

CITY OF YACHATS

CITY COUNCIL MEETING

September 12, 2018

Approved Minutes

Mayor Gerald Stanley called the September 12, 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, Craig Berdie, and Max Glenn. Staff present: City Manager Shannon Beaucaire and Clerk Judy Richter. Audience: 27.

I. Announcements, Correspondence, Proclamations

A. Announcements

1. Mayor Stanley announced the annual Hands Across the Bridge ceremony for wellness is Saturday September 22, 2018 at 11:30 am.
2. Ginny Hafner announced Greg Scott is presenting a slideshow on Antarctica on September 16, 2018 at 2:00 pm.

B. Proclamations

Councilor Glenn reported Andreas Summerlin from Angell Jobs Corps asked to declare September as National Recovery Month. Glenn read the proclamation into the record.

Glenn moved to proclaim September 2018 as National Recovery Month: Aye – 5; No – 0.

II. Public Comment

1. Consuelo Kammerer (329 Eastline Road) asked Council to impose a ban on plastic carryout bags, straws, and styrofoam. She stated she was not asking to ban plastic produce bags. She noted other cities have successfully implemented such a ban.

III. Resolutions

A. Resolution 2018-33 Confirming Library Commission Appointment

Manager Beaucaire explained this resolution memorializes Council's action from the previous meeting to appoint David Rivinus to the Library Commission.

Tooke move to approve Resolution 2018-33 appointing David Rivinus to the Library Commission: Aye – 5; No – 0.

IV. Reports

A. Guests: Civic Plus IT Presentation

Richard Jones, Civic Plus, presented a brief overview of Civic Plus, noting over 60,000 civic staff and 60 million residents use Civic Plus website. He highlighted:

1. Has been in business for 20 years and has 300 employees
2. Solely dedicated to local government
3. Nominated for award as one of the fastest growing companies in their sector
4. Heavily invest in R&D
5. Emphasis on security, noting while St. Lawrence, NY was recently hacked, Civic Plus kept Ferguson, MO, online during the Michael Brown riots, prevented hacks, and pushed out alerts.
6. Invest over 1 million each year in security.

1
2 Glenn asked if the plan was to develop a new website while migrating all of the old information
3 from the existing website. Jones indicated they plan to migrate as much information as
4 possible.
5

6 Councilor Berdie asked if Jones had received their requested scenarios. Harlan Bryant, trainer
7 with Civic Plus for 12 years, presented the task demonstration using an example of Dallas, OR.
8 Bryant emphasized the easy to read, easy to find navigation using mega menus that display
9 several levels at one. He highlighted the "I Want To" section on the Eugene, OR.
10

11 Bryant explained Civic Plus wants to transfer as much information as possible from the existing
12 site to the new site, but ultimately the content is up to Yachats. He noted they have a team of
13 people that only do content migration. He noted they follow a design principle of hand
14 customizing pages and having only one topic and only a few paragraphs per page. They design
15 with the knowledge that people do not always read everything on a page.
16

17 Bryant showed an example of an information request form, which automatically goes to
18 intended person with a verification copy going to the user, if desired. He noted form builder tool
19 is super easy for staff to use.
20

21 Bryant indicated their websites are very mobile friendly as 60-70% of website traffic is from a
22 smart phone or tablet.
23

24 Berdie asked about the workflow of website requests. Bryant indicated forms are logged in the
25 forms center in a database, which can be exported. He added that permissions can be used so
26 a given staff can only get into the areas that they are set up for. Berdie asked if an API
27 (application programming interface) could be used to transfer the information to another system.
28 Bryant indicated it was possible, but he would need to verify the particular third party
29 application. Bryant referenced Zapier as a product they use to automate the interface. Glenn
30 noted the current site is highly customized, and wanted to know if Civic Plus could work with
31 that code. Bryant explained they can pull any information from the customer side.
32

33 Berdie asked about the use of analytics. Bryant explained Yachats will be assigned an account
34 manager who will review the website analytics during the initial phases and ongoing to ensure
35 the site are operating in the way they need to.
36

37 Berdie asked how Civic Plus would ensure that documents were properly classified. Bryant
38 stated they can categorize by the where it is located: agenda center, archive center, and
39 document center. He added Yachats would decide define the categories and who has access.
40

41 Bryant demonstrated how documents could be updated, noting Word documents can be
42 uploaded and automatically converted to PDFs. Uploading documents in this form would
43 increase searchability. He also noted that a modified document would automatically update
44 throughout the site.
45

46 Bryant provided examples of workflow for business license requests using a form.
47

48 Berdie asked for more detail on the search functionality. Bryant indicated that as long as
49 documents are searchable, the site would search everything; however, if the documents are
50 images, as in some PDFs types, contents cannot be searched. Berdie stated Civic Plus's
51 search function was only textual. Berdie asked if there was a way to filter out everything but

1 building permits on the Eugene site. Bryant noted this section for Eugene was a third party app.
2 Berdie asked if there could be a search by date. Bryant noted the database of the forms could
3 be searched by date. However, if the date were included in the search criteria, the search
4 would include that factor.

5
6 Councilor Frye asked to see a demonstration on searching minutes. Bryant used Lake Wales,
7 FL for an example of the agenda center. Bryant explained there are built-in filters for time frame,
8 date, and meeting. Bryant added that the agenda center would both organize documents and
9 help create the agenda. Berdie clarified the agenda center is included in the proposal cost.

10
11 Berdie asked for more detail on the plans for document transfer and handling the high volume of
12 information in the document library. Berdie noted Civic Plus had limits on the number of pages
13 that are included in their bid. Bryant explained static pages count as one page and documents
14 and images are counted as 10 per page.

15
16 Frye clarified what an SSL certificate was. Bryant indicated he did not see an SSL certificate on
17 the current site.

18
19 Glenn clarified the site would go live in 24 to 26 weeks.

20
21 The presentation ended at 7:13 pm.

22
23 Berdie was concerned that this solution does not move the system forward nor enable better
24 workflow. Berdie stated that he did not see depth or quality in the product presented. Frye
25 noted staff had expressed opinions that this proposal would make their work easier. Berdie
26 wanted to be clear that the City would not be getting a "fully automated" system. Councilor
27 Tooke asked if there were other bids that could enable more filtered searches.

28
29 Frye asked James Kerti, website developer who participated in the selection process, about the
30 search capabilities. Kerti noted the general issue of programming for searches. He noted
31 Google invests billions in their search functionality and that has become our standard. Kerti
32 reported he did not see that any other bidders had anything better. Kerti added that the forms
33 application was simple and easy to direct to the intended party. Tooke clarified with Kerti that it
34 would be cost prohibitive to get a system with the search capability some seem interested in.
35 Frye asked how much work staff would need to do to get the system functioning. Kerti
36 understood that Civic Plus would do most of the migration.

37
38 Helen Anderson (77 8th Street), participant in the two vendor interviews, believed Civic Plus's
39 site would make work flow of staff much easier. She noted how she sees how much staff
40 struggles to use the current system, and she was impressed with how the staff responded so
41 positively to Civic Plus in the interview. Anderson believed the agenda center would greatly
42 improve search of minutes and meeting-related documents, as there is control for date.

43
44 Clerk Richter thought Jesse James was a better company as they had more flexibility. Richter
45 noted there are three fee schedules for reservations and Jesse James explained how they could
46 handle that. Richter had concerns about processes that Civic Plus did not demonstrate. She
47 wanted more time to evaluate the products of the two finalists. Richter was very concerned that
48 a change to these systems would mean a loss of online tracking of licensing and tax payments.
49 Richter believed that having to track the 150 vacation rentals tax collections and restaurant tax
50 collections by hand would be unmanageable. Richter reported she found a company in Garden
51 City, UT who has developed a program to help manage short-term rentals (STR Helper).

1 Richter talked to this company about applying their program to the business licensing system
2 and was told that could be a possibility.

3
4 Greg Scott (480 Combs Circle) noted the current site uses Google's search engine. Scott's
5 biggest concern was that Civic Plus was selling a document system, and the system the City
6 has is a database system. He did not believe Civic Plus understood what the current system is.
7 He also did not hear anyone talk about the business logic during the presentation. Scott
8 stressed that his system tied everything together. He was concerned about losing the property
9 inventory, which has enormous untapped potential for analysis. Scott stated he was pleased to
10 see there was someone on the Council who seemed to understand what was going on.

11
12 Michael Hempen (580 Evergreen) asked what kinds of conversations they have had with other
13 cities about the usefulness of their systems. Manager Beaucaire indicated she called all of the
14 references listed in the proposals and received excellent feedback on Civic Plus. She noted
15 users of Civic Plus provided examples of ease of use for staff and citizens. She also did
16 research prior to issuing the proposal and received excellent feedback on Civic Plus.

17
18 Glenn recalled they went through a significant proposal evaluation and interview process and he
19 trusted those expert opinions. He asked if there was a need to ask Civic Plus for more
20 information. Tooke stated he thought that if Councilors had issues with Civic Plus, they should
21 send written questions to Manager Beaucaire. Frye concurred there were unanswered
22 questions that needed to be addressed. Berdie expressed concern about losing the business
23 capabilities.

24
25 Mayor Stanley summarized that Councilors want to have certain questions answered.
26 Council agreed to get questions to Clerk Kimmie Jackson by September 19, 2018.

27
28 **V. Additional Public Comment/Concerns – none**

29
30 **VI. Minutes**

31 **A. August 1, 2018 Work Session**

32 Page 3, Line 20-24: Tooke clarified that the \$25,000 request is contingent upon a grant
33 received from the State

34 Page 1, Line 24: change "request" to "contact"

35 Page 5, Line 27-28: Sentence beginning with "Manager Beaucaire clarified..." is
36 incomplete. Sentenced changed to read, "Manager Beaucaire clarified that the City
37 Attorney recommended that Council appoint someone to fill the position."

38
39 Councilor Frye moved to approve the August 1, 2018 meeting minutes as amended: Aye – 4;
40 No – 0; Abstain – 1. (Berdie was not present)

41
42 **B. August 8 Regular Meeting**

43 Page 4, Line 22: Lincoln County Sheriff's Department should be law enforcement.

44 Page 1, Line 37: "his position" should be "different positions."

45
46 Councilor Frye moved to approve the August 8, 2018 meeting minutes as amended: Aye – 5;
47 No – 0.

48
49 **VI. Reports - continued**

50 **B. Council Reports**

1 Mayor Stanley attended meetings of the Pollinator Project, Incarceration Exhibit, Coastal
2 Caucus, Bi-Monthly Mayor's Meeting, and South Lincoln Resources 35th Anniversary
3

4 Stanley recalled Council was asked by the League of Oregon cities to identify four priorities,
5 which were broadband infrastructure, infrastructure financing and resilience, mental health
6 investment, and PERS issues. Three of the six priorities adopted by the League were ones of
7 importance to Yachats.
8

9 **C. City Manager Report**

10 Manager Beaucaire highlighted:

- 11 1. The South Tank project is mostly complete.
- 12 2. The engineer reviewed the steep bank on Crestview and sent information to a foundation
13 engineering company. The evaluation would cost \$2,600.
- 14 3. She has scheduled a meeting with Lincoln County on Ocean View Drive for next week on
- 15 4. She will soon have an estimate for repairs on the Little Log Church.
- 16 5. She attended the Coastal Manager's Meeting where the EPA discussed their tool to
17 evaluate where cities stand in terms of sustainability. She noted the representative was
18 very interested in working with Yachats. The Council was in favor of Manager Beaucaire
19 reaching out to the representative and inviting him to a meeting.
- 20 6. The grant applied for by Lincoln County on affordable housing was awarded to County. The
21 project is joint with the Oregon Department of Land Conservation and Development.
- 22 7. There was a Biosolids summit and the County will be looking at concerns raised there. She
23 would like to have Dave Buckwald to come to talk to a Council to explain the process and
24 impact.
- 25 8. She will be going to the ICMA Conference in Baltimore and to the League of Oregon Cities
26 Conference in Eugene.
- 27 9. Yachats will be getting an award for few or no days lost to on-the-job injuries at the League's
28 conference.
- 29 10. She will be completing the remaining two of five classes for FEMA certifications in
30 November and January.
- 31 11. She received an invitation to the Climate Change Partnership, who wants to present to
32 Council. Mayor Stanley suggested they attend a meeting rather than present at a meeting.
33
34

35 **D. Code Enforcement Report**

36 Quinton Smith, Code Enforcer, reported there are 25 commercial kitchens in the City which
37 need to be inspected. Public Works will be restarting the inspections at the end of the tourist
38 season and will be sending a letter and brochure that walks people through the inspection
39 process.
40

41 Mayor Stanley asked Smith to talk about vacation rentals. Smith reported he did not experience
42 problems with vacation rentals. In every instance of a complaint, he found the managers took
43 care of reported problems in reasonable time. He was most surprised at neighbor-to-neighbor
44 disputes. He strongly recommended that a new code enforcer incorporate some mediation
45 system to help resolve these issues. Smith also suggested the City engage in some how to be
46 a better neighbor campaign.
47

48 Berdie asked if Smith had compared properties listed on online sites to the rentals that are
49 licensed in Yachats and asked if he thought some of the online services would be helpful. Smith
50 noted Joan Davies and Tom Lauritzen recently did a review and noted the City would need to
51 assess the tradeoff between additional costs and tracking down a few properties.

1
2 Mayor Stanley expressed appreciation for the service Smith had provided.
3

4 **V. Unfinished Business**

5 **A. Commons Manual Provisions and Plastic Beverage Bottles**

6 Stanley noted they received three emails on issues in the Commons manual. John Moore,
7 Parks and Commons Commission Chair, reminded Council that the armed security issue was a
8 recommended by the City Attorney.
9

10 **1. Firearms**

11 Leslie Vaaler (205 Radar Rd) suggested the City not rent to events that require armed security.
12

13 Berdie indicated he was generally against allowing firearms on City property, but believed there
14 should be some provision to allow for armed guards. Frye did not want to get into the business
15 of evaluating who gets an exception to carry a firearm, suggesting the policy be to call 911.
16 Glenn recalled the substance of the previous discussion was over the certification criteria. He
17 believed the certification was adequate. Tooke was not in favor of guns in the Commons.
18 Stanley noted if there was impending danger around an event, the event could be cancelled.
19

20 Manager Beaucaire explained there were two events that wanted security to be provided by
21 local people. The attorney indicated such a security person should be certified regardless of
22 whether they carry a firearm. She noted there are sometimes very expensive art exhibits that
23 sometime require armed security.
24

25 Frye moved to delete the last sentence in the Firearms Sale/Display section of the Commons
26 Policy Manual on page 6 stating, "Paid security staff with proper permits and certifications are
27 allowed to carry firearms" and to add the sentence, "No private security will be allowed to carry
28 firearms on Yachats City property." to that section: Aye – 5; No – 0.
29

30 **2. Plastic Bottles**

31 Mayor Stanley asserted the recommendation was extended to plastic bottles for any beverage.
32

33 Frye moved to direct the Parks and Commons Commission to retain the current language in the
34 section titled, "Disposable Plastic Bottles" on page 5 and to replace "water" with "beverages" in
35 that paragraph: discussion
36

37 Councilors discussed potentially prohibiting food in plastic containers. Manager Beaucaire noted
38 the food Council had at their Monday work session would have been prohibited. Berdie noted
39 there were lots of ways to transport water, but not as many for the transportation of food. Frye
40 withdrew "food" from her motion.
41

42 Mayor Stanley noted the language is a recommendation, not a requirement. Frye wanted to
43 direct staff to not provide water bottles at events. Mayor Stanley asked Councilors to refrain
44 from giving direction directly to staff.
45

46 **Call for vote: Aye – 5; No - 0.**
47

48 **VI. New Business**

49 **A. Planning Commission**

- 50 1. Requiring Certificate of Occupancy for Business License
- 51 2. Light Industrial Definition

1 3. Sign Code Update

2 4. Comprehensive Plan Review

3
4 Helen Anderson, Planning Commissioner Chair, reported that the Commission has been
5 working very hard on addressing several issues. She noted the actual ordinance form was not
6 finalized before this meeting. Anderson noted the Light Industrial definition is a straightforward
7 change. However, the Sign Code update is a major revision of content and structure. Finally
8 the Comprehensive Plan review involved general goals of land use decisions.
9

10 Anderson explained the suggested amendments to the business license process arose over
11 businesses in town operating without having obtained building permits. She asserted the
12 Planning Commission is charged with ensuring public safety and having customers come into
13 an unpermitted building was not safe. Anderson explained that once building inspections are
14 completed, the owner is provided with a certificate of occupancy. She indicated the
15 Commission looked at two options to incorporate this requirement into the licensing process.
16 Anderson indicated she talked to Clerk Jackson, who was very supportive including a certificate
17 of occupancy in the business license application. The other way to include this requirement
18 would be to have stronger language to assert that a license could be revoked if building permits
19 were not obtained or passed. She noted there was already language in the code that
20 addressed revoking a license based on dangers to health or public safety, but the Attorney had
21 recommended making that language stronger.
22

23 Anderson noted the Commission has proposed two options as noted in the packet and they
24 could direct the City Manager to put an option into ordinance form. Berdie asked if the Council
25 could do both options. Anderson clarified that business licenses are renewed every year.
26

27 Glenn wanted to move forward with the process. Frye wanted wanted more time to review the
28 issue and think about it. Tooke asked for clarification on why the Commission was
29 recommending Option A making a certificate of occupancy part of the application process.
30 Anderson explained option B gives the City legal standing to revoke an option. Tooke believed
31 both options should be included.
32

33 Mayor Stanley wanted to have more public discussion before voting on it. Frye wanted to
34 discuss the matter more before having the City Manager do the work of putting together an
35 ordinance. Anderson noted the document Councilors had was the work of the ordinance
36 without the whereas clauses. Glenn asked Manager Beaucaire if she had a recommendation
37 for moving forward. Manager Beaucaire indicated she could certainly add another ordinance to
38 the packet that she will be sending to the City Attorney.

39 Berdie asked Anderson about issues around noise and odor with light industrial uses. Anderson
40 stated those issues are already addressed in the existing code. Berdie asked if the Commission
41 had a list of what ordinances applied to various sections of the Comp Plan. Berdie asked the
42 Planning Commission to delineate those items in the Code that still need to have code to
43 enforce them. Anderson indicated the Commission did not review the Plan with that objective in
44 mind. She noted the Commission does ongoing work to address issues that are in the Plan but
45 not yet supported in the Code. She noted the Commission has a list of items to be addressed,
46 and Berdie asked that she share that list with Council. Berdie wanted to have the Council
47 provide input on the priorities of various goals and topics based on the Council's vision. Tooke
48 got clarification that the change to the existing Code was the addition on one sentence.
49

50 Ginny Hafner, Planning Commissioner, asked the Council to trust the Planning Commission on
51 their recommendation. Hafner explained the Commission spends a lot of time and does a lot of

1 research on these matters. Hafner suggested that Councilors could read the Planning
2 Commission minutes to get more detail on their work. She noted they were all part of the same
3 team.

4
5 Tooke moved to direct the City Manager to draft an ordinance for review by the City Attorney on
6 the Certificate of Occupancy Issue including both options A and B: Aye - 5; No - 0.

7 8 **B. Donation Refund Request**

9 Nan and Greg Scott (430 Combs Circle) read a statement about getting a refund on the
10 \$15,000 they donated to the City in July 2018. She indicated they had donated \$60,000 from
11 2012 through 2017 to Yachats to cover half of the Yachats database development costs. She
12 noted the City has decided to go a different direction with IT and website development and no
13 longer felt their dreams were mirrored. She stated they have decided to direct their donation to
14 View the Future for the Amanda Bridge. She reported their financial planner sent the donation
15 before they had made a final decision on the donation.

16
17 Mr. Scott handed out a packet of information on his IT development work and highlighted:
18 The document on page 7 was the genesis of the relationship that existed between the City and
19 himself regarding IT development.

- 20 1. His work began because he saw inefficient operations in how the City processed business
21 licenses
- 22 2. In 2013, he presented a two-year vision for software development in which the Scotts would
23 underwrite 50% of development costs, which the Council approved.
- 24 3. The document on page 5 established a contractual relationship between himself and the
25 City.
- 26 4. He provided a four-page summary of his concerns to the City Manager and Mayor earlier in
27 2018.
- 28 5. Based on what he heard tonight, his concern about an unfortunate course of action appears
29 to be happening.
- 30 6. He previously met with the City Manager and his accountant from which he took away that
31 he would get his refund request, but later learned that was not the case.

32
33 Frye asked Scott asked for clarification on how the transfer of the funds was a mistake. Scott
34 stated he under the impression with his financial manager that he could control the timing of
35 when the contribution was made. He did not know the transfer had actually been made until he
36 returned from his last trip.

37
38 Mayor Stanley asked members of the Budget Committee about their concerns for this requested
39 action. Tooke reported they learned at the Finance Committee that morning that the City was
40 facing several large, unanticipated expenses. Tooke clarified the IT budget would go from
41 \$50,000 to \$35,000 if the \$15,000 was refunded to the Scotts. Tooke noted they would have to
42 do a supplemental budget to find the money to refund. Clerk Judy Richter noted the \$15,000
43 has to come from the IT budget by law and, according to Oregon law, the refund would have to
44 be entered as an expense under IT. Glenn clarified it would require a supplemental budget to
45 replenish the funds in to the IT budget.

46
47 Manager Beaucaire reported Finance Committee discussed where the money for the refund
48 could come from. Richter explained there was \$5,000 for a CIP for the Emergency Operations
49 Plan, which was not spent. She indicated they would have to take money from other funds to
50 recover the remaining \$10,000.

1 Glenn said this was the first time he had heard that the gift was mistake made by the Scott's
2 financial planner. Glenn was hesitant to set a precedent on refunding gifts, such as Mr. Hall's
3 family wanting to request a refund of their Library bequest.

4
5 Glenn expressed displeasure and concern that the first time he had seen one of the documents
6 Scott had presented was on the campaign website of a mayoral candidate. Scott strongly
7 denied that he or his wife sent the document to candidate Ann Stott.

8
9 Frye recognized how much time Scott had put into IT development, even though she had never
10 felt it was a good idea for a Councilor to be giving money to the City.

11
12 Frye moved to refund \$15,000 to Greg and Nan Scott in the manner requested in the
13 September 7, 2018 letter and to assert that this action should be a one-time, non-precedent
14 setting agreement: Aye – 5; No – 0.

15
16 **VIII. Other Business**

- 17 **A. From Mayor** - none
18 **B. From Council** - none
19 **C. From Staff** - none

20
21 Mayor Stanley adjourned the meeting at 8:05 pm.

22
23
24
25
26 _____
27 GERALD STANLEY, Mayor

28 ATTEST:

29
30
31 _____
32 Shannon Beaucaire, City Manager

_____ Date