YACHATS CITY COUNCIL
January 9, 2017

Minutes

Council President Greg Scott called the January 9, 2017 regular meeting of the Yachats City Council to order at 9:30am in Room 1 of the Yachats Commons. Members present: Mayor Gerald Stanley, Greg Scott, Barbara Frye, Jim Tooke, and Max Glenn. Staff present: City Manager Joan Davies, Water Department Lead Rick McClung, Wastewater Department Lead David Buckwald, and Facilities Manager Leon Sterner. Audience: 15

I. Oath of Office for Mayor Stanley and Councilors Glenn and Tooke

President Scott turned meeting over to City Manager Davies who then administered the Oath to Office to newly elected Mayor Stanley, re-elected Commissioner Glenn, and newly elected Commissioner Tooke.

Scott turned meeting over to Mayor Stanley.

Mayor Stanley commented on transitioning to his new role. He noted recent events that show the energy and character of Yachats: Creight Horton talk sponsored by the Yachats Arts and Sciences committee and a gathering of over 100 people to discuss Standing Rock issues where at least 10 local musicians performed.

Mayor Stanley reviewed the purpose of City Council Work Session:

A. Preparation for Council meeting
B. Public input: Mayor Stanley asked that speakers state name when making comments
C. Opportunity for councilors to discuss amongst themselves ideas and options, noting decisions are not made during work sessions (Commissioner Frye)
D. Time for staff and the public to provide general input to the Council, different from the Regular Meeting where input is limited to agenda items (Commissioner Glenn)

Regarding Oregon Public Meeting law:

A. Mayor Stanley noted Councilors cannot conduct discussions via email.
B. Mayor Stanley added said laws also stipulate that a quorum of councilors (three) may not discuss city business as a group outside of the work session and regular meeting.
C. Glenn reminded Councilors they cannot represent the “voice” of the Council or City outside of meetings.

Other Announcements:

Lincoln County Transit System is holding a meeting at 5:30pm Wednesday night to discuss changes to the bus system.

II. Discuss: Council President – nomination and discussion

Mayor Stanley asked for clarification on nomination process of the council president. Manager Davies stated nominations and vote are done at the regular meeting. Scott suggested they have a discussion about responsibilities of council president and stated his role as past council president was mostly to conduct meetings in the Mayor’s absence. Scott would like to see a president with previous government experience and would like for the Mayor and council president to communicate in more detail the status of ongoing affairs.

In discussion, councilors identified that the council president:

A. Represents the city in the Mayor's absence and at the request of the Mayor (Glenn).
B. Has authorization to sign for the Mayor (Scott)
C. Reviews the monthly accounts payable (Scott)
D. Has specific duties in emergencies per roles defined by the Emergency Planning Commission (Scott)

Frye noted the recent change in city structure from the Mayor acting as city administrator to the creation of the City Manager position and noted that change presented formidable shifts of responsibility. She asked for clarification on how those changes would affect the role of council president. Scott replied that he has maintained a high level of interaction with Manager Davies, in part due to his volunteer role as Information Technology Manager for the City. Scott cited his development of a business license system and a tax reporting system as examples of his interactions with city staff. Frye wanted additional clarification on changes specific to the role of the President.

Manager Davies noted her increased interaction with Scott is helpful for her job as she can get input from one Council representative rather than having to contact all five members.

Frye stated she saw Scott's interactions with staff to be driven more from his multiple roles and skill set than from his being president. Mayor Stanley presented his vision of a council president who has a larger role than other councilors beyond any special skills they possess.

Mayor Stanley asked if any councilors would be willing to serve as president. Scott stated he would be willing. Glenn stated his intent to nominate Scott at the next regular meeting.

Frye would like to see a rule on how communications between councilors, the Mayor, and the City Manager are to be made, citing past frustrations in trying to reach staff outside of meetings. She suggested councilors:

A. Notify Manager Davies when they are going out of town
B. Increase usage of text messaging
C. Require people reply within a specific time period to requests for assistance

Davies requested that councilors keep her informed of times when they will be out of town or unavailable.

III. Discuss: Resolution 2017-01-01 Setting Recreational Marijuana Tax Rate, Discuss: Resolution 2017-01-02 DOR IGA for Collecting Rec Marijuana Taxes, and Discuss: Ordinance 346 Amending MJ Tax Ordinance 345 (following election)

Davies reported there are two resolutions and an amendment that establish a procedure for the Oregon Department of Revenue to collect the marijuana tax from retailers and disburse the proper amount to the City.

Responding to a query from Glenn, Davies reported no one has applied for a marijuana license in Yachats at this time.

IV. Discuss: Council work sessions and full meetings days and times

Davies reported her statewide survey on council meetings resulted in 35 responses. She noted the difficulties for the staff to get the required work done in the span from the Monday work session to the Thursday regular meeting and the issue of collapsing billing activities into one week. Davies proposed to:

A. Make work session and regular meeting two weeks apart, citing 17 of 35 cities having work sessions only as needed and only 7 of 35 having scheduled work sessions each month. Davies noted Councilors could still discuss topics at regular meeting.

B. Have one of two meetings after 5:00pm to accommodate working constituents, citing 16 cities having meetings at 7:00pm and 10 having meetings at 6pm.

Mayor Stanley asked each Councilor make a short statement on Manager Davies' suggestions before there is general discussion.

A. Glenn reported he saw value in two meetings per month, preferring one in the morning and one in the evening, and noted restraint on councilors for travel of longer than two weeks.

B. Tooke respected Davies' concerns and was favorable to having meetings a week apart.

C. Scott noted meetings two weeks apart guaranteed he will miss meetings two or three times each year. He argued residents do not like going out at night and business people only go when the agenda has issues relevant to their business. He suggested the first monthly meeting be a combination of work session and formal meeting to broaden the council's ability to make timely decisions.

D. Frye fully supported the need to resolve workload issues and reported frustration in getting materials at the last minute. She values the protective time in work sessions to discuss issues without public interruption. She believed the council is obligated to make meetings accessible and supports evening meetings.

In general discussion, Scott suggested at least one meeting should take constituent concerns at the beginning so speakers will not have to sit through entire meeting. Glenn favored a combination meeting. Davies noted basic items could be legislated in a timelier manner with two formal meetings. Scott posed an argument against evening meetings because he believed local resident do not like to go out at night, and when there is a controversial topic on the agenda, the council could continue to have special evening meetings in the Multi-Purpose room.

To accommodate travel, Tooke suggested having meetings one week apart.

Frye stipulated that new meeting schedule continue for a year so have time to learn of the new structure.

Scott suggested the council conduct a survey of area residents to assess interest in an evening meeting. Glenn asked if there were a survey to ask a question not only about preferences for evening meeting but their likelihood of attending such meeting.

Mayor Stanley summarized that the consensus is have the two meetings separated by a week and preferred the second and third Thursday of each month.

Mayor Stanley raised the issue of having coffee at meetings. Frye strongly supported coffee at meetings. Scott believed it's a poor use of staff resources. Tooke suggested people could bring their own coffee.

V. Discuss: Posting on City property of diversity sign; sanctuary type actions

Mayor Stanley believed these two issues should be discussed separately.

Posting of diversity sign. Davis reported two different people had given her a sign to post reading, "We welcome all races, all religions, all countries of origin, all sexual orientations, all genders. We stand with you. You are safe here." A Spanish translation is also given. The sign was created by the Diversity Coalition of Lincoln County. Max stated this is a group with Yachats representation. Frye and Glenn were all in favor of posting and could see no harm in posting. Scott did not agree with the Spanish portion and is not confortable with the lines, "We stand with you. You are safe here." Tooke believed diversity is covered in the City mission statement. Mayor Stanley was not in favor due to the limitations of the sign in covering all groups who fear discrimination, specifically pointing out the mentally ill, physically disabled, and homeless poor.

Davies clarified that the bulletin boards in the Commons are not "official," and she has eliminated the rule that postings need approval from city staff. Tooke asked if any councilors had an issue with an individual posting this sign on a community board in the Commons.

One audience member believed this sign contributed to the "split" that is happening in the country.

Davis noted that Yachats does not have a police department or jail and does not have any relationship with ICE. The city has no resources to offer sanctuary other than what is already being done. Scott added the sign implies the city can take action when it cannot. Davis cited a state law that says no law enforcement within Oregon would cooperate with ICE if the individual's only infraction is being here illegally. The city does not give out information of persons in their water database.

Frye explained she now agrees with those who are not in favor of this sign. While she remains strongly in favor of the sign as a show of solidarity, that type of demonstration is not appropriate for city government.

Mayor Stanley added that most counties in Oregon but only five cities have declared themselves to be a sanctuary area. He recommended that the city send a letter of affirmation to Lincoln County that Yachats supports their sanctuary status.

Scott remained concerned about setting expectations that cannot be met and could create legal liability. Glenn expressed concern that an email from the diversity group had already been sent stating that city council was planning to talk about the issue and the expectation was that the council would take action to stipulate Yachats is a sanctuary city. Tooke reported he did speak with the leader of the diversity group and said the sanctuary city issue was something the city might consider at a future council meeting but that he made no promise of that happening.

Scott believed the sanctuary issue did not fall under the purview of city government and was thus a "distraction." Mayor Stanley strongly disagreed with this comment stating this issue is a major concern in cities across America.

Davies will ascertain status of Lincoln City as a sanctuary city.

VI. Discuss: Housing development promotion and incentives

Davies noted Glenn is point person on housing plans. Glenn believed the existing goals in the comprehensive plan and the policies in place are sufficient to proceed with action. One is to accept property for affordable housing and another is to provide information to builders and developers. He identified the following guiding principles that a housing program:

A. Should not take a lot of staff time
B. Should have no adverse impact on current city finances
C. Should address broad needs without targeting specific groups

Glenn recommended the following actions:

A. Investigate possibility to be part of State Department of Land Conservation and Development pilot program on expanding affordable housing in urban growth boundaries. Glenn invited councilors to partake in a webinar to take place on Thursday at noon.
B. Request ways that Lincoln Community Land Trust could assist in affordable housing development such as down payment assistance to homebuyers through trusts or other fund pools. Proposals are underway in Lincoln City and Newport.
C. Establish affordable housing trust fund.
D. Refine our zoning code to allow for different densities to enable new methods of creating affordable housing such as tiny houses.

Scott noted state requirement on cities to have urban growth boundary, but Yachats is unique in that its urban growth boundary is the same as the city limits. Changing urban growth boundary would require citizen election.

Frye asked Glenn how his recommendation would be implemented. Glenn said he and Mayor Stanley would continue to gather information.

Frye noted that housing in Yachats is greatly impacted by Vacation Rentals and the council should revisit the Vacation Rental issue. She also asked that the council address the process of dealing with abandoned houses.

Due to time, Davies recommended the council address the Shepherding Goals before the Rules Handbook item.

VII. Discuss: Council Shepherding Goals – changes in assignments; reports

Mayor Stanley asked councilors to indicate their interest in the goals.

Tooke chose “Wastewater bio-solids: work with other governments on more effective uses” and “City management of State Park facilities: Yachats State Park, Smelt Sands, Yachats Ocean Road, 804 Trail.” McClung indicated he had experience and background with the wastewater topic.

Mayor Stanley chose “Appropriate uses for Visitor Amenities Funds (public arts/facilities/marketing).”

Tooke agreed to “Diversify revenue opportunities: grant writing, utility fees, franchise fees, street fees”

Scott suggested removing “Develop/implement satisfaction survey” from the list because the project is in the implementation process. Frye and Glenn believed the item should remain.

Mayor Stanley chose “Marketing committee leadership.” Scott suggested he talk to Sandy Dunn who had effectively worked in this area.

Tooke chose, “South Reservoir project - construction oversight” and “Work with County to complete upgrade and repairs to Ocean View Drive and 804 Trail South.” McClung agreed to help on both tasks.

Frye chose, “South Gate creation and placement (city limits).”

Mayor Stanley wanted to work with Frye on “Transportation options to south to Florence.”

Frye suggested, “Vacation Rentals” should be shepherded by the entire council. Councilors agreed.

Tooke chose, “Raw water storage long-term development.”

Frye reviewed expectations for the shepherding role: keep issue active, attend meetings, and consulting with relevant parties.

VIII. Approve agenda for January 12, 2017 City Council meeting

Frye brought up date for State of City town hall. Scott believed presentation would be made by the City Manager. Mayor Stanley, Frye, and Glenn concurred the presenter decision had not yet been made. Scott emphasized there is a distinction between operations and politics, and thus the City Manager is a more appropriate person to review the previous year. The council decided to revisit this topic at next work session.

Mayor Stanley reviewed agenda items for January 12, 2017, noting who is responsible for reports on each topic.

IX. Discuss: Council Rules Handbook and Matrix – review changes needed

Discussion moved to future date. Manager Davies reviewed what is included in this document. Scott asked which roles/functions are still applicable given change in city management structure. Scott understood the goals of the structural change were to:

A. Eliminate Public Works Director
B. Focus the administrative role at the top of the organization
C. Delegate to operational managers.

Manager Davies reported this reassignment of duties has had a bigger impact on her workload than was originally expected. Scott wanted to have Manager Davis explain the impact at the next meeting.

Frye asked Manager Davies to discuss issues regarding her position title. Manager Davies reported the city attorney said he did not previously advise to use administrator instead of manager, and there is no requirement in the charter to use manager rather than administrator in Davies’ title. Councilors discussed a previous impression that there was a legal matter that prohibited the use of manager. All councilors except Scott believed manager was a more appropriate title given standard business practice and public perception. Scott wanted to discuss the issue with former Mayor Brean before making changes. The other councilors were in favor of moving forward with the change from administrator to manager at the next meeting.

Frye asked when the council was going to discuss the Columbus Day holiday. Scott believed that matter was settled with their decision to have National Indigenous Peoples Day. Mayor Stanley and Frye concurred the Columbus Day issue was tabled to a future date.

Glenn asked if there was a plan to merge the Public Works & Streets Commission with the Finance Committee. Manager Davies reported she had suggested a merger between Public Works and Emergency Planning as the commissions had the same members except for one person. The commissioners did not like that idea. Then Manager Davies suggested a merger of Public Works and Finance as most of the Public Works Commission work focused on financial matters.

Frye raised the issue of how to review the City Manager position, citing previous failure to adequately assess the city recorder position. The council decided to address this issue at a future work session.

Frye asked for assurance that updates of and corrections to the audit report and city books be remedied.

Tom Lauritzen presented update on what has transpired with auditor, record keeping, and his work.

Meeting adjourned at 11:55am.

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Gerald Stanley, Mayor Date

Attest:

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Joan Davies, City Manager

Minutes prepared by H.H. Anderson on February 23, 2017.