

1. Agenda

Documents:

[CC_AGENDA_09-12-18.PDF](#)

2. Meeting Materials

Documents:

[2018-09-12_CM_REPORT.PDF](#)
[ANNUAL_FILING_2017-2018.PDF](#)
[BUS_LIC_CERT_OF_OCCUPANCY.PDF](#)
[CODE_ENFORCEMENT_REPORT_SEPT_2018.PDF](#)
[DRAFT_08-01-18_CITY_COUNCIL_MINUTES.PDF](#)
[DRAFT_08-08-18_CITY_COUNCIL_MINUTES.PDF](#)
[GREASE_TRAP_PROGRAM.PDF](#)
[PLANNING_COMMISSION_INFO.PDF](#)
[RESOLUTION_2018-33.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 MEETING

441 Hwy 101N, Yachats Commons, Room 1

Wednesday, September 12, 2018 at 6:00pm

AGENDA

- I. Announcements, Correspondence and Proclamations
 - A. Recovery Month Proclamation
- II. Public Comment **(topics not listed on the agenda: 5-minute limitation per person)**
- III. Minutes
 - A. Minutes: 08/01/18 Work Session
 - B. Minutes: 08/08/18 Regular Meeting
- IV. Resolutions
 - A. Vote: Resolution 2018-33 Confirming Library Commission Appointment
- V. Reports
 - A. Guests: Civic Plus IT Report/Presentation
 - B. Council Reports
 - C. City Manager Report
 - D. Code Enforcement Report
- VI. Unfinished Business
 - A. Public Comment/Vote: Commons Manual Provisions:
Certified Security & Plastic Beverage Bottles
- VII. New Business
 - A. Planning Commission: Requiring Certificate of Occupancy for a building license
Light Industrial Definition
Sign Code Update
Comprehensive Plan Review
 - B. Donation Refund Request
- VIII. Other Business
 - A. From Mayor
 - B. From Council
 - C. From Staff

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 September 7, 2018

City Manager's Report

September 12, 2018

Dear Mayor Stanley and Councilors,

It is my pleasure to update you on some of our current project highlights.

- **South Tank Project:**

- The project is mostly complete, except for some paving work at the high end of Crestview Drive, and some drainage re-work in the same area.
- We had the engineer review the concern about the bank that was raised by a citizen. The contractor was required to remove vegetation from the slope to install the storm pipe. Although they do not believe the hillside was excavated they sent pictures to Foundation Engineering in Corvallis.

Foundation Engineering can evaluate the conditions and provide a preliminary analysis. They would need permission to traverse property above the slope for their analysis. This would provide a memorandum summarizing the findings of the overall stability of the slope and provide a discussion of mitigation options (if required), for a fee of \$2,600.00. This cost would be borne by the City as the contractor was required to remove the vegetation and it does not appear that the slope was cut.

- \$300,000 addition to the IFA loan is now at the DOJ for approval. There is not a date when it is expected to be received but we have been assured that it is a priority. In the meantime, the City has been able to pay for the bills that have been coming in to keep the work progressing.
- We are working on scheduling a final walk through. It is anticipated that we can report completion by the October meeting with an update on final budget numbers.
- **Ocean View Drive:** I have a meeting on Wednesday, September 19 with the County.
- **Commons:**
 - The roof is complete.
 - Quotes are being obtained for the flooring in the multi-purpose room. Current quotes are around \$30,000.
- **Little Log Church:**
 - The contractor is working on drawings of different options and based on those options will give a cost estimate.
- **Library:**
 - The architect was here on August 21, 2018 and anticipated needing a few weeks to do preliminary drawings on the two buildings (501 and current library)

City Manager's Report

- **Intergovernmental Partnerships:**

- A representative of the EPA was present at the Coastal Managers Meeting to discuss a sustainability tool that they are developing that integrates economic, social, and environmental factors for cities. This online tool can assist cities in determining long term fiscal priorities to improve overall community health. The EPA representative is very interested in Yachats.
- The grant applied for by Lincoln County, which includes its incorporated cities, was awarded to Lincoln County. The purpose of this collaboration between Oregon Department of Land Conservation and Development and Lincoln County is to analyze and adopt a housing strategy implementation plan to address needed housing within Lincoln County. The next step is for the Department of Land Conservation to obtain consultant cost estimates and to scope the qualifications and capabilities of consultants to do the work.
- Lincoln County Biosolids Summit on August 21, 2018 was well attended. The County will be continuing to look at the concerns further and will be coming to cities to help with the identified concerns.

- **Continuing Education:**

- I will be attending the ICMA Conference in Baltimore, MD September 20-26.
- I will be attending the League of Oregon Cities Conference Sept 27-29 in Eugene, OR. I received a scholarship for this conference.
 - I will also be representing the City at the CIS/League of Oregon Cities Annual Safety Award. The City of Yachats has received an award for few or no-days lost to on-the-job injuries. The City received a Bronze award last year. I have not heard if we have been awarded a Gold, Silver, or Bronze safety award.
- The Oregon Office of Emergency Management recommends personnel who are expected to perform in a management capacity in a situation take five (5) National Incident Management System (NIMS) Classes. I have completed 3 of the classes that are offered online. I am scheduled November 6-8, 2018 and January 15-16, 2019 for onsite training for the remaining two classes.

I. Public Works

Date: September 4, 2018

To: Shannon Beaucaire, City Manager

From: Public Works Department

Re: August 2018 Public Works Report

City Manager's Report

Rain fall at Yachats Public Works:

	<u>Inches</u>			
Year	2018	2017	2016	2015
August	0.41	0.26	0.18	0.78
Rain year to date:	36.74	52.87	31.05	24.02

Total water production:	4,812,800 gallons
Total wastewater treated:	4,334,000 gallons

The following is a list of what was done by Public Works staff outside of normal operations:

Streets:

- Side arm mowing on Lori Lane and Horizon Hill.
- Cut limbs on Horizon Hill.
- Filled potholes on Horizon Hill.

Drainage:

- Reestablished drainage ditch at Riverside Lift Station.
- Meter reading.

Water:

- Plant maintenance.

Distribution Sys:

- Water Service repair on 1st St.

Sewer:

- Three loads of biosolids hauled to Roseburg.
- Plant maintenance.

Collection Sys:

- Cleaned 643 feet of sewer main on Ocean View Drive.
- Degreased Pontiac Lift Station and Parkside Lift Station.
- Replaced framework around Quiet Water Lift Station power control box.
- Replaced Riverside Lift Station guard rail.
- Repaired sewer main clean-out on Shell St.

Public Works:

City Manager's Report

- Completed clean-up around ball field.
- Storage yard clean-up.
- 10-yard dump truck repaired and back in service.
- Completed street light pole location inventory.
- Vehicle maintenance.

501 Bldg.

- Completed filling the floor cracks at the 501 bldg.

Parks & Commons:

- Picked up brush pile for Trails crew.

Emergency Preparedness:

- Worked on completing Blue line markers.



Oregon Secretary of State – Audits Division

Report in Lieu of Audit

[Print blank copy](#)[Reset form](#)

Fiscal year reported (MM/DD/YYYY): ☐ Final report — municipality dissolved	Municipal customer number*:
First day*: Last day*:	

Name of municipality (use the official legal name)*:

--

Mailing address ☐ New or change of address

Street or P.O. box*:		
City*:	County*:	ZIP code*:

Registered agent (ORS 198.340) ☐ New registered agent

Name:	Address (street/city/state/ZIP code):

Officers*

Name:	Title:	Address (street/city/state/ZIP code):

Fidelity or faithful performance bond (ORS 297.435 (2)(c))

Name of company*:
Name of person(s) covered*:
Amount of coverage (should <i>equal or exceed</i> total receipts/revenues [Part A total])*:

Account balances

Please list the balances, per your accounting records, as of the last day of the year reported:	
Cash (from banks, credit unions, county/state investment pools, etc.):	
Other assets (from land, buildings, equipment, vehicles, etc.):	
Accounts payable (e.g., to rents, payroll, utilities):	
Long-term debt (from bonds, loans, leases or other outstanding debt):	

☐ By checking this box*, I hereby certify that the information contained in this report is true and correct to the best of my knowledge and belief. Sign (or type, if submitted electronically) the name of the publicly elected official responsible for the information described in this report.

Elected official's signature:	Date (MM/DD/YYYY)*:	Title*:
Elected official's printed name*:		Phone number*:

Fiscal year reported (MM/DD/YYYY):		Municipal customer number*:
First day*:	Last day*:	

Budgeted and actual transactions

Note: Budget columns are required if your organization is subject to the requirements of Local Budget Law (ORS 294).

Part A: Revenues/receipts	General operating fund		Fund:		Fund:		Totals (actual columns only)
	Budget	Actual	Budget	Actual	Budget	Actual	
Property taxes							
Charges for services							
Assessments							
Grants (state and federal)							
Long-term debt proceeds							
Other revenues							
Part A total:							

Part B: Expenditures/ disbursements	General operating fund		Fund:		Fund:		Totals (actual columns only)
	Budget	Actual	Budget	Actual	Budget	Actual	
Personal services							
Material and services							
Capital outlay							
Debt service							
Contingencies							
Other expenditures							
Part B total*:							

Part C: Transfers between funds

Transfer-in							
Transfer-out							

Report summary

Enter total expenditures/disbursements (Part B total [†])	
Filing fee (see table, right)	

Filing fee (per ORS 297.285)

Total expenditures (Part B total [†])	Filing fee
\$0–\$50,000	\$20
\$50,001–\$150,000	\$40

Filing instructions

This report is due within 90 days from the end of your fiscal year. Save a copy for your records. Please submit the completed report and required filing fee to the following address or email:

Secretary of State — Business Services Division
 255 Capitol Street NE, Suite 180
 Salem, OR 97310
MunicipalFilings.SOS@oregon.gov

**This is a required field.*
†If total expenditures/disbursements (Part B total, above) exceed \$150,000, the municipality must have an audit or review for this fiscal year (per ORS 297.435).

Submit via email

TO: City Council
FROM: Planning Commission
DATE: July 17, 2018
RE: Certificate of Occupancy for Business Licensing

The Planning Commission has had ongoing discussions about the importance of businesses providing documentation that they are operating in buildings that have approved building permits. We asked the City Manager to get feedback from the City Attorney on how to create such a requirement. The Attorney indicated the City could do either of the following:

A. Require a copy of the business' Certificate of Occupancy from the County as part of the license application process. Only businesses operating in facilities within the City limits would need to comply with this requirement.

B. Add language to the Municipal Code that a business license could be revoked or suspended for operating a business within the City limits in a building that is in violation of County building codes.

To implement Option A, the Council would need to modify Section 4.04.050 as follows:

Section 4.04.050 License application.

A. Application for a business license, or for renewal of a business license shall be made to the office of the City Recorder upon forms furnished by the City. Each application shall contain the following information:

1. The registered business name;
2. The location of the business;
3. The mailing address of the business;
4. The business telephone number;
5. A description of the business;
6. The name and address of the owner;
7. The date of application;
8. The fiscal year for which application is made;
9. The amount of money tendered with the application;
10. The average number of employees regularly employed by the business;
11. Social Security Number or Federal Identification Number;
12. Contractor's construction board number (if any);
13. Signature of owner;
14. Certificate of Occupancy from Lincoln County for the facility (if business is operated in a facility within the City limits);
- ~~14~~15. Number of rental/motel units (if applicable);
- ~~15~~16. Number of seats (restaurants, lounges, taverns);
- ~~16~~17. Any other information necessary to enable the City to review the application under subsection B of this section and to determine the appropriate fee.

To implement Option B, the Council would need to modify Section 4.04.100(A) as follows:

Section 4.04.100 Denial, revocation or suspension of license.

A. The City Recorder may deny, suspend or revoke a business license upon finding that:

1. The licensee fails to meet the requirements of, or is doing business in violation of federal, state or county laws or city ordinances;
2. The applicant has provided false or misleading material information;
3. The applicant's past or present violation of law or ordinance presents a reasonable doubt about his or her ability to perform the licensed activity without endangering property or the public health or safety;
4. The licensed activity would endanger property or the public health or safety;
5. The licensed activity is conducted in a facility within the City limits that does not meet Building Code standards.

Planning Commission Recommendation

The Planning Commission prefers Option A as it puts the responsibility on the business owner to provide documentation of operation in a legal facility before a license is issued. Option B would require the City to take action to find the violations, then to revoke the license, which could involve significant legal actions.

The Planning Commission asks you to consider adopting one of these two remedies for businesses operating in unsafe buildings or buildings in violation of standard building codes.

Code Enforcement Report

The city manager asked me to give you my thoughts and impressions and maybe some recommendations after working three months doing code enforcement for the city of Yachats. I can be clearer in my writing than speaking, so will put my thoughts on paper. You can ask questions, now or later, if you want.

Some background first. Although I am new to the community, we've owned property here for more than 30 years. The past 10 years we've spent significant time in Yachats. I worked for newspapers in Oregon for 36 years, the last 24 as an editor at The Oregonian. While living in the Portland area I was involved in school and civic affairs. I refereed high-level youth, high school and college soccer for 15 years – and believe it or not lessons from the soccer field carry over to a job like code enforcement.

I do not pretend to be an expert on city matters or code enforcement. But based on my background and three months of doing this, I have some thoughts.

The easy stuff:

- 1) **Overgrown lots:** I started in mid-June and the July 1 noxious weed and fire-hazard yard deadline was rapidly approaching. There seemed like a lot of very overgrown lots. I'm still dealing with several of these – and it's mid-September. July 1 seems too late to start cracking down on the problem lots, many of which are habitual or chronic usually because of out-of-state owners don't regularly see their property. **Consider moving the deadline to June 1** so the city can start working with landowners sooner and neighborhoods can look better longer.
- 2) **Vacation rentals:** I expected these to be a huge issue and constant headache. They were not. Although it may need tweaks at the end of its two-year run, I heartily endorse the city's vacation rental ordinance. I think it has helped make rental managers more responsive and made clear what can happen and what should not happen. Code enforcement does not address the number of rentals and their overall impact on livability, but responds to neighborhood complaints when we get them. When the city received complaints (and it is well documented that under the current system complaints first go to rental managers) I found that rental managers responded courteously and promptly. There remains much to do about getting all vacation rentals up to speed on details of the rental ordinance; but there was not time to do much of that this summer. However, there seems to be little or no regular or formal communication between the city and vacation rental management companies to hear their issues or explain ours. **Consider hosting regular (every 6-10 months?) meetings with rental managers to talk and go over issues.**
- 3) **Daily work:** I endorse the council and budget committee's decision to incorporate code enforcement duties into a full-time city employee job (with other responsibilities) under the direction of the city manager. Code enforcement alone is not a full-time job but she/he needs to be able to respond to complaints daily, as necessary, not half-days two or three times a

Code Enforcement Report

week. Your customers appreciate a prompt response and regular communication. **It's a good decision; get someone on board soon.**

Harder stuff:

- 4) **Is it enforceable?** When you amend or create a new ordinance dealing with nuisances and the like, consider – and listen to staff -- if it is actually enforceable. The city noise ordinance is a good example and came up in three instances this summer. It is too general and basically unenforceable, in my opinion, in regard to some types of noise originating from a commercial property or public space. Also, the ordinance says someone seeking to stage a concert or play music can seek a permit from the city – but the city does not have permit system or specifics for doing so. **At the minimum, consider establishing a permit system, with details, and publicize that it is necessary to get one for certain public events.**
- 5) **Mediation:** To me, the most vexing issues originated as a code enforcement complaint but ended not being an issue covered by city code – and turned out to really be an angry, neighbor versus neighbor dispute. I was stunned how often this was the case. Many Oregon cities offer mediation services to try to resolve neighbor versus neighbor disputes. There is an organization that offers mediation training to city staff and/or civilian volunteers. **Consider training the new code enforcement officer in mediation and offering that service to residents.**
- 6) **Livability:** Many code enforcement questions or complaints center around livability issues. What is acceptable to one neighbor is unacceptable to another – and the city will never (nor should it) look like a perfectly manicured or cared-for place. **Consider, as part of the new code enforcement officer's duties, embarking on a continuous information and education effort to aid people into taking better care of their property and becoming better neighbors.**
- 7) **Look outward:** There is little new or under the sun when it comes to code enforcement or almost any aspect of city governance. Do not reinvent the wheel when it comes to doing something with code enforcement or other aspects of governance. Look to neighboring cities (like Florence's FOG program) or organizations (League of Oregon Cities for model noise ordinances) for help and information. **Encourage or require key city employees to join and participate in regional or statewide organizations central to their job.**

In conclusion, I want to thank the council and city manager for giving me the chance to do this job and to be of service to its residents.

CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

August 1, 2018

Draft Minutes

Mayor Gerald Stanley called the August 1, 2018 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: Gerald Stanley, Jim Tooke, Barbara Frye, and Max Glenn. Excused: Greg Scott. Staff present: City Manager Shannon Beaucaire, Water Treatment Plant Lead Rick McClung. Audience: 13.

I. Work Session Discussion Topics

Mayor Stanley announced Councilor Greg Scott was not present as he had submitted his resignation from Council, and Council would officially accept that resignation later in the meeting. Stanley expressed his deep gratitude for Scott and all he has done for the City over the years.

A. Discussion of Potential Options for Riggs Property

Manager Beaucaire summarized what was discussed at the previous Council meeting on the Riggs property. Councilor Tooke reported he and Mayor Stanley meet with a representative from the Oregon Department of Forestry (ODF). Tooke reported that Matt Thomas, the representative for ODF for this area, would be bringing the ODF claims representative to walk the property. Tooke emphasized the current owners have made no response to any requests from ODF. Tooke praised Craig Berdie's work and the summary document on the situation and options to move forward. Tooke noted View the Future is looking into the situation, and he suggested OWEB might be interested in supporting the project.

Councilor Glenn stated this property should be a high priority for the City and was encouraged by the communications with relevant parties. He suggested this property could be placed into a conservation easement.

Councilor Frye thanked Berdie and asked Manager Beaucaire to ensure the information is properly filed so that it can be accessible in the future, which would include placing a footer with the name and date in the document.

Mayor Stanley suggested they need someone to drive the project and to ensure all of the data is preserved. He discussed several of the options and consequences, such as the owner spraying the property with herbicide, the owner not touching the property for two years, or a trade with Siuslaw National Forest for the property. Frye noted the shepherding program previously addressed issues like this. She added this project fits well with her goal of assessing the City's financial priorities.

McClung explained the impact on the watershed is that one side of the creek has been logged. Glenn asked whether the unlogged side could be accessed and logged. McClung noted the unlogged section was landlocked. Tooke noted there was an easement to access the property, but the owner removed the access.

Craig Berdie indicated he has spoken to Jim Litherland, the contact with Mr. Riggs, who indicated he had not spoken to Mr. Riggs in three or four years. Berdie reported Litherland suggested that the most likely way to engage with Mr. Riggs would be to submit an offer on the

1 property to the address listed on the tax returns and that Mr. Riggs would not be likely to accept
2 a low-ball offer.
3

4 **B. Review of Council Rules Update**

5 Manager Beaucaire indicated the meeting packet contained a redline version of the document.
6 Frye stated she had some formatting suggestions for Manager Beaucaire. Frye suggested they
7 add a list of revision dates to the document. Frye also suggested that they create a policy on
8 routinely updating documents. Glenn suggested documents like this one be prominently
9 available in the new website design. Mayor Stanley noted the recent revisions to this document
10 have been precipitated by the change to a City Manager system.
11

12 **C. Discussion of Vacation Rental Rules Update on Dogs**

13 Manager Beaucaire explained a concern a citizen had about dogs. She noted she included a
14 sample of an ordinance on regulating dog behavior in the meeting packet. Glenn noted Mr.
15 Calkins, the complainant, specifically asked that the City add to the vacation rental code
16 instructions to have a specific spot on their properties for dog bathrooms. Glenn noted the
17 residents of Fistera Gardens were taking their dogs to Overleaf property to relieve themselves
18 now that construction on the other side of Diversity Drive is blocking access to grassy areas.
19 Glenn believed a requirement for a dog bathroom area on vacation rental properties was
20 appropriate. Glenn suggested the ordinance draft was a good starting point. Frye suggested
21 asking the vacation rental owners and managers to cooperate. Frye was cautious about
22 creating a law and finding a way to enforce it. Tooke wondered if such designated spots would
23 be used, as dogs do not often "go" exactly where the owner wants it to go. Mayor Stanley was
24 uncomfortable targeting vacation rental owners and speculated vacation rental users are no
25 different in their allowing their dogs to use the bathroom elsewhere. Mayor Stanley speculated
26 that vacation renters would be negatively impacted by additional rules posted in the vacation
27 rental homes.
28

29 Frye suggested they create some educational piece to go to everyone. Manager Beaucaire
30 asked Frye for clarification on what she meant by "educational piece," noting she had heard
31 designated bathroom areas, not running loose, controlling barking, and asking rental homes to
32 carry dog waste bags as the main issues. Frye and Manager Beaucaire tried to get clarity, and
33 Frye offered to help Manager Beaucaire draft some message.
34

35 Glenn suggested this information be presented in a positive light such as, "We welcome your
36 pets" and "being a good neighbor in Yachats." Frye wanted to try a soft approach before
37 creating an ordinance.
38

39 Code Enforcement Officer Quentin Smith stated he did not see much difference between the
40 example ordinance and what is already in the Code for vacation rentals. Smith argued the
41 example ordinance would be unenforceable from a practical standpoint. Smith noted that while
42 education might have some impact, reaching out to the vacation rental managers might have
43 more impact.
44

45 Manager Beaucaire clarified that the regulations on dogs in the Code applied only to vacation
46 rentals. Recorder Anderson read Section 5.08.030 of the Yachats Municipal Code on animals
47 at large:

48 No owner or person in charge of any animals shall permit the animal to run at
49 large; including, but not limited to, dogs, chickens or other domestic fowl, horses,
50 mules, cattle, goats and sheep.
51

1 Tooke noted the clauses in the example ordinance addressed the major concerns of citizens
2 around dog behavior.

3
4 Manager Beaucaire explained Council would need to have a public hearing to vote on an
5 ordinance, and a public hearing must be posted in advance. Mayor Stanley suggested this topic
6 be on the agenda for the August 8, 2018 meeting.

7 8 **D. Mid-Coast Water Planning Partnership Update**

9 Tooke reported he attended a three-day conference with three other water partnerships. He
10 highlighted the issues discussed:

- 11 - Impact of climate change on availability of water, such as the lowering of the water
12 table in Harney County.
- 13 - Need for regional planning, noting Yachats does not have financial resources on its
14 own.

15 Tooke read a list of questions that would be useful for Yachats to address.

16
17 Tooke explained the Policy Option Proposal, which summarizes the goals of the partnerships.
18 He noted the partnerships need support in the form of lobbying for this Policy Options Proposal.

19
20 Tooke asked for the City to earmark up to \$25,000 to the Mid-Coast Water Partnership to be
21 used to continue their work. Tooke indicated the Oregon Water Resources Department has
22 ample documentation on their website. Tooke also noted there is grant funding available for
23 securing water resources, and the Riggs property might fall into this category. Manager
24 Beaucaire suggested they talk about how to handle this request at their facilitated session.

25
26 Glenn asked for clarification on how the Riggs property factors into the work of the Partnership.
27 Tooke noted the Oregon Water Resources Department addresses issues that impact
28 watersheds and all of the mid-coast cities depend on streams for their water.

29 30 **C. Update and Discussion Council Facilitated Session**

31 Council set September 10, 2018 as the date for the facilitated session. Manager Beaucaire
32 explained how she developed the draft agenda and read the topics to be discussed. Glenn
33 referred to his motion to have the facilitated session and noted expression of Councilor
34 concerns, organizational structure, and status of projects were in the motion but do not appear
35 to be on the proposed agenda. Frye stated she did not understand what Glenn meant by
36 Councilor concerns. Glenn provided an example of how Councilors to adjust to the rules
37 established in Administrative Policy #6 and how these policies would be enforced. Frye asked
38 that they use specific examples on what issues need clarification. Frye wanted to address the
39 communication Council gets so they are not blindsided. Mayor Stanley added that he thought a
40 general check-in could be part of Council concerns.

41
42 Mayor Stanley stated they have around twelve instruments to evaluate the City Manager, and
43 they could establish which instrument they would use for evaluations at the work session.

44
45 Frye suggested Manager Beaucaire could establish time allotments for each topic. Manager
46 Beaucaire indicated the facilitator would control time, and she would be giving Council a lot of
47 materials to read before the session. Glenn stressed that while the facilitated meeting is an
48 open meeting, the approach is to limit discussion to the Council and not take public input.

49 50 **D. Approve Agenda for 8/8/18 City Council Meeting**

1 Manager Beaucaire noted a public hearing on the dog ordinance, an update to Commons Fees,
2 and additional Commission appointments would be added to the Agenda presented. Councilors
3 consented to the agenda.
4

5 **REGULAR MEETING**

6

7 **I. Announcements**

8 Bette Perman (410 E 2nd Street) announced the “Incarceration Then and Now: What Have We
9 Learned” program begins on Saturday in Newport, then moves Waldport on August 13, and
10 then to Yachats on August 16 at the Presbyterian Church.
11

12 Mayor Stanley announced the Art Quilt Show: Stories of West Africa begins on August 25, the
13 Holistic Health and Psychic Fair on August 11, and the Annual Yachats River Farm Tour is
14 August 11.
15

16 Water Treatment Plant Lead Rick McClung the South Tank Reservoir was currently being filled.
17

18 **II. Public Comment/Citizens Concerns**

19 Shelly Shrock (121 Greenhill Drive) noted work on the South Tank involves cutting into the east
20 side of Crestview, and she has concerns about drainage in that area, especially because of the
21 mudslide a few years ago.
22

23 Frye asked about plans to replant trees around the South Tank. McClung indicated the
24 previous City Manager had designated tree replanting as a City obligation. Frye asked for
25 clarification on what that means. McClung indicated he wants to get input on the types of trees
26 to plant and research the best time to plant the trees. Frye reminded people that the City
27 committed to the residents in that area that trees would be replaced.
28

29 Linda Hetzler (Drift Inn) asked Council to consider allowing the service of hard liquor in the
30 Commons, noting some people have allergies that only allow them to drink distilled spirits.
31 Hetzler suggested the OLCC does not distinguish between hard liquor and beer and wine in
32 terms of what constitutes one serving.
33

34 Hetzler noted the allotment of \$20,000 to hire a person to do programming has been an issue
35 as the money can only be spent on salary, and there are other components of programming that
36 need financial support, such as the possibility of an Ambassador Program. Manager Beaucaire
37 noted the Ambassador Program could help oversee the dog waste control efforts.
38

39 Tom Lauritzen (204 Shell Street) observed the City is beginning to shift from a transactional-
40 based economy to a services based economy. Lauritzen noted he reported at the State of the
41 City event that after paying for water and restricting funds, the City is left with \$400,000 to run
42 the City offices. Lauritzen asked that Council consider the types of services the City wants to
43 deliver and how they would raise revenues for those services.
44

45 **III. Resignation of Councilor Greg Scott/Appointment of Council President**

46 Manger Beaucaire recommended that the Council accept the resignation of Councilor Greg
47 Scott effective immediately.
48

49 Glenn moved to accept the resignation of Greg Scott from the City Council effective
50 immediately: move to discussion
51

1 Frye asked that Council send a letter to formally express appreciation for Scott's service.

2
3 Frye moved to amend the motion to send a letter to Scott acknowledging his resignation and
4 thanking him for his service on the Council and to the City: Aye – 4; No – 0.

5
6 Motion is amended to accept the resignation of Greg Scott from the City Council effective
7 immediately and to send a letter to Scott acknowledging his resignation and thanking him for his
8 service on the Council and to the City.

9
10 Call for vote on amended motion: Aye – 4; No – 0.

11
12 Council discussed the procedure for electing a new Council President and filling the Council
13 vacancy and how that related to the upcoming elections. Glenn was in favor of appointing a
14 person to fill the vacancy at the August 8, 2018 Council meeting so that person could be part of
15 the facilitated discussion. Frye could not recall a discussion about filling the vacancy in relation
16 to the election in the past and wanted to appoint a new Councilor. Mayor Stanley argued that
17 appointing a person now gives that person a benefit of incumbency, and he would like to
18 appoint someone who would not be running for the position. Glenn did not believe the Council
19 could dictate whether an appointee could run for the position. Frye added that there is some
20 urgency to appoint someone so they can ensure they have quorum at future meetings.

21
22 Glenn moved to make known to the public that there is a vacant Council position and Council
23 will interview interested parties and appoint a replacement at the August 8, 2018 Council
24 meeting: Aye – 3; No – 1 (Stanley).

25
26 Lauritzen noted the City Charter indicates the Council "will appoint" a replacement. Frye noted
27 the Charter did not state when the appointment would be made. Manager Beaucaire clarified
28 that the City Attorney.

29
30 Mayor Stanley reported the League of Oregon Cities, Newport, and the City Charter do not
31 require that a new Council President be appointed. Manager Beaucaire reported that the City
32 Attorney recommended the Council appoint a Council President as that position carries duties
33 that are important.

34
35 John Moore suggested it would be prudent to appoint a President, especially with the Mayor's
36 surgery scheduled for August 2018. Frye noted a duty of the President is to step in for the
37 Mayor should the Mayor become unavailable. Tooke indicated he was in favor of appointing a
38 new President. Mayor Stanley expressed concern that the appointment of a President could
39 have an impact in the upcoming elections. Frye stated the Council has historically appointed
40 the most senior member as President and it would be insane to think appointment of herself as
41 President would have impact on the elections. Mayor Stanley took objection to his position
42 being described as "insanity."

43
44 Frye moved to appoint Max Glenn as Council President until the January 2019 election of a
45 President: Aye – 4; No – 0.

46 47 **IV. Resolution 2018-07-03 Council Rules Update**

48 Tooke moved to adopt Resolution 2018-07-03, a Resolution adopting changes to City Council
49 Rules: proceed to discussion
50

1 Frye asked to add a caveat to indicate the revision date on the document and to add a date for
2 when the documents would be reviewed in the future. Mayor Stanley wanted to discuss annual
3 review of documents as part of the facilitated discussions.

4
5 Frye moved to amend the motion to add each revision date to the document: proceed to
6 discussion

7
8 Glenn was concerned about asking the City Manager to have to go through documents to add
9 all of the revision dates. Frye did not believe this was a complicated matter. Manager
10 Beaucaire suggested they add a running list of revision dates on the cover of the document, and
11 she could ask staff to update documents accordingly.

12
13 Call for vote on the amendment: Aye – 4; No – 0.

14
15 Call for vote on amended motion to adopt Resolution 2018-07-03, a Resolution adopting
16 changes to City Council Rules and to add each revision date to the document: Aye – 4; No – 0.

17
18 **V. Resolution 2018-08-01 Declaration of Phase 1 Water Shortage**

19 Glenn moved to authorize Phase 1 water conservation actions by adopting Resolution 2018-08-
20 01, a resolution declaring a water shortage emergency: Aye – 4; No – 0.

21
22 **VI. Resolution 2018-08-02 Authorization to Engage Auditors**

23 Clerk Judy Richter explained the City is required to have an annual audit, and the auditors have
24 provided the City with a letter of engagement outlining the scope of their work. Richter noted
25 work on the South Tank using Federal dollars requires additional auditing work. Richter
26 explained this work follows general accounting standards and regulations.

27
28 Glenn moved to adopt Resolution 2018-08-02 to authorize the City Manager to sign the letter of
29 engagement from the City auditors: Aye – 4; No – 0.

30
31 **VII. Resolution 2018-08-01 Small City Allotment Grant**

32 Manager Beaucaire reported the Engineer of Record had been working with the City on
33 planning for street repavement and the Engineer had found a grant that could generate up to
34 \$200,000 to pave W 1st and E 2nd Streets. Manager Beaucaire noted this money would apply to
35 specific sections of these streets. McClung explained the identified sections currently have
36 drainage issues. McClung added there are plans to upgrade the water lines from Prospect
37 Street to the east end of E 2nd, so paving that section should be delayed. He noted the west
38 end of W 1nd is currently gravel, and there is significant drainage that comes from the State Park
39 because the road is sloped opposite of what is needed to be to manage water runoff.

40
41 Frye asked McClung when the eastern section of E 2nd would be paved. McClung indicated the
42 plan is to complete the work in two years. Frye asserted she has been told five times in the last
43 eight years that their street would be paved, water currently drains onto her property, and the
44 potholes on that section are the worst in the City. McClung explained the work for the street
45 where she lives is a \$250,000 project. Frye asked for an explanation as to why they have been
46 repeatedly told their street would be repaved. McClung noted Council approved the
47 recommended CIP funding, which did not include money for E 2nd Street paving. Frye asked if
48 the potholes could be repaired, and noted this is the fifth time the potholes would be repaired.
49 McClung noted the City took significant money from his reserves to put into the street light
50 project, and he had to modify his CIP projects accordingly. Frye asked McClung if they could
51 put up signs to indicate the parking at the west end of E 2nd was for small cars only. McClung

1 noted the water reserves have not been as low as they are in many years. Frye asked what
2 water reserves had to do with paving. McClung explained the money for paving comes from the
3 water reserves.
4

5 Mayor Stanley clarified that the grant would impact the work of the Public Works and Streets
6 plans for repaving. Moore explained there is \$200,000 now for repaving, and he could not recall
7 ever seeing plans for repaving including the east end of E 2nd Street.
8

9 Tooke moved to adopt Resolution 2018-08-02, a resolution for small city allotment: Aye – 4; No
10 – 0.
11

12 **VIII. Council Reports**

13 Glenn reported he has been approached many times by citizens asking him to “do something”
14 about a particular issue. He has been approached about a noise issue in which a vendor has
15 been playing loud music at the Farmer’s Market, and he passed that information to the City
16 Manager. He also noted the excessively loud music coming from the Underground Pub, which
17 prevented them from having dinner at the Luna Sea tent. Glenn indicated he went to Heidi’s
18 and asked if they would complain, and he was told they could not as it would affect their
19 business relations. Manager Beaucaire reported the Code Enforcer has looked into the matter.
20 Code Enforcer Quinton Smith suggested the noise at the Farmer’s Market should be resolved
21 by the entity overseeing the Farmer’s Market, currently the Friends of the Commons. He
22 suggested the issue be redressed next year when the City will oversee the Market. Smith noted
23 the regulations on noise in the Yachats Municipal Code are very truncated, noting there is no
24 permit system for noise. Smith also noted “too much noise” is a subjective assessment, noting
25 many cities establish maximum decibel levels at property lines, but this regulation has practical
26 limitations with respect to enforcement given the hours the Code Enforcer works.
27

28 Mayor Stanley adjourned the meeting at 12:42 pm.
29
30
31

32 _____
33 GERALD STANLEY, Mayor
34

35 ATTEST:
36
37

38 _____
39 Shannon Beaucaire, City Manager
40

Date

CITY OF YACHATS
CITY COUNCIL MEETING
August 8, 2018

Draft Minutes

Mayor Gerald Stanley called the August 8, 2018 meeting the City Council to order at 6:00 pm in Room 1 of the Yachats Commons. Council members present: Gerald Stanley, Jim Tooke, Barb Frye and Max Glenn. Staff present: City Manager Shannon Beaucaire and Clerk Kimmie Jackson. Audience: 26.

I. Announcements, Correspondence, Proclamations

Mayor Stanley announced the League of Oregon Cities has invited Councilors to join a three-year project to be visionary leaders.

Bette Perman (401 E 2nd Street) announced the “Incarceration Then and Now” series is underway and will be in Waldport on Monday, Tuesday, and Wednesday at the Moose Lodge. There will be a dinner, movie, and two speakers. The event moves to the Presbyterian Church on Thursday with an exhibit, a film on Saturday, August 18, 2018, and closing panel on Sunday, August 19, 2018.

Mayor Stanley announced:

- August 25-26: Art Quilt Show at the Commons
- August 18: Ivy Pull and Picnic at the Overleaf
- August 11: Yachats River Farm Tour
- August 11-12: Siletz Pow Wow
- August 18: concert at the Little Log Church

II. Public Comment

Paul Thompson (1153 Driftwood Lane) was concerned about the curbs on W 2nd and Beach Streets, noting the amount of black from tires and the chips from car undercarriages. His second concern was over the yard debris program, noting they have nothing that needs maintaining. He did not think the decision was well thought out.

Mayor Stanley responded that the corner of 2nd and Beach Streets is under City jurisdiction. Mayor Stanley noted they advertised the yard debris program where many people supported his position.

Phi (2281 Weidman Court) announced he has created a website as part of his proposal for the RFP for the website and is open to discussing his vision with anyone.

II. Minutes

A. July 3, 2018 Work Session and Regular Meeting

- Heading and Page 1, Line 8: The date of the meeting in the heading should be July 3 instead of July 2
- Page 5, Line 6: need to add t to word “budget”
- Page 4, Line 16: “was” should be “could be”

Councilor Frye moved to approve the July 3, 2018 minutes as amended: Aye – 4; No – 0.

1 **B. July 3, URA Meeting**

2 Signature Line: The signature should be from the Chair of the Urban Renewal
3 Councilor Glenn moved to approve the July 3, 2018 URA meeting minutes as amended: Aye –
4 4; No – 0.

5
6 **C. July 11, 2018 Meeting**

7 Page 1, Line 23: Rural Project should be Rural Organizing Project
8 Page 2, Line 28: should be “director” not “direction”
9 Glenn moved to approve the July 11, 2018 minutes as amended: Aye – 4; No – 0.

10
11 **IV. Reports**

12 **A. Council Reports**

13 Frye reported she worked with Quinton Smith and Bette Perman on a draft of the dog behavior
14 educational piece.

15
16 Glenn reported the Second Annual Council of Governments Linn-Benton County dinner is at the
17 Oregon Coast Aquarium in Newport on September 13, 2018 from 6:00-9:00 pm. All are
18 welcome.

19
20 Mayor Stanley attended the monthly pollinator project meeting. He noted the County and
21 ODOT were negotiating insurance contracts.

22
23 **B. City Manager Report**

24 Manager Beaucaire reviewed her report and highlighted:

- 25 1. The South Tank is filled and providing water to residents south of the bridge.
26 2. She has contacted an arborist to make recommendations about tree planting around
27 the South Tank.
28 3. The contracted architect will be onsite during the week of August 13, 2018 to gather
29 information for the estimates for the Library move or expansion.
30 4. The City received seven RFPs for the website, which closed today at 4:00 pm today.

31
32 Frye thanked Manager Beaucaire for the tracking dates on the Council Rules manual.

33
34 Glenn asked if the Light Industrial Public Hearing on the agenda for the next Planning
35 Commission meeting was about a strategy approach for the City. Planning Commission Chair
36 Helen Anderson explained the issue was brought to the Commission when the Farm Store was
37 considering manufacturing beer that would be sold off premises. She added that “light
38 industrial” was used in several places in the Code but had not been defined. She stated the
39 Commission added a definition and some standards.

40
41 Frye asked about the status of shields for the parking lights at the Dollar General. Manager
42 Beaucaire was not certain but had heard the shields had been installed.

43
44 An audience member asked what the qualifications were for the people on the selection
45 committee for the RFP for the website. Manager Beaucaire explained the committee was
46 comprised of four staff members, two persons with technical backgrounds of IT Director and a
47 programmer, and two citizens who had experience in web design and using the current system.

48
49 **V. Resolutions**

50 **A. Appointment of Lance Bloch to the Planning Commission**

1 Lance Bloch (549 Aqua Vista Loop) stated he was very interested in the work and has the time
2 to commit to it. He is retired from an IT position with a company that provided software to utility
3 companies. He has previously been a City Councilor. He has been living in Yachats for 2 ½
4 years.

5
6 Councilor Tooke moved to appoint Lance Bloch to seat D of the Yachats Planning Commission:
7 Aye – 4; No – 0.
8

9 **B. Parks and Commons Commission: Manual and Fee Update**

10 John Moore, Chair of the Parks and Commons Commission, started with the Rental Policy
11 noting that the pending dissolution of the Friends of the Commons has put three groups in
12 precarious positions as they were sponsored by the Friends, including Big Band, One of Us h,
13 and YAAS. He explained Big Band had previously split their ticket proceeds with the Friends.
14 He reported that the Commission recommended that Big Band be allowed to contribute 50% of
15 their proceeds to the City in lieu of rent. He also noted the Commission wanted to allow One of
16 Us Productions and YAAS to have a similar relationship.
17

18 Moore indicated the changes are to delete the paragraph on the Friends, to delete the fees for
19 the 501 Building, and to add the agreement with Big Band.
20

21 Frye asked if other groups could have the same deal as Big Band was getting. Moore noted
22 One of Us Productions would be coming to the next Parks and Commons meeting to discuss
23 the arrangement. Frye asked why Big Band got to do what they always did when others did not,
24 noting the City was trying to standardize policies and get consistency across groups. Mayor
25 Stanley indicated he had a similar concern over allowing exceptions, but he did not want to hold
26 up passing the Parks and Commons Policy.
27

28 Moore asked if the concern was about the arrangement with Big Band or with the potential
29 arrangement with One of Us Productions. Frye was concerned about appearances of offering
30 one group a deal without offering it to other groups. Moore added that Big Band as large
31 variance in audiences in the summer versus the winter, and this arrangement allows them have
32 events throughout the year. Glenn clarified that they were talking about three groups that had
33 been sponsored by the Friends. Mayor Stanley clarified that Frye was asking to delay the
34 approval of the Big Band arrangement until the Commission talked to One of Us.
35

36 Mayor Stanley asked that the exception for Big Band be addressed at a future meeting.
37

38 Moore indicated the change from City Recorder to City Manager and User Support Manager to
39 Facilities Manager throughout the document. He noted rental prices have already been
40 approved by Council but are not yet incorporated into this document.
41

42 Page 2: The Friends of the Commons was removed, and the new bulletin board and
43 advertising policy passed on June 15, 2018 was added. He noted in 2B, "will not"
44 was changed to "may not," noting that commercial classes would not be able to post
45 their event even if it were held in the Commons. Mayor Stanley noted there were
46 three, not two, bulletin boards, and Moore indicated he would adjust the document
47 accordingly.

48 Page 3: The outside reader board is maintained by the Facilities Manager, not the
49 Friends.

50 Page 4: Vaping is added to the ban on smoking.

1 Page 4: Dogs are allowed in the building but not in the Kitchen (Room 5) unless they
2 are a service dog.

3 Page 4: Delete the section referring to public meeting rooms having two exits.

4 Page 5: Parks and Commons recommended removing the ban on bottled water. Moore
5 explained this policy was written before there was a refund on plastic water bottles,
6 now at ten cents per bottle. He noted soft drinks and other drinks were allowed. Frye
7 referred to the mission statement of the City and noted the language was put in
8 because of the issues around plastics in the ocean. Frye believed the issue was
9 larger than just about water bottles. Frye elaborated on the discussions around
10 putting this language in the Council. Mayor Stanley noted there was a great sense of
11 accomplishment when that language was passed in 2011. Mayor Stanley suggested
12 the ban was a recommendation, not a mandate. Mayor Stanley asked that Council
13 have a meeting where people could provide input on this topic. Moore asked if
14 Council wanted him to take the issue back to the Commission to address wording
15 around all plastic bottles.

16 Page 7: A requirement that paid security guards have certifications was added. Frye
17 wanted to know the difference between the security statements on page 5 and those
18 on page 7. She was bothered by non-police personnel carrying firearms in the
19 Commons. Moore suggested there might be instances where a festival or fair
20 organizer wanted armed security. Frye wanted to only allow firearms if security were
21 contracted from the Lincoln County Sheriff's Department. Manager Beaucaire noted
22 the City Attorney stated that paid security guards are required to get State
23 certification from DPSST (ORS 181.850), and DPSST (Department of Public Safety
24 Standards and Training) was the same agency that certifies law enforcement. Frye
25 believed a security guard was very different from a police officer. Glenn indicated he
26 supported the City Attorney's opinion that security guards are trained by the same
27 group that certifies police, and he wondered if the LCSD had enough personnel to
28 provide security. Council wanted to review this issue to a future work session.

29 Page 6: Mayor Stanley noted Linda Hetzler is asking the City to allow the serving of
30 hard liquor.

31 Page 9: Statement added that allow for the rental of Room 7 for large groups that rent
32 all of the Commons.

33 Page 10: The exemptions will be revisited at a future Council work session.

34 Moore clarified the difference between private and hardship events.

35 Page 13: Mayor Stanley asked that private events be included under insurance
36 requirements.

37 Page 16: remove references to the Friends and removal of fees around usage of the
38 sound system.

39 Page 17: Recommendation to allow liquids spill-proof containers on the stage.

40 Page 21: Removed reference to Bank of the West and included the additional parking.

41 Page 22: Adjust language for skateboarding to reflect having a skateboard park.

42
43 Glenn moved to adopt the Resolution 2018-08-01 revisions to the Commons Policy Manual and
44 Fee Structure, with the exception of those items to be addressed in a future work session: Aye
45 4; No – 0.

46 47 **C. Interview Applicants and Appointment to Vacant Council Position**

48 Mayor Stanley noted he would adhere to the values he heard from people about this vote.

49 Mayor Stanley introduced the four applicants: James Kerti, Leslie Vaaler, Craig Berdie, and Jim
50 Schanbeck. Mayor Stanley explained the process that would be used. He noted if no applicant
51 receives three votes, he would ask applicants to speak again. If after a second vote there was

1 still no majority, he would prescribe a method at that time. Frye asked for a "secret" vote, and
2 Mayor Stanley stated they can have a written ballot but their vote cannot be "secret." Frye noted
3 Council had previously had "secret" ballots on appointees. Manager Beaucaire asserted the
4 Mayor's opinion would stand, and she has not had an opportunity to consult with the City
5 Attorney on this matter.
6

7 1. James Kerti: Kerti stated he has been on the Planning Commission since 2017, noting his
8 specific research for the Commission. He was also on the Budget Committee in 2018. He is
9 self-employed as a website designer and strategic planning consultant. He has also been a
10 basketball scout from high school to pro levels. He volunteers with YAAS and had done poster
11 design for those events, and volunteers with the Oregon Coast Humane Society in Florence.
12 He views being on the Council as a way to take on additional involvement.
13

14 Frye asked what Kerti saw as the most important issues facing Yachats. Kerti wanted to focus
15 on communication issues and representing the citizens. Glenn asked what skills the Planning
16 Commission has given him to serve on Council. Kerti stated he learned to keep personal
17 opinions out of applying Code, the importance of the Municipal Code, and how to address
18 issues he is asked about which are beyond the purview of the Planning Commission. Tooke
19 asked if he was running for the seat in the general election. Kerti reported he filed his papers.
20

21 2. Craig Berdie: Berdie stated he was passionate about seeing the City be successful. He has
22 been in Yachats for three years. He can be both strategic and practical. He has experience
23 with working with very large data sets, business knowledge from consulting with hundreds of
24 small business on strategic planning and communicating via technology. He also worked with
25 corporations about messaging through web presences. He has managed contracts, has 30
26 years of experience in IT, has managed budgets up to \$11 million for advertising, and has been
27 a speaker, project manager, and supervisor. He has been docent at the Gerdemann Garden
28 and volunteered with the Trails Committee.
29

30 Frye asked what he saw as the most important issues facing Yachats. Berdie suggested there
31 is work to be done on the City's visual representation and on ways to extend the tourist season.
32 Stanley asked if he was involved with any of the IT RFP Applicants. Berdie indicated he worked
33 with Phi on the Gerdemann Garden website. Glenn asked what the priority for the Riggs
34 property should be. Berdie stated he would put the appraisal of the property as a first step.
35 Tooke asked if he was planning to run. Berdie indicated he was not.
36

37 Leslie Vaaler: Vaaler stated she loves Yachats and plans to live here the rest of her life, and
38 she is deeply vested in having the City make good choices. She noted she has only missed
39 one Council meeting since July 2017. She began thinking about running for Council when Scott
40 announced in January he would not be running again for Council. She noted she had been
41 thinking about recent issues before Council and was especially prepared to step in. She
42 reported she has a PhD in mathematics and been on the faculty of several universities. She
43 noted how mathematicians are artists with intense focus on details and every word or symbol.
44 She learned she loved teaching when she was a professor. She is proud to be a parent. She
45 wrote an actuarial mathematics textbook, which won a book award at the University of Texas.
46

47 Glenn asked what she thought to be the most critical decision before the Council in the next four
48 months to which her background might lend expertise. Vaaler noted the facilitated work session
49 will be focusing on priorities and she has skills to be careful to consider pros and cons. Frye
50 asked what urgent issue they should tackle. She stressed the need for balance.
51

1 Jim Schanback: Schanback stated he has experience in a scholar athlete out of high school
2 and was a public school teacher for 36 years (coach, math, phys ed, department head). He has
3 lived in Yachats for 11 years, has been vice president of teacher's union and involved in
4 negotiations, and was a Chess club advisor. He believes he is persistent, loyal, and hard
5 working. He is good listener and has leadership abilities. His eldest son told him his best trait
6 was integrity. He indicated he wanted to be more actively involved rather than just being a
7 participant in city activities. He does not plan to run for the office in the general election.

8
9 Glenn thanked Schanback for his role in communicating about the Mayor when he was in the
10 hospital. Frye asked what he saw as the most urgent issue that the Council should tackle.
11 Schanbeck did not feel there was a sense of urgency on any particular issue. He looks at the
12 big picture and believes the water issue is very important. He wants to keep balance between
13 different entities.

14
15 Councilors submitted written votes. Mayor Stanley reported Schanback received one vote and
16 Craig Berdie received three votes.

17
18 Glenn moved to appoint Craig Berdie to the Yachats City Council to serve until December 31,
19 2018: Aye – 4; No – 0.

20 21 **VI. Business**

22 **A. Oath of Office for City Council Position**

23 Mayor Stanley administered the oath of office and swore in Craig Berdie as City Councilor.

24 25 **VII. Public Hearings**

26 **A. Ordinance 352: Amendments to Chapter 8.22**

27 Manager Beaucaire explained, as part of declaring the recent water restriction, she found the
28 language to be confusing. The City Attorney drafted language to make the code clearer.

29
30 Mayor Stanley opened the Public Hearing for Ordinance 352 amending chapter 8.22 of the
31 Yachats Municipal Code.

32 33 Public Testimony

34 Leslie Vaaler (205 Radar Road) noted she found errors in the document as follows:

- 35 1. 8.22.010 gives a definition for "approved agents," which is only mentioned in item D of
36 Phase 3 regulations. She believed the definition needs to be clearer.
- 37 2. There are several definitions of types of users with the word "user" in the definition,
38 and this "user" is repeated when the user is cited throughout the document
- 39 3. There is a gap between 1-1/4 and 1-1/2 size meters in descriptions of customers.
- 40 4. Drip irrigation system is not in the definitions but is used in 8.22.040(c)1
- 41 5. The definition of grey water needs clarification. She researched online that grey water
42 is separate from black water (which has fecal matter).
- 43 6. She noted while the Public Works Director could declare a Phase 3 shortage, it still
44 would need approval by Council and the language does not indicate what would
45 happen if Council did not agree to the declaration.

46
47 Manager Beaucaire explained attorney noted the Council does not meet on a daily basis, so the
48 City Manager needs to have ability to declare a more timely shortage. Council could then
49 reaffirm the declaration, revise it, or remove it.

1 Manager Beaucaire noted in 2001 there was a settlement agreement with the Water Resources
2 Department in which the WRD gave a final order, so the City Attorney should review any
3 changes to this document.

4
5 Glenn noted this document uses Public Works Director, and wanted to know if City Manager
6 should replace Public Works Director.

7
8 Mayor Stanley closed the Public Hearing.

9
10 Frye suggested they recommend that the City Manager assess the recommendations by Vaaler
11 and forward changes to the City Attorney for approval. Councilor Berdie noted Phase 2 refers
12 to allowing a handheld watering device but does not mention this for Phase 1 [8.22.030(c)1].
13 Berdie asked if the definition of watering Phase 1 is different from the definition in Phase 2, or
14 how is landscape watering different from handheld device watering. He suggested the issue
15 relates to overhead watering.

16
17 Tooke suggested that he, Berdie, and Manager Beaucaire get together to review the document
18 before taking it back to the attorney. Council consented to this approach.

19
20 **B. Ordinance 353: Amendments to Chapter 5.08**

21 Mayor Stanley explained this ordinance expands Chapter 5.08 on Nuisances. Manager
22 Beaucaire noted Council had previously asked her to have Chapter 8.08 be consistent with the
23 language on dog control in the vacation rental section of the Code.

24
25 Mayor Stanley asked for public testimony:

- 26 1. Helen Anderson (77 8th Street) asserted the code is unenforceable and therefor it
27 should not be added.
28 2. Leslie Vaaler did not think the City should spend money on the attorney to review this,
29 and noted cats were not included in the language.

30
31 Mayor Stanley closed the Public Hearing.

32
33 Frye asked how one would measure “demonstrated effective voice command.” Tooke noted
34 there are many unenforceable portions of the code. He believed this language reflected the
35 sense of the community. Glenn was in favor of having a baseline in the Code but agreed the
36 issue was not enforceable. Frye recalled they agreed at the last meeting that they were going
37 to take a softer approach and not pass a law. Berdie asserted it might be useful to have
38 baseline. He noted the language could apply to cats. Mayor Stanley suggested that the second
39 sentence of Item B was not needed. Berdie believed the defense was necessary.

40
41 Frye moved to adopt Ordinance 353 amending 5.08.030 related to animals within the City: Aye -
42 4; No – 0.

43
44 **VIII. Other Business**

- 45 **A. From Mayor** - none
46 **B. From Council** - none
47 **C. From Staff** - none

48
49 Mayor Stanley adjourned the meeting at 8:05 pm.
50
51

1
2
3
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9
10

GERALD STANLEY, Mayor

ATTEST:

Shannon Beaucaire, City Manager

Date

DRAFT

City Council Action Item Cover Sheet

DATE: Sept. 12, 2018

Agenda Item:

Restart of city's grease trap inspection program

Question Before Council:

Information and background only

Person/Group Initiating Request:

Public works and code enforcement

Item Summary/Background:

All commercial kitchens in Yachats (and all municipalities) are required by city code to have grease traps or interceptors to reduce or prevent large amounts of fats, oil and grease from entering the sanitary sewer system. Full or non-functioning grease traps allow fats, oils and grease from commercial kitchens to directly enter the city's sewer pipes, collection stations and wastewater treatment plant, causing blockages, overflows or difficulty in treating waste. If a blockage or overflow occurs, it requires significant city manpower to clean and correct. Most Oregon cities have inspection programs, but it has been at least four years since Yachats has conducted any. After contacting the 22-25 commercial kitchens in Yachats -- with the attached cover letter and "FOG" brochure, the city plans to re-start inspections after the end of the main tourist season in October.



City of Yachats

WASTEWATER DEPARTMENT

500 W. 7th St.

P.O. Box 345

Yachats, OR 97498

To: City Manager and City Council,

I would like to inform you that the Code Enforcement Officer and Public Works will resume grease trap inspections as soon as the Code enforcement position is filled. It has been approximately three years since inspections were last completed and now it's time to resume the program.

The purpose of the grease trap inspection is to reduce the amount of Fats, Oil and Grease (FOG) entering the sewer collection system. As FOG enters the sewer system it cools and solidifies along the inside of the pipe wall, thus reducing pipe size and restricting flow. The result can be a sewer main plug, causing a sanitary sewer overflow or a sewer backup into a residence.

These inspections will also lead to less Public Works manhours spent on removing FOG from the sewer lift stations.

There are approximately twenty-three grease traps in town, most are in the food service industry.

Sincerely,

David A. Buckwald

Wastewater Department Lead

City of Yachats

(541)547-3385



CITY OF YACHATS

PO Box 345 (441 N. Highway 101), Yachats OR 97498

Phone (541) 547-3565

Fax (541) 547-3063

Relay Oregon 800-735-2900 (TDD)

To: Restaurant name here

From: City of Yachats

About: Re-start of grease trap inspections

Date: here

It has been several years since the city of Yachats has consistently performed grease trap inspections of restaurants and commercial kitchens in the city. Grease traps or grease trap interceptors are required for all commercial food and restaurants in Yachats. This is a letter letting you know that the city will re-start those inspections after the main tourist season ends this fall.

This packet includes background information on why grease is a problem for municipal wastewater treatment plants, tips for cleaning traps and other material we hope could be of help.

Yachats Municipal Code 8.08.040 prohibits the discharge into the city's sewer system any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit.

Reducing the amount of fats, oils and grease entering the wastewater collection system helps maximize the efficiency of the wastewater treatment plant, prevents the restriction or clogging of pipes, and can help prevent system overflows that can have an impact on surrounding property and environment. Reducing the amount of fats, oils and grease released into the system also decreases the amount of time city utility workers spend on cleaning and repairing sewer pipes and collectors.

The city Public Works Department will be contacting you two weeks before any inspection. If you have questions, please contact Dave Buckwald, Public Works Leader, at 541-547-3385 or at Dave@Yachatsmail.org or the city's code enforcement officer at 541-547-3565 or at codeenforcement@Yachatsmail.org



FOG Program

Fats, Oils & Grease

Proper disposal of fats, oils and grease protects
your business, public health and the environment.
It's the law, and it's the right thing to do.



It's cheaper and easier to prevent than clean up



Grease from first dishwasher cycle.

FOG buildup can clog sewer and drainage pipes, resulting in messy, costly overflows. It's bad for business, the environment and public health. Costs of a raw sewage backup may include:

- **Loss of business** while you're closed to clean up and get the kitchen back into service
- **Cleanup** of the premises by staff and a cleaning or restoration service
- **Hiring** a service to clean the sewer lines
- **Repairs or replacement** of the building, fixtures and equipment
- **Reimbursement** for damages to neighbors and the public sewer system
- **Higher** insurance premiums
- **Fines and penalties**

Common sources of FOG

- **Fried foods**
- **Cooking meats**
- **Butter, ice cream, other dairy products**
- **Gravy and sauces**
- **Mayonnaise and salad dressings**

FOG myths

Myth: Restaurant workers know how to prevent FOG problems.

Fact: Few employees have been properly trained to handle and dispose of cooking fats, oils and grease. The owner and management are responsible to train staff in best management practices (BMPs) and oversee the work of contractors hired to clean, remove and recycle FOG.

Myth: Pour hot water and detergent or degreasers into the drain to dissolve oil or grease.

Fact: That just pushes oil or grease deep into the building sewer pipe where it cools and coats the inside of the pipe. Eventually, the pipe will clog and cause raw sewage to back up into the building.

Myth: Storm drains and catch basins are for disposal of dirty water, debris, etc.

Fact: Outside drains are built to direct stormwater runoff to the nearest creek or wetland. Using them for any other purpose is a violation of the federal Clean Water Act.

Myth: If the sewers back up, the sewer utility will fix it.

Fact: Owners are responsible for the sewers on their property. If they damage or back up the public sanitary sewer or drainage systems, they must pay for cleanup and repair and may be subject to fines and penalties.

Grease interceptors

All food/beverage establishments that are connected to the public sewer system must have an approved grease interceptor. It must be properly sized, installed and maintained to keep FOG and food debris out of the public sewer system. If your business does not have adequate grease interceptors, you will be required to install them.



Kitchens generate a lot of FOG.

A grease interceptor is designed to capture FOG before it gets to the public sewer. All drains in food/beverage service areas must connect to a grease interceptor. Grease interceptors need effective inspection and cleaning. They are inspected by the local authority that enforces the federal Clean Water Act and related state and local laws, in partnership with the public works department.

Types of grease interceptors

Hydromechanical grease interceptors (HGIs) manage FOG using flow control. They are installed indoors and have relatively small FOG storage capacity.

Gravity grease interceptors (GGIs) manage FOG using gravity separation. They are installed outdoors and have larger FOG storage capacity than HGIs.

General care for grease interceptors

Grease interceptors lose efficiency as they fill with grease. The recommended cleaning frequency varies by the type of grease interceptor, the types of food served and kitchen cleaning practices.

- Properly install, maintain and clean grease interceptors.
- Clean hydromechanical grease interceptors (HGIs) every 30 days, and more often if necessary.
- Clean gravity grease interceptors (GGIs) every 90 days, and more often if necessary.
- HGI to be inspected at least every 7 days by food service employees.
- Train staff to oversee the work of contractors to ensure they use proper cleaning procedures and comply with the law.

Food service establishment inspection

An inspector from the public utility will visit a food service establishment to ensure that it is properly managing FOG in order to keep it out of the public sewer system. The inspector will assess the condition of the facility's grease interceptor(s). He or she will also assess FOG management practices and help teach kitchen staff about best practices for controlling FOG at the source.



Train staff to prepare for the inspection.

Following inspection, the inspector will issue a report that indicates any required corrective actions. Establishments that need to be inspected again may pay a re-inspection fee. Failure to comply with the law could result in monetary penalties, or the business could be ordered to cease all discharges to the system.

The chart below indicates the rankings and required response.

Inspection Rank	Establishment Response
Excellent or Good	Continue proper cleaning and maintenance.
Fair	Increase the frequency of cleaning and maintenance. The inspector may reinspect.
Poor Inspector issues Notice of Non-Compliance	The establishment is issued a notice of Non-Compliance that lists required corrective actions, the due date to complete the corrective actions and to notify the inspector for reinspection.

Preparing for the inspection

When the inspector comes to inspect your food service establishment's FOG management practices, please be prepared. Your preparation and assistance with the inspection will help the process run smoothly.

- Train staff to assist with opening and closing the grease interceptor.
- Keep a screwdriver or Allen wrench handy to open and close the grease interceptor.
- Keep maintenance records, training logs and FOG reports nearby.

Inspectors prefer to coach and counsel rather than issue penalties. Ask for their advice.

Is your staff trained in Best Management Practices (BMPs)?

It's easy to keep FOG out of the sewer and drainage systems if employees are trained in best management practices (BMPs). Make sure staff and management understand how to use the BMPs and tips in this booklet to keep drains and pipes flowing.

Proper disposal of Fats, Oils, and Grease (FOG)

Kitchen FOG belongs in the trash, a grease interceptor or a recycling container. Keep FOG in its place and out of the building and public sewer drainage systems.

- ☐ Recycle cooking grease, oil and food wastes.
- ☐ Contact your waste hauler or a rendering company to get a waste oil container.
- ☐ If containers or bins leak or spill, ask the vendor for new ones.
- ☐ Cover the rendering container (i.e. garbage corral) with a roof if possible.
- ☐ Clean up any spills or leaks immediately using dry methods.
- ☐ Prevent odor, rats and other pests with clean, closed rendering containers and dumpsters.
- ☐ Never dump used cooking oil down the drain.
- ☐ Never use hot water, detergent or degreasers to flush FOG down the drain; this pushes grease into the pipe where it will cool, congeal and clog the sewer.
- ☐ Never dump FOG (or anything!) on the street, parking lot or into storm drains.
- ☐ Schedule frequent FOG pickup or service.
- ☐ Keep records of training, cleaning, service, preventative maintenance and inspections.



Interceptor too full of FOG and not maintained properly, could cause building sewer problems



*Proper disposal of FOG is easier and cheaper—
and that's good for your bottom line.*

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Dry clean up

Before washing with water, use dry clean up methods to control FOG and food waste.

- ☐ Scrape or wipe instead of washing food waste from utensils, fixtures and equipment.
- ☐ Use rubber scrapers to remove FOG from cookware and serving surfaces.
- ☐ Scrape food waste into trash bins with plastic liners.
- ☐ Soak up oil and grease under fryer baskets with paper.
- ☐ Sweep floors before mopping.
- ☐ Wipe down work areas with paper towels.
- ☐ Place disposal and recycling containers in easy reach for kitchen employees.
- ☐ Sweep instead of hosing down parking lots, sidewalks and outside areas.

Dry clean up methods have many benefits. Dry floors are safer than slick floors that may cause employees to slip and fall.



Dry wipe before washing.



Sweep floors before mopping.



Dry clean up saves water and energy costs.

Is your staff trained in Best Management Practices (BMPs)?

It's easy to keep FOG out of the sewer and drainage systems if employees are trained in best management practices (BMPs). Make sure staff and management understand how to use the BMPs and tips in this booklet to keep drains and pipes flowing.

Dishwashing, work areas, floors and spills

After dry scraping, wiping and sweeping, use these BMPs to keep FOG and food waste out of drains and sewers.

- ☐ Keep work areas clean.
 - ☐ Install properly sized screens, baskets or strainers in sink and floor drains to catch food debris.
 - ☐ Only fill FOG transfer containers halfway so that they are easier to lift. PREVENT SPILLS!
- 
- Keep FOG and food waste out of drains.
- ☐ Wash floor mats and greasy equipment in an area that drains to an approved grease interceptor—not outside.
 - ☐ Never pour grease or oil into sinks, floor drains or onto a parking lot or street.
 - ☐ When mopping, don't force food debris down the drain.
 - ☐ Keep liquid waste out of trash or dumpster bins.
 - ☐ Train workers to put FOG into recycling/rendering containers without spilling.
 - ☐ Prevent spills by proper storage, handling and transfer of supplies.
 - ☐ Provide proper equipment to handle FOG.
 - ☐ Be careful not to drop or splash fats, oils and grease.
 - ☐ Keep a spill kit with absorbent materials nearby.
 - ☐ Clean up spills immediately.



Disconnect the garbage disposal; this may qualify for a reduced sewer bill and will save water and energy.

Grease Interceptor Cleaning Record Verification Form Sample

Facility Name: _____

Address: _____

Service Company Used: _____

Date	Cleaned by	Witnessed by	Gallons Pumped	Grease Disposal Site	Remarks

It's the law, and it's good business

Sewer overflows are harmful to public health and the environment. Federal, State and Local laws require FOG control to protect people and water sources. It is the business and property owner's responsibility to comply with the law and ensure that employees and contractors are using BMPs that protect the public sanitary sewer, drainage systems and water quality. Property and business owners may be held liable for water quality violations, misuse of the public sanitary sewer and drainage systems, and resulting water pollution.



Grease clog inside a pipe.

Did you know?

- Grease traps or interceptors are required for all commercial food establishments and restaurants in Yachats.
- The city of Yachats will conduct grease trap inspections every six to twelve months.



For more information on the City of Yachats' fats, oil and grease program, contact:

Public Works Department
541.547.3565, ext. 121

Code Enforcement
541.547.3565, ext. *
or 541.590.0053

In cooperation with the Oregon Association of Clean Water Agencies

City Council Action Item Cover Sheet

DATE: Sept. 12, 2018

Agenda Item:

Planning Commission

Question Before Council:

Information

Person/Group Initiating Request:

Planning Commission

Item Summary/Background:

The Planning Commission is providing Council with an update of three items that will come to Council October 3rd as ordinances.

Planning Commission Activity

The Planning Commission has completed public hearings on three areas of code and have voted to recommend Council approve these code amendments.

Light Industrial

SITUATION: The code refers to light industrial, but there was no definition or regulations around that activity.

CODE UPDATE: The recommendation includes a definition of light industrial and a few standards for conducting light industrial activity.

Signs

SITUATION: The code on signs has not been updated in decades. Additionally, the increasing use of digital signs has residents concerned about maintaining the quaint atmosphere of Yachats.

CODE UPDATE: After reviewing the Yachats code as it existed, and after looking at examples of sign code in other jurisdictions, the Commission decided it was more effective to rewrite and restructure our sign code. We started with one city's code, made sure all of the needed parts in the current code were included, and drafted language that was specific to the needs and circumstance of Yachats. We held a public meeting in February to get input on an early draft of the code. We received excellent feedback in a very productive forum. In the new code, we do not allow for digital signs and limit the size of signs, both issues that were highly supported in our public meeting.

Comprehensive Land Use Plan Review

SITUATION: According to our code, the Planning Commission is to review the Comp Plan every two years. Our current Comp Plan was created in 2009 and has never been reviewed.

PLAN UPDATE: We reviewed the Plan at work sessions for a year and held special work sessions to complete the review. We focused on updating language to reflect the current status of Yachats, removing "code language" from the policies, and ensuring the goals were adequately met. For example, stating that there should be a 25 foot yard setback from the bluff in the Goals or Policies of the Comp Plan is not appropriate. The 25 foot specific requirement is a code issue. The Goal is to protect natural resources and the Policies are that the City should use setbacks and other protection measures to accomplish the goal. Then the specific amount of setback is established in the code.

Certificate of Occupancy for Business Licenses

The Planning Commission is presenting Council with two options to address the problem of businesses operating within the City in buildings that have not passed building code requirements. The County issues a certificate of occupancy when a structure is declared habitable after passing building inspections. We reasoned that requiring proof of a certificate of occupancy would be a way to address the problem.

We spoke with City staff, and especially Kimmie Jackson who manages the licensing process. Ms. Jackson indicated that adding this requirement would not significantly impact her work and would be a desired improvement.

We received input from the City Attorney on ways to operationalize the COA request.

QUESTIONS BEFORE COUNCIL

1. Does the Council want to require a Certificate of Occupancy as part of the licensing process for businesses that operate in a facility within the City Limits and that receive customers?
2. Does the Council prefer Option A or Option B?
3. Should the Council direct the City Manager to prepare an ordinance document on this issue for the October Council meeting?

City Council Action Item Cover Sheet

DATE: September 12, 2018

Agenda Item:

Resolution 2018-33

Question Before Council:

Approval of Resolution 2018-33

Person/Group Initiating Request:

City Manager

Item Summary/Background:

At the September 5, 2018 meeting the Council moved to appoint David Rivinus to the Library Commission. This resolution memorializes that motion.

**CITY OF YACHATS
RESOLUTION NO. 2018-33**

WHEREAS, The Library Commission made recommendations to the City Council concerning the appointment of members to serve on the Commissions, and

WHEREAS, The Library Commission discussed the recommendation at the July 10, 2018 meeting;

NOW THEREFORE, the City of Yachats resolves that the following appointments are made:

- Library Commission: David Rivinus – Seat E - Term ending December 31, 2020

This Resolution is memorializing an action taken by City Council at the September 5, 2018 meeting and was effective as of that date.

Attest:

Gerald Stanley, Mayor

Shannon Beaucaire, City Manager