a copy of Council Rules with highlighted sections to be addressed.

- 26 A. Recommended council meeting times to be less specific in handbook, while complying
27 with what is stated in the Charter, “the council will meet once each month and can meet
28 more often” (pg. 4, item 2.2)
- 29 B. Noted “work session meetings” needs to be updated (pg. 5, item 2.5)
- 30 C. Suggested work session subjects section as written is too specific and lessens options
31 (pg. 5, item 2.5.1). Frye suggested including a definition of work sessions. Glenn
32 wanted to retain the finalizing agenda item.
- 33 D. Suggested softening language on citizen discussions (pg. 6, item 3.1.6). Glenn stressed
34 importance of citizens stating name and address for the record. Frye wanted instructions
35 to be stated in a positive way. Mayor Stanley stressed the importance of allowing
36 citizens to comment on actions of the council.
- 37 E. Asked why the Rules of Order item is in the guide (pg. 8, item 3.3). Frye would like to
38 see parliamentary changed from Keesey to Roberts Rules of Order. Scott asked to table
39 this discussion for this meeting and to discuss in a work session.
- 40 F. Noted the order of business section is limiting and includes items the council does not
41 currently do (pg. 8, item 3.4). Davies was asked what items were not addressed. She
42 pointed to Consent Agenda, stating it is a more common practice to refer to this item as,
43 “Consent Calendar” and identified “Resolutions memorializing actions taken by previous
44 meeting,” “Resolutions not requiring further action by council,” and “Other actions not
45 requiring further discussion by council and those actions outlined in council rules” as not
46 having been addressed since her tenure as City Manager. Frye asked if this document
47 was rule or a guideline. Frye suggested changing language to indicate suggestion or
48 example rather than requirements.
- 49 G. Noted the Rules referenced the adoption of an “Exhibit A – Mayor and Council Duties”
50 when an “Exhibit A – Hearings/Procedures for Land Use Matters” already existed in the
51 document (pg. 22). Suggested making the Mayor and Council Duties, Exhibit B.

1 Manager Davies reported former Mayor Ron Brean confirmed that the decision to use "City
2 Administrator" instead of "City Manager" was just a choice and not based on legal advice. Glenn
3 moved to change the City Administrator title to City Manager: Aye – 5; No – 0.
4 Mayor Stanley asked if his position as described in the Matrix as "political head of the five-
5 member city council" implies he is also political head of the City of Yachats. Manager Davies
6 cited the City Charter, stating the mayor is the political head of the City of Yachats and she will
7 amend the statement to reflect the charter.

8
9 Mayor Stanley asked that the evaluation of the City Manager be included under Council Duties.
10 Frye and Glenn are in favor of this addition. Scott stated that should include the evaluations of
11 the City Attorney, Judge, Engineer and Auditor, but said the Manager supervises the Planner.
12 Mayor Stanley would like to review the list of meetings to be attended by the Mayor as indicated
13 under City Charter Provisions. Manager Davies noted the duties need to include the City
14 Manager is to supervise contractors. She will make the indicated changes and bring the
15 handbook back to the council for a vote.

16
17 **VII. Other Business**

18 A. Mayor's Report: Mayor Stanley commented he is still learning procedure, and
19 revisited the issue of posting "safe" signs. He clarified while posting on bulletin boards is
20 allowed, posting the sign as an official city statement is not warranted. Frye wanted to
21 generate a statement on the justifications for this decision. Manager Davies noted Bob
22 Barrett wanted to be told the rationale for denying his request.

23 B. From the Staff: None

24 C. From the Council:

25 1. Frye expressed dissatisfaction with the reading of a Biblical passage at the start of
26 the meeting. Mayor Stanley explained his action was intended to reflect on his beliefs
27 and perspectives. Frye wanted to go on record as stating religion has no place in civic
28 meetings. Scott observed people in the audience who were uncomfortable, as was he.
29 Glenn welcomed the statement as an introduction to the Mayor, but objected to the
30 practice to be continued.

31 2. Due to technical difficulties, Scott was unable to make his video presentation on
32 technological updates. Scott pointed to the following new features of the website:

- 33 - ability to edit menus without the assistance of the proprietary coders
34 - water date integration is complete
35 - addition of color-coding to identify categories
36 - plans to work on water consumption reports by month, by year, by filtered category
37 - work on water loss reports with assistance of McClung
38 - wants to create a master list of city activities done on an annual basis, such as sending
39 out business license renewals in November. Frye noted scheduling program exists.
40 - new web developer will begin at the end of the month.

41
42 Meeting was adjourned at 5:00pm.

43
44
45 _____
46 Gerald F. Stanley, Mayor

Date

47 Attest:

48
49 _____
50 Joan Davies, City Manager

COUNCIL GOALS WITH SHEPHERDING TASKS - 2017

DATED 03-01-17

Page 1	GOAL: Provide for the effective governance of the City of Yachats			
	OBJECTIVES	TEAM ASSIGNED	SHEPHERD	PROGRESS
1	City management of State Park facilities: Yachats State Park, Smelt Sands, Yachats Ocean Road, 804 Trail		J Tooke	May/June 2016, Mayor Brean discussed with State Parks Regional Director
2	Appropriate uses for Visitor Amenities Funds (public arts/facilities/marketing)		G Stanley	Agreed to pay Visitors Center \$20,000 to fund Events Director position
3	Housing development for all levels; incentives	Glenn/Stamley	M Glenn	Comp Plan Goals J and K
4	Diversify revenue opportunities: grant writing, utility fees, franchise fees, street fees. Coord w/Finance Com		J Tooke	June 2016, Brean suggested part of water and sewer fees go to streets fund
5	Continue development of emergency planning and resilience preparedness		M Glenn	May/June 2016, worked with EP on quake/tsunami drill 6/10
6	Communicating programs/activities/policies/topics/processes to citizens		M Glenn	
7	Library Commission strategic plan, including operations/location/funding/bequest		B Frye	Commission meeting more often than just quarterly
	GOAL: Improve administrative processes to maintain and surpass previous high standards			
8	Database and IT capabilities development		G Scott	Ongoing data integration
9	Develop/implement satisfaction survey		G Scott	Prepared for January distribution
10	Marketing committee leadership		G Stanley	Currently working on 50/100 anniversary
	GOAL: Improve City infrastructure			
11	Increase parking in core business area		B Frye	May 2016, need adjoining lot access

Page 2	OBJECTIVES	TEAM ASSIGNED	SHEPHERD	PROGRESS
12	South Reservoir project - construction oversight		J Tooke	Property purchased 12/31/16
13	Work with County to complete upgrade and repairs to Ocean View Drive and 804 Trail South		G Stanley	June 2016, Brean talked with State & County; archaeologist
14	South Gate creation and placement (city limits)		B Frye	Funding postponed, but could still be looking at placement and design
<i>Provide/facilitate opportunities for self-growth, education and participation in programs/projects to enhance quality of life</i>				
15	Health care services program for Yachats		B Frye	Sept. 2016, working with LCHC
16	Transportation options south to Florence		B Frye	Transit meeting Jan. 11, 2017
17	Formula business models ordinance		B Frye	Dec. 2016, referred to Council
18	Visual appeal of City; remove "blight"; facilitate the public display of art, especially kinetic		M Glenn	Planters/Portia statue obtained
19	Vacation rentals issue	All council	G Stanley	Multiple discussions, map made
<i>Foster "Seventh Generation" thinking</i>				
20	Encourage alternative energy projects Explore EIP wind energy project		G Scott	June 2016, Brean met with PUD re: EIP; preliminary plans reviewed
21	Raw water storage long-term development		J Tooke	Sept. 2016, IFA/Water Source met with
22	Dark Sky Community certification		G Scott	Referred from Planning Comm Dec. 2016
23	Wastewater bio-solids: work with other governments on more effective uses		J Tooke	Brean met with mayors from other cities
24	Banking services for the community		M Glenn	Dec. 2016 meeting with OCWCOG group

STANLEY: 2, 10, 13, 19; SCOTT: 8, 9, 20, 22; FRYE: 7, 11, 14, 15, 16, 17; GLENN: 3, 5, 6, 18, 24; TOOKE: 1, 4, 12, 21, 23



OREGON OFFICE OF EMERGENCY MANAGEMENT

Solar Eclipse DATE: August 21, 2017

Background

The 2017 eclipse will be the first total solar eclipse in the continental U.S. in 38 years. A partial eclipse can be seen anywhere in the United States; however, the path of totality (where the moon will block view of the sun completely) stretches across Oregon and will attract viewers from around the globe due to typically optimal conditions for viewing in August (e.g. dry weather, clear skies, limited light pollution).

Location

- The 60-mile wide eclipse path of totality will impact a 337.8 mile distance across the state of Oregon, and continue eastward along a path across the United States.
- The path of totality will cross the following counties: Baker, Benton, Clackamas, Crook, Deschutes, Grant, Lincoln, Linn, Jefferson, Malheur, Marion, Polk, Tillamook, Wasco, Wheeler, and Yamhill.
- The entirety of the eclipse is expected to last from 9:00AM until 11:30AM PDT.

Potential Impacts

- Estimates for the number of visitors are forthcoming but locations along the path of totality may experience sudden mass gatherings associated with the event – some in remote areas.
- Increases in traffic, and a strain on public safety services may occur.

Oregon OEM Involvement

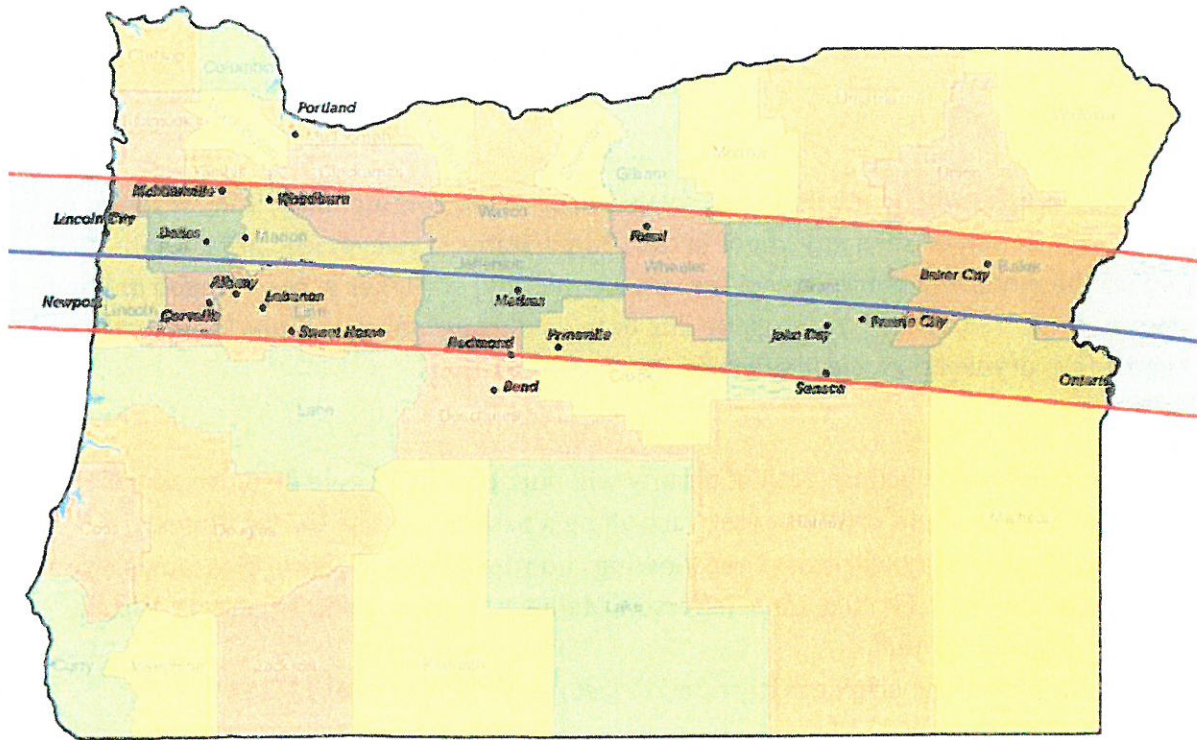
Oregon OEM is in the process of coordinating the planning phase for the State and will provide planning assistance to local jurisdictions as requested. State partners thus far include ODOT, OPRD, OHA, OMD, Travel Oregon, and the Governor's Office.

For more information, contact:

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Path of Totality in Oregon





EiP Technologies Backgrounder for the City of Yachats

Brad Burkle, CEO

12-22-16

EiP Technologies Inc. Overview

EiP Technologies, a startup headquartered in Yachats OR, provides clean, reliable power to local communities. There are two key problems we address. First, we enable energy from the wind to be harnessed safely right on urban roofscapes where power is consumed. This is possible through our patented EiP (Electronic Inertial Power) technology. Urban roofscapes are an untapped new market for wind energy. Previous wind power technologies have either served very small applications like sailboats, or very large applications like multi-MW wind farms with their associated high side-car power plant, installation, and transmission costs.

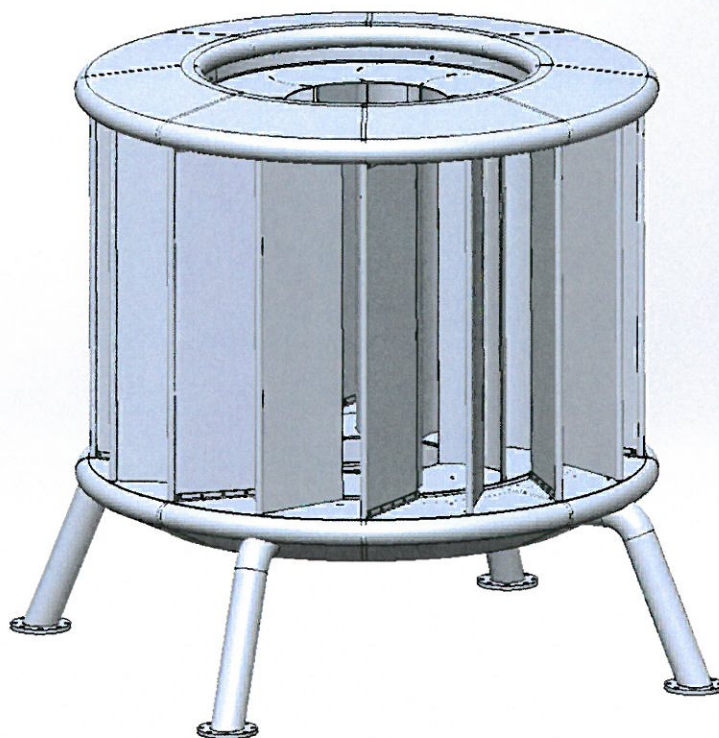
The second problem we address is storage. EiP machines rapidly absorb energy from wind and solar as increased wind rotor (heavy flywheel) inertia. Two or more EiP machines become a storage device, with one shedding excess inertia while feeding the other, as storage time increases as more EiP machines join in. Total storage capacity is indicated by changes in rotor speed data shared around the network. As a result, EiP machines can be used in combination with solar panels to provide a much wider range of renewable coverage (wind + sun), plus storage through the electronic flywheel effect. Designers can now place solar panels in combination with EiP machines to service all loads at all times of the day. Battery storage can be significantly reduced or eliminated. A grid intertie exists only for use during peak loads.

Ideal applications include high rise office buildings, business campuses, data centers, and high density residential projects.

Our Technology

EiP Technologies has created a breakthrough invention for direct generation of urban rooftop wind power. Our unique wind turbine is a stationary cylindrical structure 8 feet wide and 6 feet tall that sits on four legs about three feet above the roof, with fixed vertical blades that concentrate wind of any speed and direction, including gusts and turbulence, toward internal wind blades rotating around a vertical axis. The center of the machine is hollow, which allows turbulence from wind power conversion to exit top and bottom while intensifying straight-line wind that drives rotor blades on inflow and outflow. The rotor is bird safe and quiet, since it never moves faster than the wind. The rotor is a single moving part that converts wind energy directly to electricity. Developed right in the middle of one of

the windiest places in the world, our machine is self-regulating in high winds, which allows continued power production during conditions where all other wind machines fail. EiP technology combines permanent magnets, generator coils, and electronics in a modular patented way to extract full power from a heavy low speed rotor. EiP wind machines also provide power regulation and storage, replacing the need for batteries when used in a microgrid with solar panels and other renewables. Our rotor provides a flywheel storage effect from high inertia to provide steady power output without batteries. EiP technology defines a way to network many wind machines and solar roofs to create urban energy farms that satisfy the needs of the local power grid. See www.eiptechnologies.com for more details.

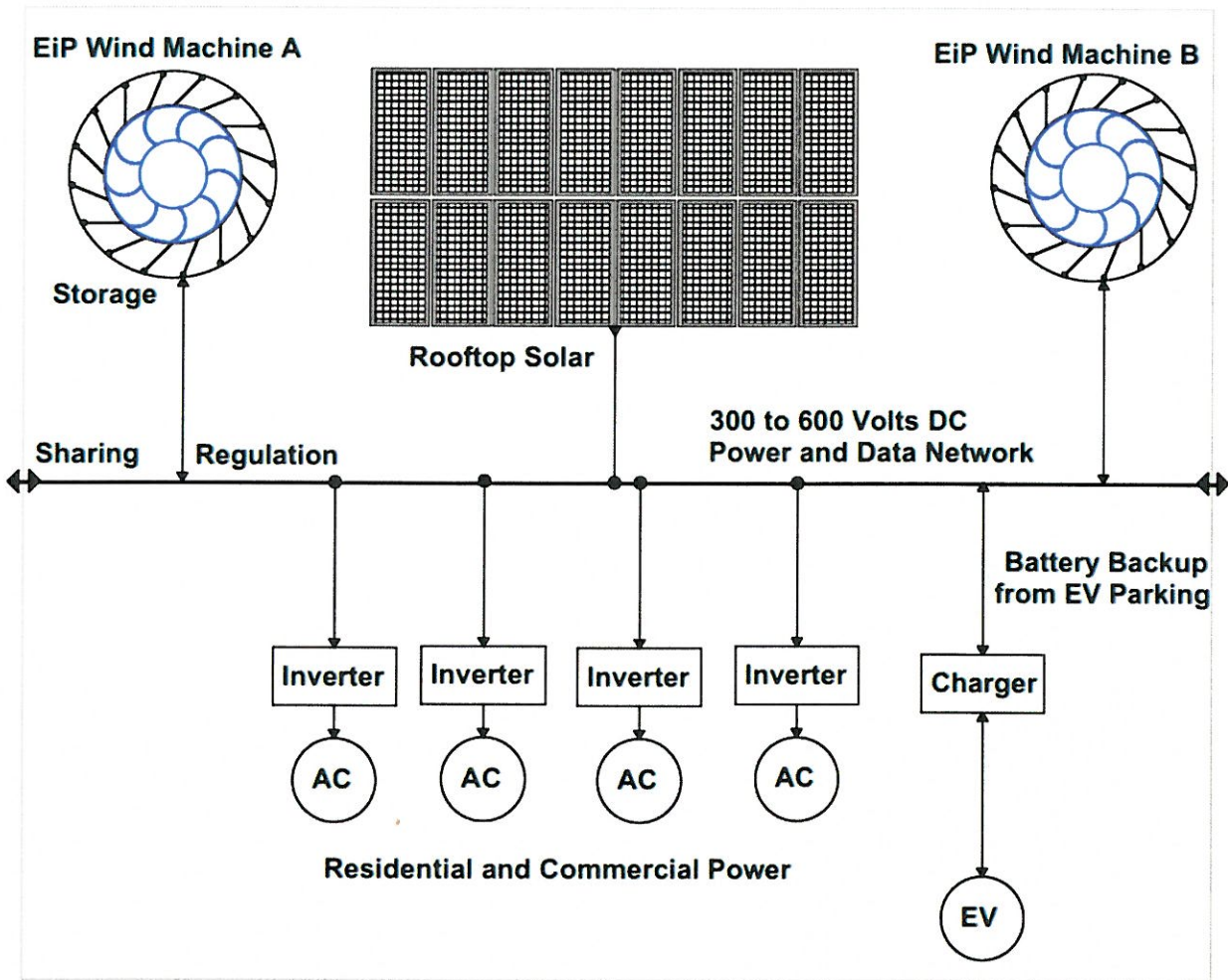


Power Generation from the Wind: Our vertical-axis wind turbine (VAWT) design is ideal for high power production on urban roofscapes. Historically VAWT designs have not been able to spin fast enough to draw enough power to be economically viable. We have solved this problem with our super-efficient industrial motoring technology that allows magnetic flux to do the work rather than a driveshaft. We have 60 patent claims in our filing through our patent firm Perkins Coie. Our machines have been tested in wind speeds up to 90 mph with no breaking or furling required. Our wind curve (representing available energy across a range of wind speeds) starts at 8 kW continuous idling power when no wind is present. Any gust will be instantaneously converted into additional power, and sustained winds above

20 mph increase power exponentially. All of these features are unheard of in wind machine design. We have yet to discover an upper power limit in high winds. Unlike large turbines, EiP wind machines produce power in turbulent and gusty winds that are the norm in cities. EiP machines are very reliable with only one moving part. No tower is required when placed on rooftops. Output per machine is 50-100 KW. Since we are powering local loads, all of the power is consumed with no transmission loss. Each machine weighs about 2000 lbs., which most commercial rooftops will support.

Storage: In addition to producing power from the wind, EiP wind machines also regulate and store power extremely efficiently. We have added a large mass to the one internal rotating part, to create an electronic-mechanical flywheel storage device. Our patented electronics use a small trickle of power to build up a large amount of kinetic energy in the flywheel, which provides an added source of energy to create the EiP oscillation, which maintains rotor speed regardless of wind and load. This is the heart of 'Electronic Inertial Power' technology. Machines can be powered up from the wind, solar panels, or a trickle from the grid to reach EiP oscillation. Once oscillating, machines will maintain the flywheel rotation indefinitely, powered by all of the energies present in the system, from wind, inertia, and load changes. As a disaster recovery measure a 2-hp motor drive would power the oscillation during any major catastrophe. Any power added to the system, say from wind or solar, serves to increase total storage capacity. EiP machines used in clusters will replace the need for battery arrays currently being considered to back up solar and other renewables, with no toxic waste, fire hazard, or maintenance requirements. Radically different from batteries, our storage capacity increases instantaneously as wind gusts or any other power load hits. The fact that storage capability comes 'included' in each machine solves the local storage problem and creates a great partnership between EiP wind machines and solar panel technologies.

Microgrid Design: EiP wind machines can be networked together in microgrids for increased performance. In a network of 4 or more machines, placed on urban roofscapes, power and storage can be shared between different buildings. Solar panels can be built into the design to optimize power regulation, generation, and storage for the given local wind/solar characteristics. For instance, a different mix of solar panels and EiP wind machines would be optimal for Arizona versus Oregon. In Arizona, EiP wind machines would be primarily storing power from solar panels during peak generation times, while in Oregon a larger percentage of EiP wind machines would be used for generation in combination with storage. All excess energy produced during peak times can be stored to drive local loads at a later time. Since our machines provide energy production, storage, and disaster recovery, a true microgrid is created where all base loads can be serviced without reliance on an outside power company. Using EiP technology, customers can truly operate under a '21st Century Grid' model, un-reliant on sidecar power plants provided by large power companies. Individual microgrids can connect with the larger grid as needed only for servicing peak loads. Note that the local power company benefits from this as well, as they will have a more predictable service model and ultimately be able to avoid building sidecar power plants necessary to back up typical renewable projects like today's large windfarms. This is truly the way to reduce our planet's carbon power footprint. For those interested in a deeper study on this we have produced a white paper titled "The 21st Century Power Grid".



Installation & Maintenance

Installation can be easily performed by a 3rd party contractor using a crane to mount a preconfigured EiP machine on the roofscape. Tremendous cost savings are realized when installing EiP wind machines in comparison with other types of wind machines. There is no tower, since the roof provides the same height benefits. There is no land purchase required. There are no long power lines to carry energy with loss from the wind site to the loads. And there are no sidcar power plants required (for large wind farms) or toxic batteries (for solar arrays).

Maintenance costs will be low, as there is only one moving part, the internal rotor, supported by bearings and magnets. Machines are fabricated from stainless steel plus aluminum and powder coated, to survive marine conditions on the Oregon coast. Each EiP machine uses many bearings instead of one central bearing. Bearings are field replaceable. In two years of marine conditions no bearing failures have occurred in our prototype. The weight of the machine is about 2000 lbs, which virtually all commercial rooftops structurally support. There is minimal vibration. UL compliance or grid intertie is achieved using a standard off the shelf inverter.

Business Focus and Vision

Target markets include 'urban community wind power' and high-power users such as office towers, condo complexes, datacenters, and office campuses. Our hope is to enable local community leaders to manage their own power needs with renewable resources. Our part is as an equipment provider to this new economy. Our customers will be the System Integrators, local utilities, and developers who service these markets.

To date we have remained self-funded. Our initial manufacturing partner facility is within the greater Portland OR metro. All custom electronics and materials are developed/sourced in the Portland metro as well. Final assembly is currently in Yachats. Our process is transportable, so that we can set up future manufacturing in other geographies as demand grows, such as Hawaii or New York, to help create local jobs and reduce our carbon transportation footprint. Our executive team is committed to the long term benefits of reducing carbon and investing at the local level.

Our Team

Steve Burkle is inventor and CTO of EiP Technologies. Steve is a scientist who has lived off grid for many years in Yachats OR. Steve's brother Brad is CEO. Brad has a long career in executive management within high-technology start-ups. Both of their bios are available on our website;
<http://eiptechnologies.com/about/>.

Company History

EiP Technologies is a self-funded start-up based in Yachats OR. We formed the company in 2009, at which time we began R&D and prototyping. In 2014 we filed our provisional patents through Perkins Coie. We have 60 patent claims in our filings.

We conducted a launch event in Newport OR during the summer of 2014 which was well represented by local business leaders, government leaders, and reporters. See
http://www.newportnewstimes.com/v2_news_articles.php?heading=0&story_id=45071&page=86.

In the fall of 2015, we participated in VERGE, and won the start-up accelerate competition;
<http://www.greenbiz.com/article/startups-vie-win-verge-accelerate>.

In 2016, we sold our first production machine to the Yachats Brewing Company, which has been extensively tested in our lab and will be installed on their rooftop in early 2017. We have virtually no debt, and we broke even on our first production customer machine. We expect to make money on subsequent EiP wind machine sales.

City of Yachats Microgrid Project

EiP Technologies is interested in collaborating with the City of Yachats to set up the one of the world's first (or THE first depending on timing) microgrid demonstration projects. This involves interconnecting 4 EiP machines in a microgrid. The first unit has already been financed and is ready for placement upon

the Yachats Brewing Company rooftop when street construction has been completed. This unit will service power requirements for the Yachats Brewing Company. A second unit will be placed at the sewer plant, and a third at either the sewer plant or Commons building. These 2nd and 3rd units will service power requirements for the City of Yachats. A fourth unit will be placed at EiP's headquarters building. This unit will provide enhanced performance for the City of Yachats and Yachats Brewing Company units, plus act as a test bed to optimize the network software architecture.

We are currently exploring financing options for the 2nd, 3rd, and 4th machines, to help minimize cost to the City of Yachats. We will commit to build each 50kW machine at a cost of \$75k per machine, for arrangements made up until June 30, 2017. This price is near our manufacturing cost; normal retail pricing will start at \$125k.

EiP machines will be delivered fully assembled to the City of Yachats. Additional costs to the city would include placement of power lines between City facilities where a machine is placed, and across the highway to the Yachats Brewing Company. Additional costs will include transportation from Northwest Technologies (our manufacturing partner) in Portland, placement of each unit on the roofscape via crane, and architectural review if required, and simple connection of each EiP machine to building power panel and via inverter to the grid. In early 2016, PECL, headed by local resident Jesse Reeder, prepared a document to the City of Yachats which covered the financial investment of the entire project.

We will train Nathan's crew at the Farm Store who will be available to arrange with the City to provide maintenance support.

In addition to the benefits of power self-sufficiency and disaster preparedness, the City of Yachats will find itself in a world-spotlight for green energy and microgrids. Depending on how quickly this project begins, you may be the first demonstration of a true microgrid, with integrated power generation, clean storage, and disaster recovery. EiP will feature this project on our website and at industry events, with live web feeds and performance data. We literally have large companies, system integrators, and developers around the world cued up to study results. The City of Yachats project may become a center of study for the most novel developments in microgrid and green energy design going on today!

Position 5 Director, 4-year term		
Siletz Keys Sanitary District		
Position 1 Director, 4-year term		
Position 2 Director, 4-year term		
Position 3 Director, 4-year term		
Proposed Southwest Lincoln County Water People's Utility District		
5 Directors, Terms to be Determined, 5 Open Positions		
Proposed Greater Toledo Pool Recreation District		
5 Directors, Terms to be Determined, 5 Open Positions		

LOCAL MEASURES

Measure 21-177 – Lincoln County – Prohibits aerial pesticide spraying and creates rights of local citizens.

QUESTION:

Should voters enact ordinance prohibiting corporations from aerial spraying of pesticides and create rights to natural communities and ecosystems?

SUMMARY:

Enactment of measure establishes local rights: Right to be Free from Toxic Trespass; Right to Clean Air, Water and Soil; Right to Rural Preservation; Right of Local Community Self-Government. Rights established are self-executing. Measure also provides that governmental systems destructive to the rights of the community are not legitimate, lawful or constitutional.

Measure makes it unlawful for any "corporation" to "engage in aerial spraying of pesticides" as defined within measure, or to otherwise violate any enumerated rights. Measure invalidates any permits issued by state or federal entity that violate any enumerated rights. Measure provides that state and federal laws apply only to extent they are not in violation of ordinance.

Measure authorizes direct action by person if county or courts fail to enforce law. Corporations that violate ordinance are not "persons" and are prohibited from asserting state or federal law preemption. Measure establishes strict liability for damages to residents and ecosystems caused by aerial spraying.

Measure repeals inconsistent provisions of County Code and pre-empts state and federal law inconsistent with rights or prohibitions of measure.

FREEDOM FROM AERIALY SPRAYED PESTICIDES OF LINCOLN COUNTY

Section 1 – Purpose

At a time when the rights of corporations are being protected at the expense of the people's rights, we must reaffirm what the Oregon Constitution guarantees: "that all [people], when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper."

We assert that our right of local community self-government to claim and protect our constitutionally-guaranteed right to safety is inherent, fundamental, and inalienable, and that – as the United States Declaration of Independence proclaimed – governments derive their just powers from the consent of the governed.

The practice of aerial spraying of pesticides on Lincoln County's forests is causing serious chemical contamination of our county's air, people, wildlife, ecosystems, and watersheds, as well as terminal degradation of our soil. A large number of pesticides being used, among them 2,4-D, glyphosate (Roundup), and atrazine, have been proven harmful to both humans and the environment.

It is important to note that only a small fraction of the approximately 12,000 pesticides registered for use in Oregon, including those being used in aerial spraying, have ever been tested for safety. None have been tested for the effects of repeated exposure over time, or for the effects of their routine application in combination with other pesticides and chemicals.

Lincoln County's most populated communities are located at the base of our life-giving watersheds. However, clear-cut logging operations and the aerial spraying of pesticides before and after replanting are taking place upstream in those watersheds, exposing people, ecosystems, and natural communities to chemical contamination.

Current laws and regulations permit and protect the practice of aerial spraying of pesticides, threaten our public health, violate our constitutionally-guaranteed right to safety, and interfere with our right of local community self-government. The risks from toxic trespass from aerial spraying of pesticides, due to the failure of our federal, state, and local governments to protect us, are therefore no longer acceptable.

Our fundamental right to clean air, water, and soil not contaminated by aerial spraying of pesticides cannot be achieved when that right is routinely overridden by corporate minorities claiming legal powers to engage in that contamination. Nor can sustainability of any kind be achieved within a system of preemption which enables corporate decision-makers to wield state governmental power to override local self-government, and when the state itself restricts the county's lawmaking powers in ways that prevent the people of the county from protecting the health, safety and welfare of people and natural communities from such harms as aerial spraying of pesticides.

The people of Lincoln County believe that aerial spraying of pesticides is not necessary, because the task of eliminating weeds and competing vegetation after tree planting can also be accomplished by manual action, without the use of any pesticides, however applied, without contaminating the environment, and without endangering the safety of all life in it, while at the same time creating many direly needed jobs for our community. Increasingly mechanized logging, including the practice of aerial spraying of pesticides, utilized by

corporations extraneous to our communities, no longer makes any sizable contribution to our local economy, but nevertheless is now carried out by these corporations that wield tremendous power over decision-making in our county.

Now, therefore, the people of Lincoln County hereby adopt this Ordinance, which shall be known and may be cited as the “Freedom from Aerially Sprayed Pesticides Ordinance of Lincoln County”

Section 2 – Definitions

(a) “Corporations,” for purposes of this Ordinance, includes any corporation, limited partnership, limited liability partnership, business trust, public benefit corporation, business entity, or limited liability company organized under the laws of any state of the United States or under the laws of any country. The term includes all public corporations, municipal corporations, state and federal agencies, and any state and federal entity.

(b) “Ecosystems” means wetlands, streams, rivers, aquifers, and other water systems, as well as all naturally occurring habitats that sustain wildlife, people, flora and fauna, soil-dwelling or aquatic organisms.

(c) “Engage in aerial spraying of pesticides” means the physical deposition of pesticides into the land, water, or air by any aerial method, including, but not limited to, all actions taken to prepare for that physical deposition.

(d) “Natural Communities” means communities of wildlife, flora, fauna, soil-dwelling, aerial, and aquatic organisms, as well as humans and human communities that have established sustainable interdependencies within a proliferating and diverse matrix of organisms, within a natural ecosystem.

(e) “Pesticides” means any synthetic chemicals, or synthetic chemical mixtures, that can be classified as algacides, avicides, bactericides, fungicides, herbicides, insecticides, miticides, acaricides, molluscicides, nematocides, rodenticides, or virucides, and shall include, but not be limited to, restricted and non-restricted pesticides used to destroy plant, fungal, and/or animal ‘pests’.

Section 3 - Statements of Law – Freedom from Aerially Sprayed Pesticides Bill of Rights

(a) Right to be Free from Toxic Trespass. All people of Lincoln County, along with natural communities and ecosystems within the County, possess the right to be free of aerially sprayed pesticides.

(b) Right to Clean Air, Water, and Soil. All people of Lincoln County possess the right to clean air, water, and soil free of aerially sprayed pesticides; and that right shall include the right to be free from potential contamination of the air, water, and soil within the County from aerially sprayed pesticides.

(c) Right to Rural Preservation. All people of Lincoln County possess a right to an unspoiled rural quality of life free of aerially sprayed pesticides. The right to an unspoiled rural quality of life free of aerially sprayed pesticides includes, but is not limited to, outdoor recreational activities such as hunting, fishing, and foraging.

(e) Governmental Legitimacy. To the extent necessary to secure this Ordinance, all governments in the United States owe their existence to the people of the community that those governments serve, and governments exist to secure and protect the rights of the people and those communities; and further, any system of government that becomes destructive of those ends is not legitimate, lawful, or constitutional.

(f) Right of Local Community Self-Government. For the limited purpose of securing Lincoln County to be free of aerially sprayed pesticides, the people of Lincoln County possess both a collective and individual right of self-government in their local community, a right to a system of government that embodies that right, and the right to a system of government that protects and secures their human, civil, and collective rights.

(g) Right to Assert the Right of Self-Government. The people of Lincoln County possess the right to use their local government to enact this Ordinance that secures Lincoln County to be free of aerially sprayed pesticides, and the making and enforcement of this Ordinance by the people through a municipal corporation or any other institution shall not eliminate, limit, or reduce their sovereign right of local community self-government as stated in subsection 3(f).

(h) Rights as Self-Executing. All rights delineated and secured by this Ordinance are inherent, fundamental, and unalienable, and shall be self-executing and enforceable against both private and public actors.

Section 4 – Statements of Law – Prohibitions Necessary to Secure the Bill of Rights

(a) It shall be unlawful for any corporation to violate any right secured by this Ordinance.

(b) It shall be unlawful for any corporation to engage in aerial spraying of pesticides within Lincoln County.

(c) Corporations engaged in aerial spraying of pesticides in any municipality or designated jurisdiction adjacent to Lincoln County shall be strictly liable for damages caused by those pesticides to the residents and ecosystems within Lincoln County.

(d) No permit, license, privilege, charter, or other authority issued by any State or federal entity that would violate the rights of this Ordinance, shall be deemed valid within Lincoln County.

Section 5 – Enforcement

(a) Any corporation that violates any provision of this Ordinance shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and violation of each section of this Ordinance, shall count as a separate violation.

(b) Lincoln County or any resident of Lincoln County, may enforce the rights and prohibitions of this Ordinance through an action brought in any court possessing jurisdiction over activities occurring within Lincoln County. In such an action, Lincoln County or the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(c) Any action brought by either a resident of Lincoln County or by Lincoln County to enforce or defend the rights of ecosystems or natural communities secured by this Ordinance shall bring that action in the name of the ecosystem or natural community in a court possessing jurisdiction over activities occurring within Lincoln County. Damages shall be measured by the cost of restoring the ecosystem or natural community to its state before the injury, and shall be paid to Lincoln County to be used exclusively for the full and complete restoration of the ecosystem or natural community.

(d) If the County Government fails to enforce or defend this law, or a court fails to uphold this law's limitations on corporate power, this law shall not be affected by the failure to enforce or defend, or by the failure to uphold the limitations on corporate power, and any person may then enforce the rights and prohibitions of this law

through direct action. If enforcement through direct action is commenced, this law shall prohibit any private or public actor from filing a civil or criminal action against those participating in direct action. If filed in violation of this provision, the applicable court must dismiss the action promptly, without further filings being required of direct action participants. "Direct action" as used by this provision shall mean any activities or actions carried out to directly enforce the rights and prohibitions contained within this law."

Section 6 – Enforcement – Corporate Powers

(a) Corporations that violate this Ordinance, or seek to violate this Ordinance, shall not be deemed to be "persons" to the extent that such treatment would interfere with the rights or prohibitions enumerated by this Ordinance, nor shall corporations possess any other legal rights, privileges, powers, or protections that would interfere with the rights or prohibitions enumerated by this Ordinance. "Rights, privileges, powers, or protections" shall include the power to assert state or federal preemptive laws in an attempt to overturn this Ordinance, and the power to assert that the people of this municipality lack the authority to adopt this Ordinance.

(b) Corporate claims to "future lost profits" shall not be considered property interests under this Ordinance, and thus, shall not be recoverable by corporations seeking those damages.

(c) All laws adopted by the legislature of the State of Oregon, rules adopted by any State agency, laws adopted by the United States Congress, and rules adopted by any federal or international agency, shall be the law of Lincoln County only to the extent that they do not violate the rights or prohibitions of this Ordinance.

Section 7—Severability

The provisions of this Ordinance are severable. If any court decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance.

Section 8 - Repealer

All inconsistent provisions of prior Ordinances adopted by Lincoln County are hereby repealed, but only to the extent necessary to remedy the inconsistency.

Section 9 - Effect

This Ordinance shall take effect thirty (30) days after adoption.

Dec. 8, 2016

Yachats City Council

Please endorse Measure 21-177
which bans aerial pesticides
spraying.

I am a resident of Yachats
and strongly support this
measure.

Thank you,

Foranue Hills

PO Box 4

Yachats, OR 97498

TO: YACHATS CITY COUNCIL

FROM: EVANS/BETZ ACQUISITION COMMITTEE

RE: ACQUISITION UPDATE

- The City of Yachats has been offered a unique opportunity to acquire 34 acres of wooded property from willing sellers Mike Evans and Geri Betz.
- The property consists of three parcels, all adjoining the Yachats estuary: approximately 25 acres on the south side of the river across from Quiet Water; a smaller parcel (approximately five acres) with a cabin on the west side of the property which has an easement that would provide access to the larger parcel; and 3+ acres on the north side of the river, just below the Yachats River Road, which could be the site of an exceptionally attractive city park.
- The first two parcels are within city limits and are zoned for development. The parcel on the north side of the river is zoned Rural Residential (RR) and is outside the city limits, but could also be developed.
- The county has already made a commitment to this project by funding, through the Lincoln Land Legacy program, two separate appraisals of the property which is valued at \$1.355M, reflecting its development potential of as many as 30 units.
- The owners are willing to negotiate a sales contract without obligation or earnest money to facilitate fundraising efforts. They are also willing to gift the parcel on the north side of the river (\$175,000), and further reduce the price by \$30,000 for a total contribution of \$205,000, making the total asking price \$1,150,000.
- Possible uses for the property include low-impact recreation, conservation of environmental values, and possible infrastructure development capable of providing the city with long-term water security.
- The City is the most logical owner of this property, with a conservation easement held by View the Future to protect the values of the property. (Determined in cooperation with the City.)
- If the city is unable to purchase the property outright, it will be necessary to obtain funding.
- Funding sources include but are not limited to the Trust for Public Land, The Nature Conservancy, The Conservation Fund, McKenzie River Trust, Wetlands Conservancy, Oregon Watersheds Enhancement Board (salmon recovery), Oregon Parks & Recreation, and some Federal programs, or a consortium of any of the above. A possible option is for an organization such as The Conservation Fund, The Nature Conservancy, Trust for Public Land and/or others to purchase the property and then sell it back to the city according to an agreed-upon “take-out” plan.
- Expands recreational opportunities for residents; provides attractive activities for visitors; provides inland recreation out of the wind; protects wetlands and riparian habitat for migrating fish; protects the Yachats viewshed; and opens up potential for infrastructure development to secure adequate water supply.

As John Purcell, a member of the acquisition committee wrote, purchase of this property is an opportunity for “all to participate in the dance of life, a thread that links the Gem of the Oregon Coast with the vastness of the Pacific Ocean.” Let’s open our hearts to the dream!

If you owned and managed a business that was injuring your neighbors' health, would you be morally obligated to change your business practices? Aerial pesticide spraying is difficult to control and has often proven to have unintended consequences on people, wildlife, and water supplies. When there are economically reasonable and healthier alternatives for forest management, why choose to use the most hazardous? It is because aerial spraying is cost-effective for timber businesses. Yet, for the good of people and the environment, the Siuslaw National Forest and Oregon Department of Transportation have limited or curtailed the use herbicides and pesticides in public forest and on highway 101 south of Newport to Yachats.

Viable alternatives exist. According to scientific research by USDA Forest Service (PNW-RP-500 September 1999), hand cutting forest brush is more effective. The measure does not limit applications by hand backpack spraying. Manual release eliminates the possibility of overspray and keeps pesticide residues out of our downstream water supplies. Ultimately, aerial spraying is about short-term profit for the timber businesses without regard to the long-term expenses of degraded health and waterways to us, the residents of our communities.

The forest communities of Triangle Lake, Rockaway Beach, Gold Beach, and others have suffered from pesticide drift resulting from aerial pesticide spraying. Presently, there are recently clear-cut forests above the water supplies of Newport and Yachats that are threatened with the prospect of aerial pesticide spraying.

Forest practices and pesticide regulations in our state must change as there is clear evidence of their harmful effects. For many years, attempts at revising our state's forestry regulations have failed, largely due to corporate influence. With ballot measure 21-177, Lincoln County communities are stepping up with a reasonable ban on aerial pesticide spraying to help assure our rights to peace, safety, and happiness as enumerated in the Oregon state constitution.

Please vote yes on 21-177.

Joanne Kittel
Chair, View the Future
Yachats