1. Agenda

    Documents:

    2019-03-06 City Council Agenda.pdf

2. Meeting Materials

    City Council Rules

    Documents:

    2019-02-06 DRAFT City Council Minutes.pdf
    2019-02-20 DRAFT City Council Minutes.pdf
    2019-03-06 DRAFT Commission Rules.pdf
    RES 2019-66 Finance Committee Appointment.pdf
    RES 2019-67 Budget Committee Appointment.pdf

Yachats City Council Vision

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, REGULAR COUNCIL MEETING

441 Hwy 101 N., Yachats Commons, Room 1, Yachats OR

Wednesday, March 6, 2019 at 9:30am

WORK SESSION AGENDA

I. CALL MEETING TO ORDER

II. WORK SESSION DISCUSSION TOPICS

1. Discussion of South Tank Reservoir Earthquake Valve and possible options for improvement.
2. Discussion of Public Input on proposed increase in Transient Lodging Tax
3. Discussion of Council & Commission Rules

REGULAR COUNCIL MEETING

I. Announcements, Correspondence and Proclamations

II. Public Comment: T**opics not listed on the agenda**: 5-minute limitation per person

III. Consent Agenda
- A. Minutes February 6th & 20th 20219
- B. Resolutions Memorializing Council Action

IV. Continuing Business
- A. Ordinance 355 2nd Vote on Finance Committee Composition

V. New Business
- A. Public Works & Streets Commission
  - i. Emergency Operations Plan
  - ii. ODOT Model Signs for Evacuation Routes
- B. March 20, 2019 Joint Work Session with Lincoln County Board of Commissioners 6-7PM

VI. Other Business
- A. From Mayor
- B. From Council
- C. From Staff

The work session and regular council meeting are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

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 March 1, 2019

CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING
February 6, 2019

Draft Minutes

WORK SESSION

I. Meeting Call to Order

Mayor W. John Moore called the February 6, 2019 work session and regular meeting of the City Council to order at 9:30 am in Room 1 of the Yachats Commons. Council members present: W. John Moore, Max Glenn, James Kerti, Jim Tooke, and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire, Clerk Kimmie Jackson, and Water Plant Lead Rick McClung. Audience: 15.

II. Work Session Discussion Topics

A. Finalization of Amendments to the Charter

Manager Beaucaire called City Attorney Ross Williamson to set up teleconferencing. Williamson reported he has been through Charter amendments with numerous cities and has litigation experience with Charter interpretations. He emphasized he was only voicing his opinions on legal issues, not suggesting or making policy decisions. He explained the Charter they were working from should be the 2015 edition. He suggested they stay as close as possible to the model charter as opposed to wordsmithing the current Charter, as the model version provides the most useful basis for potential court hearings. He noted a court would want to know why the City chose something different from the model and could ascribe some meaning to that change, such as the City wanting to not follow what was in the model charter. He stressed any changes should be made to change the meaning or effect of the provision, not to simply to alter the grammar or readability. Williamson reiterated the durability and applicability of the model charter in various applications and courts and suggested changes only be made where a definitive different outcome was warranted.

Regarding the Municipal Court, Williamson recommended allowing the City to hold hearings outside of the City of Yachats, noting this change benefits smaller Cities such as Yachats where they can share court expenses with other cities.

Williamson also noted that the City will have to educate the public on what the changes are, adding that his experience has been that a more targeted approach would be more acceptable to the public.

Mayor Moore asked if some of the changes in the draft that was sent to Williamson could be address in the Council Rules. Williamson believe most would be better in the Council Rules, noting specifically how appointments were made. Williamson noted Council Rules were about procedures, which many of the suggested changes focused on.

Mayor Moore stated the model charter stipulates a seven member council and a four year mayoral term, and the City has a five member council with two year mayoral terms. Williamson indicated this change would not be problematic as it was clear why Yachats' structure was different from the model charter. Glenn clarified that Williams was recommending adding the sections for the City Manager and Municipal Court into the existing City Charter.

Vaaler concurred with Williamson on not including the process for filling vacancies in the charter, and asked whether the issue of whether an appointment lasts until the end of the term or until the next general election was appropriate for the charter. Williamson noted this change might create some problems, especially around how many positions could be up for vote in a give election year.

Vaaler noted that the model charter stated that filling a vacancy in the City Manager position should be done "as soon as was practicable." Williamson stated that the City Manager position often becomes vacant. He interpreted the language in the model charter to be very flexible in how the position was filled. He referred to Section H where the vacancy could be filled with a pro tem manager, noting this pro tem position could be a staff manager, two staff members, or some outside manager. Vaaler asked if the language would allow for the City appointing two people to fulfill the duties of the City Manager. Williamson had never heard of this situation occurring and wondered if a person would want to serve under these conditions. Williamson noted they could have a City Manager and Assistant City Manager.

Vaaler asked Williamson if adding, "unless council declares by resolution to do otherwise" after the as soon as practicable sentence would present a problem. Williamson speculated that it could be problematic in the adding a layer of procedural requirement. He suggested a court might wonder why the City wanted this additional layer when the current language was already flexible, and perhaps the court might wonder if the City was trying to be less flexible. Williamson could not imagine a case where someone would take legal action over the "as soon as practicable" statement and cited many reasons that would be acceptable to a court for delaying an appointment.

Vaaler asked if the duties of a manager in Section e needed to be spelled out and if those stipulations could simply be included in the manager's contract. Williamson believed it was important to be included in the charter as it indicates that the position was a charter-level appointment and not something that a Council could change at whim.

Mayor Moore thanked Williamson for his advice and ended his call.

Glenn favored adding the two sections on the City Manager and Municipal Court as the attorney suggested.

Kerti clarified that the May 2015 election measure on the City's Charter eliminated the section on not allowing the City to purchase real estate. Tooke noted the Model Charter document was in the document library.

Mayor Moore indicated Council could ask the City Manager to include the sections from the model Charter on the Municipal Court and the City Manager and bring the document back for a vote at the February 20, 2019 meeting. Vaaler suggested they should change the language on quorums to be exactly what was in Section 3.6 of the model charter, adding the second sentence to read:

> A majority of the Council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by Council Rules.

Council agreed to make this addition.

B. Discussion of Administrative Policies

Mayor Moore explained there has been a suggestion to reorganize the policies to cluster around the body they apply to, noting he had to look at the Administrative Policies, the Council Rules and other documents to find out what was required of a Commissioner. Mayor Moore explained Policies 1, 2, 3, 6, 7, and 8 apply to the Council and could be included in Council Rules. Policies 6, 7, 8, 9, 18 and language from the Yachats Municipal Code 2.04 and 2.08 all apply to Commissions and could be formed into a Commission Rules document. The remaining policies apply to the City. Councilors agreed to this approach.

Mayor Moore handed out a document that could be used as Commission Rules. He indicated he added in Section 4 on Use of City Staff, “The Chair shall be the liaison between the commission, board, or committee and City Staff.” Mayor Moore also modified in the Library section 5.4 that the Library Commission is to work with the librarians to formulate the budget.

Vaaler added there was information she had recommended for the charter that should now be included in the Council Rules.

Mayor Moore indicated he would prepare draft documents. Kerti clarified they would get agreement on each of the three documents and pass them together as a replacement of the existing Council Rules.

C. Proposed Finance Committee Ordinance 355

Mayor Moore noted there was language in Ordinance 355 that Councilors wanted to revisit.

1. <u>Section 3.10.010:</u> Council agreed to change the first sentence of the second paragraph to read, “The representative from the City Manager’s Office shall serve as the Chair of the committee and will be a voting member.”
2. <u>Section 3.10.010 second sentence of second paragraph</u>: Change “Commissions” to “bodies”
3. <u>Section 3.10.020 Item 4.c:</u> Change “development” to “developments are paying”
4. <u>Section 3.10.020 Item 4.d</u>: Move “can” to read, “Advise how the City can organize…”

5. Section 3.10.030: Add “possible amendment” to the sentence, “The report shall be submitted to the City Council for its consideration, possible amendment, and approval.”

Mayor Moore indicated the approval of Ordinance 355 would be added as Item E under New Business to the agenda for February 20, 2019.

REGULAR MEETING

I. Announcements, Correspondence and Proclamations - none

II. Public Comment – none

III. Consent Agenda

A. Resolution 2019-55 Appointing a Council Member to the Finance Committee

Vaaler moved to approve the consent agenda: Aye – 5; No – 0.

IV. Unfinished Business

A. Ordinance 358: Adoption of Comprehensive Plan Updates

Glenn moved to approve Resolution 358 adopting the Comprehensive Plan Updates: Aye – 5; No – 0.

V. New Business

A. Resolution 2019-57 Appointments to Planning & Parks and Commons Commissions

1.Loren Dickenson, Planning Commission: Dickenson explained he wanted to use his 40-year history of working with Planning Commissions, boards, and other groups as an architect. Planning Commission Chair Helen Anderson stated the Planning Commission was very excited to have Loren work with them.

Glenn moved to appoint Loren Dickenson to Seat A of the Planning Commission: Aye – 5; No – 0.

2. Craig Berdie, Parks and Commons Commission: Berdie stated he wanted to serve on this Commission because of his deep appreciation and love of the natural world, the importance of parks and trails to the City, and his seeing the Commons as great asset to the City. Vaaler clarified that Berdie did not want to serve on the Public Works and Streets Commission. Vaaler asked Berdie if would be willing to encourage women to serve on the Commission.

Tooke moved to appoint Craig Berdie to seat C of the Parks and Commons Commission: Aye – 5; No – 0.

B. Resolutions 2019-58 and 2019-59 Financial & Planning IGA with OCWCOG

Manager Beaucaire reported she learned at a recent Oregon Cascades West Council of Governments meeting (OCWCOG or COG) that COG could provide planning and financial services to the City. She indicated approving this agreement would allow the City to use these services as needed and would not cost the City anything if services were not used. Mayor Moore clarified cost would be per hour not to exceed $3,000 per quarter. Glenn expressed excitement with this possibility. Kerti asked for clarification on whether this action was about a recent departure of staff and a temporary City Planner or whether these services would be ongoing. Manager Beaucaire indicated this agreement would be an ongoing resource. Tooke clarified this arrangement would be in addition to the plan to hire a full-time Planner/Code Enforcer. Vaaler clarified the “to be determined” hourly rates in the contract were not specified as COG was in the process of negotiating their collective bargaining agreements and setting those amounts. Vaaler clarified that the City Manager would both be deciding to use this resource as part of her ongoing administrative work and involving Council in some decisions around using the services.

Glenn moved to adopt resolution 2019-58 authorizing the City Manager to enter into an agreement with OCWCOG to provide Planning Services to the City: Aye – 5; No – 0.

Manager Beaucaire reported Clerk Judy Richter has left the City for an opportunity for advancement. Manager Beaucaire indicates she has negotiated with COG to provide financial services for two to two and a half days each week during the transition time, including time from the directors. Manager Beaucaire indicated this would be a cost savings from the previous finance staff position. Manager Beaucaire explained the amount COG would charge was less than the salary, benefits, and PERS for the finance City’s staff position. Manager Beaucaire added that the person serving Yachats would serve several cities, thus splitting the cost of the position. Vaaler asked if the two-year term of the contract was a provision required by COG. Manager Beaucaire indicated the City has an option for a 60-day termination if the City was not satisfied and the two years contract gives COG a foundation upon which to hire someone. Kerti clarified that COG would have full access to City systems via the City’s technology.

Tooke moved to approve Resolution 2019-59 authorizing the City Manager to enter into an agreement with OCWCOG to provide Financial Services to the City: Aye – 5; No – 0.

C. Resolution 2019-60 Procurement IGA

Manager Beaucaire reported she had asked Facilities Manager Hoen to work with Public Works to develop RFPs for the upcoming improvements to the Library, Little Log Church and Museum, and the 501 Building. She noted Hoen found an organization that helps develop RFPs, provides RFP templates, and allows the City to post RFP’s on their network thus expanding the visibility of the RPF. She added the organization also provides training opportunities for staff to get certifications. The service cost $450 for the remainder of this year for an annual membership (not a per RFP amount). Vaaler clarified Yachats fell under the $7,500,001 to $21,000,000 level with a $900 annual fee. Manager Beaucaire indicated the budget resolution passed by Council was for just over eight million.

Glenn moved to approve 2019-60 authorizing the City Manager to enter into agreement with the Oregon Cooperative Procurement Program to provide procurement and contracting services to the City: Aye – 5; No – 0.

D. Appointment of City Representative(s) to Policy Committee for Lincoln County Housing Project

Mayor Moore recalled at the last meeting the Council agreed to appoint Dave Mattison to serve as the technical representative to this committee and they still needed a Council representative. Glenn volunteered to serve.

Vaaler moved to appoint Councilor Glenn to serve on the Lincoln County Housing Project: Aye – 5; No – 0.

E. Appointment of Council Representative to OCOG Area Commission of Transportation

Mayor Moore reported this commission meets on the fourth Thursday ever other month in Albany, but a Councilor could participate via video conferencing in Toledo. Glenn noted most of the other Lincoln County representatives attend the meeting in Toledo. Manager Beaucaire added that this group discusses other issues from transportation such as grants, low interest rates loans, what other communities are doing, and what will be upcoming from ODOT. Tooke agreed to volunteer on an interim basis. Moore agreed to serve as secondary.

Vaaler moved to appoint Councilor Tooke as primary and Mayor Moore as secondary representatives to the OCOG Transportation Commission: Aye – 4; No – 1 (Tooke).

F. Approve agenda for February 20, 2019 Council meeting

Manager Beaucaire added an item for a $30,000 grant for updating the watershed protection plan as Item F under New Business.

Manager Beaucaire asked Council if they wished to review an OLCC liquor application for a new restaurant that would be going into the old Heidi's Italian Restaurant space on Beach Street. Glenn favored having the City Manager and Mayor handling these applications. Vaaler asked about the procedure for revoking a liquor license. Manager Beaucaire indicated that the City reviews licenses annually and could contact the OLCC should problems arise. Tooke asked Manager Beaucaire to get clarification on whether posting of the license was required by OLCC.

Tooke moved to proceed with approving the OLCC liquor license for Beach Street Kitchen: Aye – 5; No – 0.

Tooke moved to approve the February 20, 2019 Council agenda as amended: Aye – 5; No – 0.

IV. Other Business

A. From Mayor - none

B. From Council

Kerti noted that they spent a substantial amount of time working on the charter only to have those changes be revised by the attorney. He asked if the Council could get input from the attorney prior to discussing significant changes to legal documents. Council concurred with this suggestion. Glenn noted the City Attorney came to every Council meeting when he first was attending Council meetings. Glenn believed hearing from the attorney today was very helpful.

C. From Staff

Manager Beaucaire noted the City was currently open from 8:30 am to 4:30 pm with no lunch closure. She has investigated what other cities do, and noted they have shorter hours and are often closed all day on Fridays. She asked if Council would consider altering the City Hall hours to 9:00 am to 4:00 pm with an hour for lunch. Manager Beaucaire noted the importance of having all staff meetings and giving staff uninterrupted work time. Vaaler asked if reducing hours would decrease the availability of the City Planner. Manager Beaucaire reported the Planner could work by appointment during these times and that the Planner was now available by phone and email during times when he was not present in the office. Vaaler asked that they take into consideration the lunch hour by the Post Office (1:00 – 2:00 pm) when setting the lunch closure.

Moved to allow the City to be open to the public from 9:00 am to 4:00 pm with a one hour lunch period contingent upon providing reasonable notice to the public: Aye – 4; No – 1 (Vaaler).

Mayor Moore adjourned the meeting at 11:40 am.

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W. JOHN MOORE, Mayor

ATTEST:

________________________________ ______________

Shannon Beaucaire, City Manager Date

CITY OF YACHATS

CITY COUNCIL
February 20, 2019

Draft Minutes

I. Meeting Call to Order

Mayor W. John Moore called the February 20, 2019 work session and regular meeting of the City Council to order at 6:00 pm in Room 1 of the Yachats Commons. Council members present: W. John Moore, James Kerti, Jim Tooke, Max Glenn, and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire and Clerk Kimmie Jackson. Audience: 30.

II. Announcements, Correspondence, and Proclamations - none

III. Citizen's Concerns

Tom Lauritzen (204 Shell Street) expressed concern about the south water tank. He read about a leak that was managed, but the event gave him concern that the City was not getting what they thought they were getting in terms of design. Mayor Moore indicated Manager Beaucaire would have a response to Lauritzen's concerns at next the meeting.

IV. Consent Agenda

A. January 2, 2019 Minutes

B. Resolutions Memorializing Council Actions

1. Resolution 2019-61 Appointing Dave Mattison and Max Glenn to serve on Lincoln County Housing Project
2. Resolution 2019-62 Appointing Jim Tooke and W. John Moore to Oregon Cascades West Commission on Transportation

Councilor Vaaler moved to approve the consent agenda: Aye – 5; No – 0.

January Minutes for Approval

1. January 9, 2019 Minutes

A suggested correction to remove "just to make people happy" from a statement about the lodging tax was not favored by Council.

2. January 16, 2019 Minutes

Page 5, Line 25: Council agreed to change "Vaaler suggested adding the clause" to "Vaaler and Kerti suggested adding the clause"

Councilor Kerti moved to approve the January 9, 2019 and January 16, 2019 minutes as revised: Aye – 5; No – 0.

V. New Business

A. OCWCOG Finance Introduction

Manager Beaucaire introduced Sue Forty, the Finance Director from Oregon Cascades West Council of Governments. Forty indicated she had been with COG for 19 years and had a staff of 5 people. Forty reported recent issues that she and her team experience during the previous week, including spending 12 hours trying to cut 40 checks because of problems with printers, not being able to have multiple people working on the system at the same time, and simply using the antiquated software. Forty recommended that Yachats switch to an accounting software package from Springbrook. She reported she had been negotiating with Springbrook to provide an affordable product to smaller cities. Manager Beaucaire discussed the personnel and timesavings that could come from the Springbrook accounting product.

Vaaler clarified with Forty that the City could keep the software even if COG was not supporting it. Forty added that they have a very thorough manual of standard operating procedures (SOPs) for every process. Forty reported there is an annual maintenance fee for the product. Mayor Moore added that he was part of a presentation with Springbrook, and he was very impressed with the features and ease of use. Clerk Kimmie Jackson stated the City needed to move to a better product. Forty noted her negotiations would also benefit other small cities on the coast.

Forty explained Springbrook would be cloud based and that it would have menu security. She added the program very easily allows for internal checks and everything is maintained for the audit trail.

B. Resolution 2019-63 Proposed Amendments to the City Charter

Mayor Moore explained Council agreed their February 6, 2019 meeting to make three changes to the Charter: to add a section for the City Manager position, to establish a Municipal Court that could be held in a location outside of Yachats, and to establish that a quorum could be established based on members present in the event of an emergency situation. Councilor Glenn recalled these changes arise from the work of a Committee that studied the organization structure of the City 2 ½ years ago and recommended the change to the City Manager form of government.

<u>Exhibit B – Ballot Title</u>

Council did not agree to the suggested change for:

1. Changing the question from “Shall amendments” to “Shall the proposed amendments”

Council agreed to change:

2. Paragraph 2, Sentence 2: change “a vacancy” to “vacancies”
3. Paragraph 3, Sentence 1: change “The Council unanimously approved” to “The Council approved” in the event the vote was not unanimous
4. Paragraph 4, Last Sentence: change “review at City of Yachats City Hall: to “review at the City of Yachats City Hall”
5. Paragraph 3, Sentence 2: change “intent is…to modernize” to “intent is…to update”

<u>Exhibit C – Pamphlet Statement</u>

Council agreed to change:

6. Line 8: change “is a vacancy” to “are vacancies”
7. Line 30: change “modernize” to “update”

Council did not agree to suggested changes of:

8. Line 9: using “main purpose” instead of “purpose”
9. Not including the City Manager section

10. Line 22: changing "charter will enable" to "charter would

Glenn moved to adopt Resolution 2019-63 referring to the voters of the City of Yachats a measure for adopting amendments to the City Charter: Aye – 5; No – 0.

C. Resolution 2019-53 Appointment of Budget Officer

Glenn moved to approve Resolution 2019-53 appointing the City Manager as the Budget Officer per ORS 294.331: Aye -5; No – 0.

D. Resolution to Appointment of Public Works & Streets Members

1. Ron Urban (30 8th Street) stated he looked at all the Commission and thought his background would best fit with Public Works & Streets. Urban indicated he learned from his time on the Planning Commission the importance of preparing for meetings. Glenn highlighted that Urban wrote in his application that he did his homework and completed his assignments on time. Glenn could attest to that behavior.

Vaaler moved to appoint Ron Urban to the Public Works and Streets Commission: Aye – 5; No – 0.

2. Tom Fisher (Shell Street) indicated he and his wife moved to Yachats in April 2018. He stated he wanted to get more involved in the community and had much interest in learning about Public Works & Streets. He noted he had joined the Emergency Preparedness Committee and believed that committee dovetailed with Public Works and Streets. Moore recalled he was appointed as chair of Public Works and Streets with the same knowledge-level at Fisher, and believed Fisher would do fine.

Glenn moved to appointed Tom Fisher to the Public Works and Streets Commission: Aye – 5; No – 0.

Vaaler asked that Council consider Ann Stott for the third open seat on Public Works and Streets Commission, noting she was present at the meeting and willing to serve.

3. Ann Stott (Driftwood Lane) stated she wanted to bring a female perspective to Public Works and Streets. She indicated she wanted to serve the City of Yachats and she had an interest in water security.

Glenn moved to appoint Ann Stott to the Public Works and Streets Commission: Aye – 5; No – 0.

E. Ordinance 355 Updates on the Finance Committee

Vaaler moved to approve Ordinance 355 amending the Yachats Municipal Code Chapter 3.10: Aye – 5; No – 0.

Moore added an agenda item of appointing a Budget Committee representative to the Finance Committee.

Glenn moved to appoint Jim Tooke as the Budget Committee representative to the Finance Committee: Aye – 5; No – 0.

F. Citizen Appointments to the Budget Committee

1. Lance Bloch stated he looked at the Budget Committee responsibilities and thought it was wonderful that the City included citizens on the Committee. He reported he has been in Yachats full-time for three years, served on the Planning Commission, volunteered with Trails, and delivered for Meals on Wheels in Waldport. Vaaler asked if he had attended a Finance or Budget meeting. Bloch noted there had not been a budget meeting since he became interested. Bloch stated he would be willing to spend ample time to familiarize himself with the materials.

2. Dawn Keller stated she has been coming to Yachats longer than being a full time resident. She indicated she was an executive officer in the Evangelical Lutheran Church and has worked with City Councils and reviewed many budgets. She believed the Budget Committee works to make the budget understandable to the general public. Glenn noted he had worked with the ELC and found them to be extremely well organized. Manager Beaucaire asked Keller if she would be willing to thoroughly review the documents and be prepared at the meeting. Keller indicated if she did not prepare, the meetings would be even longer.

3. John Purcell stated he oversaw a land conservation organization with a budget of just over $1.2 million per year. Prior to that he ran a commercial electrical contracting company. He indicated he was now Chair of the Parks and Commons Commission and a member of the Finance Committee. He believed the more information he could acquire and understand, the better he could serve all his Commissions and Committees. Vaaler noted that Purcell was co-chair of View the Future, which makes financial requests of the City. Purcell noted View the Future was a 501(c)3 focused on land conservation. Purcell did not think he would need to recuse himself on VTF issues as there was no personal gain in his relationship with the organization. He was also willing to take the advice of the Mayor and Councilors on the recusal issue. He indicated he would prepare for all meetings.

4. Ann Stott stated she has been attending City meetings, including Finance, and she had a concern that average citizens need to better understand what is going on with the City finances. She noted she lives on a budget and has learned the importance of setting priorities and differentiating between wants and needs. She reported she was a teacher for 30 years and was the advisor to the Yearbook where she had to manage finances and make decisions. Stott stated she was excited to be able to prepare for meetings.

Mayor Moore explained each Councilor would get three votes and asked if members were ready to vote. All Councilors indicated readiness to vote.

Vote Count Candidates

COUNCILORS	Ann Stott	Lance Bloch	John Purcell	Dawn Keller	**TOTALS**
L Vaaler	1	1		1	3
M Glenn		1	1	1	3
M Moore		1	1	1	3
J Tooke		1	1	1	3
J Kerti	1	1	1		3
TOTAL	2	5	4	4	15

Bloch, Purcell, and Keller were elected and appointed to the Budget Committee.

G. Update on Grant Opportunities

Manager Beaucaire stated there was a grant opportunity from the Oregon Health Authority for $30,000. She indicated the grant would help identify properties that are important to the City's watershed. Vaaler asked how this work would tie into the Water Master Plan. Manager Beaucaire noted this grant focuses solely on water security. Vaaler clarified that the City would not need to match funds. Manager Beaucaire explained a water security plan would cost around $30,000, and if the grantor does not come through with the full amount, the City would either need to contribute something or to refund the grant and not proceed with the work. Manager Beaucaire indicated she would bring that to Council for a vote if it additional funding was required. Vaaler asked Manager Beaucaire about administrative and staff time and costs. Manager Beaucaire indicated it would take a few hours to prepare and proofread the application. Glenn moved to have the City Manager proceed with a grant application up to $30,000: Aye – 5; No – 0.

H. Public Input on Increase in Transient Lodging Tax

Mayor Moore recalled that the Finance Committee had been looking for ways to increase revenues and, in that process, noted Yachats currently charges 9% plus 1.8% for the state for a total of 10.8% for the Transient Lodging Tax. Moore reported the areas surrounding Yachats were at 11.8%. The Finance Committee suggested Yachats could increase its tax to be on par with surrounding areas.

1. Drew Roslund (280 Overleaf Lodge Lane) stated he wanted to represent the people who pay the tax. Roslund noted while the Yachats Transient Lodging Tax (TLT) was slightly lower than nearby areas, Yachats was at a disadvantage due to the 5% Food and Beverage Tax that these other jurisdictions do not have. He provided a handout on rate and cost comparisons, TLT increase history, and what visitors pay in taxes. He suggested he pays 21 cents each day for his home in property taxes while a visitor pays $18 per day in TLT and Food and Beverage Taxes. He believed the City was already relying on the tourists as much as could be reasonable. Roslund introduced five members of his staff and explained the difficulties in keeping them employed year round. He would rather see TLT money going to fund winter activities that would bring in visitors rather than going to what the Council had recommended. Roslund argued the 39% of the TLT that was restricted by ORS 320.300 in Visitors Amenities was being used for uses that did not fall under this state statute. Using data from YELP, Roslund asserted the covered bridge, Thor's Well, Cape Perpetua, and other attractions were more relevant to visitors than the Little Log Church. Roslund asked that the City provide a thorough analysis of the TLT funds, develop strategic plan identifying objectives for this 39%, and create a committee oversee to these funds that would be comprised of representatives from the motels and hotels.

2. Anthony Muirhead (777 Aqua Vista, Adobe) noted TLT rates in Florence (9%), Reedsport 96%), Coos Bay (7%), and other cities to the south of Yachats being in the 6-7% range. He noted while communities to the north were charging rates of 10-11% or more, they drew visitors from a much larger population from the greater Portland area. He stated the central coast mostly pulls visitors from Eugene/Bend/Corvallis. He did not think Yachats could compete with the northern

Cities and that people would shift their coast visits 30 miles south to save $15. He explained he position his rates to be a little lower than Newport due to Yachats having fewer attractions. He noted due to the small number of available rooms, Waldport could fill their rooms from cars passing through. Muirhead argued that raising the TLT by 1% would not be a “deal breaker” but would make a hard task harder. He also noted the economy has been in a boom phase and speculated that when it slows, customers would get much more economically minded.

3. Linda Hetzler (Drift Inn) stated the Chamber, the businesses, the city, and visitors were a team and should be managed accordingly. She believed adding taxes was unfriendly and did not support the system. She reported she hears customers in her restaurant question the Food and Beverage Tax and challenge her wait staff. She argued there were many other creative ways to bring money to the town, noting they could work together to bring more visitors in the off-season. She believed the City was not collecting all the lodging taxes that they were due. She estimated $70,000 in taxes was not being paid and suggested the City create a tracking system to oversee this revenue. She also believed the volunteers play a crucial role in the operations of the town and suggested they City better recognize volunteers. She encouraged creativity rather than pursuing an easy solution such as a tax.

4. Steve Davis (92 Highway 101) stated he had been coming to Yachats for 35 years. He agreed with Roslund about how the City misuses the restricted portion of the TLT. He disagreed with the notion of raising a tax by 1% and thought 10% was an outrageous tax on visitors. He argued the need in Yachats was for permanent employment. He suggested the City have a noise ordinance that would automatically charge vacation rental renters if they violated the ordinance twice. He noted how Yachats would suffer when a recession comes and Yachats costs more than the communities to the south.

5. Jamie Michelle (Sweet Homes) asserted that the former Mayor told her that the City did not value the money that comes in from Vacation Rentals. She asked the City to consider opening up the vacation rental limitations and that Sweet Homes would be ok with paying the additional 1%. She noted that she served on a committee called Destination Newport to plan for tourism and that she attended professional vacation rental conferences. She believed that Yachats is the only City that requires tax payment on vacation rental amenities, such as hot tubs and cleaning rates. She argued the City was “double taxing” cleaning fees as Sweets Homes pays a tax on the fee charge and pays employment taxes for the cleaning staff. She stated manages properties from Ten Mile to Glen Eden Beach and noted she deflects tourists to other areas when they are on really tight budgets.

Moore thanked everyone for their valuable input. He indicated that Council would review all of the materials and discuss it at the first Council meeting in March 2019.

VI. Reports

A. Financial Report

Manager Beaucaire indicated the financial report in the packet was for a limited number of funds as the full printout was 76 pages.

Vaaler noted there was $40,000 budgeted for the City Planner but there was $3,854 was paid to date. Moore noted the amount paid to date was for a month and a half.

Lauritzen stated the organizational committee did not recommend transferring the Mayor's duties to the City Manager position. He stated the committee's recommendation was to have a second phase to study staffing and organization.

Lauritzen noted he only saw three funds in the packet. He asked how the current collections compared to the budget. Lauritzen stated he had not heard anyone tell the Council that they are over 100% of budget in terms of revenues. He asked the City Manager to project the revenues for the current fiscal year based on patterns from the past.

B. Council Reports

Mayor Moore reported he:

1. He attended an information session with Springbrook
2. H was contacted by Jeff Merkley and got to meet with him when Merkley came to see the mural on the Pioneer building
3. He attended City Day at the State Capital and met with Caddy McKewon and David Gomberg.
4. He met with the Marketing Committee.

G. City Manager Report

Manager Beaucaire highlighted the following form her report in the meeting packet:

1. South Water Storage Tank: $700,000 has been forgiven from the principal amount of $1,7030,000 and that the qualified for a reduction from 2.2% to 1% over a 30 year term. She stated she was able to reduce costs in negotiations, and noted total cost compared to the projection after the change orders were added was $1,730,000, a $50,255 savings from $1,780,255.

2. Ocean View Drive: Manager Beaucaire the City now has the property easement language that has been approved by the city attorney. The county will cover cost of recording these easements. She noted the archeological study has been delayed because the state archeologist has not been able to schedule the inspections. She added that the county was still planning on putting inserts on the culverts to prolong their useful life.

3. Website Redesign: The website redesign was in implementation mode. She noted two teams were working on the two concurring processes with CivicRec for the facilities and CivicEngage is for the main site. There will be an opportunity for public involvement when the consultant is on site in March. Vaaler suggested putting this meeting notice on the marquis.

Vaaler asked if there were plans for getting public input on the 804 improvements. Manager Beaucaire stated the plan was to have a public meeting in late March on the Ocean View Drive transfer.

4. Library Expansion: Manager Beaucaire reported the City was still waiting on the architect to get drawings to create the RFP for the remodel.

5. Little Log Church and Museum Repairs: Manager Beaucaire reported the City was waiting on analysis to determine the best way to proceed with the repairs.

6. City Entrance Signs: All approvals have been obtained to proceed with the sign installation.

7. City Hall Proposal: Manager Beaucaire reported that initial drawings have been received and she working to get clarification on a few matters.

8. Multipurpose Room Flooring: Manager Beaucaire reported the state's analysis indicated there was no asbestos in the subfloor tiles. She reported floor installation would resume March 4 and continue through March 20, 2019.

9. Coordination with State Parks & Sheriff's Office: Manager Beaucaire indicated she, Planner Mattison, and others met with State Parks and the Sheriff's Office to better coordinate their efforts. She expected the City would soon be receiving MOUs for the collaboration.

10. FY20 Budget: Manager Beaucaire reported she gave the Finance Committee a very rough initial draft of the budget and the Committee/Commission representatives have been asked to get input from their respective Committees and Commissions.

11. Farmer's Market: Manager Beaucaire reported Facilities Manager Hoen was working with the Market group as they organize their oversight board.

12. Energy Audit: Manager Beaucaire reported Hoen has had a representative from Central Lincoln PUD visit the City's facilities to conduct an energy audit. This representative was now preparing the report. Vaaler clarified that the City was not paying for this audit.

13. Public Works: Manager Beaucaire reported that Public Works had some issues with the sewer pumps during the recent power outage. She noted the crew responded quickly and were able to get online the backup pump the City had purchased. She noted Public Works was very of the City having the foresight to be prepared and the action likely saved the City money in issues that could have arisen had there been no backup pump.

Lauritzen noted the original South Tank loan was for 20 years and was selected to plan for repayment of the URD. He noted that with a 30-year loan, the City would need to refigure the repayments to the URD.

Purcell wanted to point out that the City was remarkable in managing the risk and coming in under projected budget on South Tank Project.

Glenn asked if they could factor in some of what was presented tonight in response to the TLT in their upcoming plans, especially in terms of how the Little Log Church repairs and design would be made.

VIII. Other Business

A. From Mayor - none

B. From Council - none

C. From Staff - none

Mayor Moore adjourned the meeting at 8:40 pm.

____

W. JOHN MOORE, Mayor

ATTEST:

__________________________________ ______________

Shannon Beaucaire, City Manager Date

Commission Rules

City of Yachats, Oregon

(Cover page and table of contents to follow after content is agreed upon)

Authority and Purpose Statement

The Municipal Code of the City of Yachats provides for the City of Yachats to have the following Commissions:

- A: Planning Commission
- B: Parks & Commons Commission
- C: Public Works & Streets Commission
- D: Library Commission

1. Meetings of the Commission

The meetings of the Commissions shall be open to the public.

1.1 Minutes of Meetings

2.11 General Format

All official printed minutes of any meetings of all city commissions, boards, and committees shall be fashioned after the minimum as required by State Law with minor additions. Recordings of entire minutes will be kept of file for more detailed references for a period of two years. All minutes shall be published in the City's document library.

2.12 Contents of Minutes

Meeting Particulars. Minutes shall include the date, time and place of all meetings.

Recordings. Agendas shall indicate that all proceedings are being recorded for back-up reference.

Attendance. Minutes shall include the names of all members of the governing body and indicate whether they are present or absent.

Motions. Minutes shall include all motions, proposals, resolutions, ordinances, and measures proposed and their disposition.

Result of Votes. Minutes shall include the result of all votes and the vote of each member by name.

Substance of Topics. Minutes shall include an outline of the substance of the discussion on any matter.

Reference to Documents. Minutes shall include any references to any specific document mentioned in discussion.

Public Participants. Minutes shall include the name of the member of the public who addressed the body.

Emergency Meetings. The minutes shall include, if required, the nature of the emergency for calling an emergency meeting.

Speeches and Statements. Speeches or statements or the exact text of discussions shall not be transcribed verbatim.

2.13 Special Meetings.

The chair shall have the power to convene special meetings.

2.14 Notice of Meetings

All meetings of City Commissions, Committees and Board are public meetings and must be noticed in advance.

2.15 Agenda Packets

All agenda packets shall be posted as electronic packets to the City's website and the document library before the close of business on Friday of the calendar week before a commission or committee meeting. An email will be sent to the commission members to let them now that the packets are available for their review.

Packets shall be available at City Hall for public review. Copies may be obtained at the current cost.

2.151 Packet Material

Text exhibits. Packets shall include copies of applications, map locations, and any other pertinent, easily reproducible text exhibits.

Drawings and Reports. Drawings, reports and other materials difficult or expensive to reproduce will be made available in limited quantity at work sessions or scheduled meetings and will be available for inspection at City Hall during regular business hours.

3. Commission Membership

3.1 Membership. Commission members will be appointed by the Mayor with approval of Council. Any person applying for appointment to any commission shall be interviewed by City Council at either a work session or regular meeting. No person shall serve at the same time on more than one commission.

3.2 **<u>Attendance</u>**. Unless excused by the Chair, any member who has three absences in a twelve month period may be removed from the Commission by City Council action, the position will be declared vacant, and the member will have to reapply to be reconsidered for appointment.

3.3 **<u>Elections.</u>** The Chair and a Vice-Chair shall be elected by ballot at the first meeting of the calendar year, or when a vacancy in either of these offices occurs.

3.4 **<u>Officers.</u>**

3.41. **<u>Duties of the Chair.</u>** The Chair is the presiding officer of the meeting. The duties of the Chair are:

* Consult with City staff and together formulate an agenda for the meeting.
* Open the meeting on time and call the meeting to order.
* Announce in proper sequence the business on the agenda
* Recognize participants who are entitled to the floor.
* State the nature of legitimate issues that arise during the meeting, secure consensus on their disposition, and, if a vote is needed, the language of the motion. If a motion is out of order or unclear, the Chair should rule it out of order or require clarification. If a motion is in order, the Chair calls for the vote and announces the results of the vote.
* Protect the commission from frivolous or delaying motions by refusing to recognize them.
* Enforce order in respect to discussion, deliberation, and decision making.
* Expedite business in a way compatible with the rights of the members and constituents.
* Decide all questions of order.
* Respond to inquiries of members.
* Declare the meeting adjourned.
* Ensure that reports and recommendations are forwarded to the Council.
* With approval of the commission, delegate an alternate spokesman.
* When appropriate, assist staff with securing the building after a night meeting.

3.4.1 **<u>Duties of the Vice-Chair</u>**

The Vice-Chair shall be presiding officer when the Chair is absent or when the Chair wishes to be a stronger, more partisan, participant in deliberation. The Vice-Chair may also assist the Chair as directed by the Chair or Commission.

3.5 **<u>Commission Vacancies.</u>**

3.51. **<u>Procedures and Objectives.</u>**

- The City Manager shall retain a working list of all citizens filing an application for service on City commissions, boards, and committees.

Applications shall be kept until the person is appointed, becomes ineligible to serve, or withdraws the application.

- The Commission, board or committee shall consider the names of all persons currently on file and any person at the meeting that has expressed an interest in serving on that body.

- Candidates shall be interviewed by the Commission, board or committee to discuss their qualifications and reasons for wanting to serve.

- **Recommendations.** The Commission, board or committee shall then deliberate and present a recommendation to the Council of qualified candidates for the current vacancy.

- Candidates and any person at the Council meeting who expresses a willingness to serve shall be interviewed by City Council at either a work session or regular meeting before being appointed. Incumbents seeking reappointment are not required to interview.

4. **Use of City Staff.** The Chair shall be the liaison between the Commission, board or committee and City staff.

5. Commissions:

5.1 Planning Commission.

5.11 Membership. The Planning Commission shall consist of seven members appointed by the Mayor with the approval of Council.

Pursuant to ORS 227.030, no more than two (2) voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of occupation, business, trade or profession.

All commission members must reside in the City.

All commission members must have resided in the City for no less than six months prior to appointment.

The members of the commission shall receive no compensation for their services.

5.12 Terms of Office

Terms of office on the commission shall be four (4) years and shall expire on December 31st of the 4th year.

A member of the commission may be removed by a majority vote of the City Council for cause.

A vacancy shall be filled by the Mayor with the approval of Council for the unexpired portion of the term.

5.13 Powers and Duties.

The commission shall have the powers and duties provided for by ORS ww7.090, other state law, City Charter, comprehensive plan or other city ordinances.

The commission shall function primarily as a comprehensive planning body proposing policy and legislation to the Council related to the growth and development of the community. In addition to the authority provided in the previous sentence, the commission:

Shall review the comprehensive plan every two (2) years and make recommendations to the council concerning plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions;

May formulate and recommend legislation to implement the comprehensive plan;

Shall conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by city ordinance.

The commission shall perform such other responsibilities and duties as the City Council, from time to time, may delegate by ordinance, resolution or motion.

5.14 Organization

The commission may select a secretary from among its members, who shall serve at the pleasure of the commission or the City Council shall designate a city staff member to act as secretary. The secretary shall keep accurate records of all proceedings of the commission and shall perform such duties as are requested of the secretary by the commission, this section, or by law.

5.15 Quorum.

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.2 Parks & Commons Commission

5.21 Membership. The Parks and Commons Commission shall consist of seven (7) members, appointed by the Mayor with consent of the Council.

One member of the commission may reside outside the City limits.

The members of the commission may receive no compensation for their services.

5.22 Terms of Office.

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

A vacancy shall be filled by the Mayor with the approval of the Council for the unexpired portion of the term

5.23 Powers and Duties

Formulate rules, regulations and standards for the operation of the City's Parks and Commons building and grounds in a manner which assures security of the City's assets and encourages use by tenants, residents and visitors alike and recommend them to City Council for adoption;

Establish rental rates for various uses of the Commons; recommends such to City Council for adoption;

Maximize income through promotion or co-promotion of appropriate events;

Work with the Facilities Manager in development and implementation of a marketing program for tenants and special programs;

Plan for the regulation, development and improvement of the City's parks;

Receive gifts, grants, bequests and devises to carry out the purpose of the Commons and parks planning and programming process;

Work with the Facilities Manager in the development of the budget for the Commons. Prepare the annual budget for all City parks and submit to the Budget Officer the budget proposals for the parks and the Commons building for forwarding to the Budget Committee;

Perform such other responsibilities and duties as the City Council, from time to time, may delegate by ordinance, resolution or motion.

5.24 **Quorum**

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.3 **Public Works & Streets Commission**

5.31 **Membership**

The Public Works & Streets Commission shall consist of seven (7) members, appointed by the Mayor with consent of the Council.

One member of the commission may reside outside the City limits.

The members of the commission may receive no compensation for their services.

5.32 **Terms of Office.**

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

A vacancy shall be filled by the Mayor with approval of the Council for the unexpired portion of the term.

5.33 **Powers and Duties.**

Formulate rules, regulations and standards for the operation and use of the City's public works, recommend such to City Council for adoption.

Plan for future growth, development and improvement of the City's public works.

Advise the City Manager on improvements and maintenance for public works.

Recommend improvements or repairs to the City's streets, culverts, drainage and curbing.

Review all rates and fees including, but not limited to, water, sewer, and system development yearly and report to the City Council by March 1st of each year and recommend any changes in rates, fees, charges or policy.

Serve as the City's Public and Traffic Safety Committee as follows:

A. Hear suggestions and complaints from citizens concerning issues of public and traffic safety;
B. Research and develop remedies for public and traffic safety concerns as needed;
C. Recommend public and traffic safety priorities for the City;
D. Review and recommend project application for funding;
E. Serve as liaison between the City and the Oregon Traffic Safety Commission in developing the statewide highway safety program, and in meeting the National Highway Safety Program Standards;
F. Act in an advisory capacity to the Yachats City Council in the implementation of safety activities;
G. Foster public knowledge and support of traffic law enforcement and traffic engineering problems and needs;
H. Monitor the Village Circulation Plan portion of the Comprehensive Plan, including implementation, funding, and signage, and
I. Serve as liaison between the City and Lincoln County in development of the trail system, shoreline access points, and signage as established in the Village Circulation Plan and approved findings vacating portions of County Road 804 South.

Serve as a franchise review committee responsible for initially reviewing, negotiating and recommending to City Council all franchise agreements.

5.34 <u>Quorum</u>

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.4 Library Commission

5.41 Membership.

The Library Commission shall consist of five (5) members, appointed by the Mayor with consent of Council.

One member of the commission may reside outside the City limits.

The members of the commission may receive no compensation for their services.

5.42 Terms of Office.

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

The members of the commission may receive no compensation for their services.

5.43 Powers and Duties

Operate and manage the Yachats Public Library;

Formulate rules, regulations and standards for the operation of the library;

Receive gifts, grants, bequests and devises to carry out the purpose of the library;

Work with the librarians to prepare and submit to the budget officer an annual budget which will be forwarded to the budget committee

5.44 Quorum

Three (3) members of the commission shall constitute a quorum for the transaction of business.

CITY OF YACHATS
RESOLUTION NO. 2019-66
A RESOLUTION APPOINTNG A BUDGET COMMITTEE MEMBER TO THE FINANCE COMMITTEE

The City of Yachats Resolves as follows:

WHEREAS, The City Council discussed the appointment of Jim Tooke, Budget Committee member, to serve on the Finance Committee and act as the Council's Representative, and

WHEREAS, The City Council discussed the recommendation at the February 20, 2019 meeting;

NOW THEREFORE, the City of Yachats resolves that Jim Tooke is appointed to the Finance committee.

This Resolution is memorializing an action taken by City Council at the February 20, 2019 meeting and was effective as of that date.

____
W. JOHN MOORE, Mayor

Attest by:

____
SHANNON BEAUCAIRE, City Manager

CITY OF YACHATS
RESOLUTION NO. 2019-67
A RESOLUTION APPOINTNG A BUDGET COMMITTEE MEMBERS

The City of Yachats Resolves as follows:

WHEREAS, The City Council discussed the appointment of Lance Bloch, Dawn Keller, and John Purcell to the Budget Committee, and

WHEREAS, The City Council discussed the appointments at the February 20, 2019 meeting;

NOW THEREFORE, the City of Yachats resolves that Lance Bloch, Dawn Keller, and John Purcell are appointed to the Budget committee.

This Resolution is memorializing an action taken by City Council at the February 20, 2019 meeting and was effective as of that date.

____
W. JOHN MOORE, Mayor

Attest by:

____
SHANNON BEAUCAIRE, City Manager