



CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

May 1, 2019

Approved Minutes

WORK SESSION

I. Meeting Call to Order

Mayor W. John Moore called the May 1, 2019 work session and regular meeting of the City Council to order at 9:30 am in Room 1 of the Yachats Commons. Council members present: W. John Moore, Max Glenn, James Kerti, Jim Tooke, and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire, Clerk Kimmie Jackson, and Facilities Manager Heather Hoen. Audience: 39.

Mayor Moore explained the process followed with the work session and regular meeting.

II. Work Session Discussion Topics

A. Community Input on Ocean View Drive

Mayor Moore stated Council needed to address the sections of Ocean View Drive from W 2nd to W 7th Streets and from the State Park to Pontiac Street. He reported he did not hear significant opposition to the one-way 2nd to 7th section in the public testimony. Councilor Vaaler stated making 2nd to 7th section one-way northbound made sense. She recalled Stanley's suggestion to end at W 4th Street and noted this opinion was an outlier. Councilor Glenn concurred with Vaaler. Councilor Kerti added that the proposed direction would increase safety. Councilor Tooke noted one-way traffic would help protect the natural resources and reduce erosion.

Regarding the separation of pedestrian and vehicle traffic, Mayor Moore recalled the options discussed at previous meetings, including barriers, low curbing (Lincoln County Public Works had concerned over tripping hazard), and striping (recommended by Lincoln County Public Works).

Vaaler noted she has heard from many citizens on the topic. She suggested a barrier of two to three feet high planters intermittently positioned. She noted a citizen suggested individuals could help maintain them and they would be desirable for people who could not bend over. Vaaler indicated she asked Shelly Shrock, who organized the Highway 101 beds, about that possibility, and Shrock indicated it could be feasible and there might be grant money. Mayor Moore noted they could start with a stripe and add planters later. Glenn asked about some type of rumble strip

1 between the stripes to warn vehicles and pedestrians. Kerti liked the planter idea but had
2 questions over the implementation. Tooke favored striping, noting there would be a much wider
3 lane for pedestrians to help with safety. Tooke also stated it was important to get the paving
4 done soon and wanted to keep the issue simple. He also noted the problems with curbs at E 2nd
5 and Beach Streets. Tooke suggested reducing the speed limit to 15 mph in the 2nd to 7th section.
6

7 Mayor Moore summarized Council wanted to instruct the County to stripe Ocean View Drive
8 one-way northbound from 2nd to 7th Streets.
9

10 Mayor Moore added that rumble strips could be done via epoxied bumps or grinding into the
11 pavement. Manager Beaucaire indicated she would ask the County about this option and noted
12 she had seen the epoxied “turtles” breaking away. Vaaler also mentioned the possibility of speed
13 bumps. Kerti and Tooke also favored grooved over epoxied rumble strips. Tooke noted the fire
14 department might have issues with speed bumps. Vaaler asked to get cost information before
15 making a final decision on the rumble strips. Vaaler asked if they could get cost information by
16 the next Council meeting. Tooke agreed they could ask about whether the County would do it
17 and what it would cost before the next meeting.
18

19 Kerti asked if Council needed to make a decision about truck traffic at this time. Mayor Moore
20 suggested they could address that topic later.
21

22 Mayor Moore recalled there was a suggestion to have traffic flow on Ocean View Drive one-way
23 between Pontiac Street into the State Park. He noted the concerns about turning around in the
24 State Park and added that most of the traffic into the Park enters from 2nd Street. He explained
25 they could put up “Do Not Enter” signs and speculated that visitors might not see the signs.
26 Kerti wanted to ensure there were safe exits from the Park and suggested an eastbound one-way
27 flow from the State Park to Pontiac. Tooke clarified that the area from Pontiac to Highway 101
28 would remain two-way. Glenn agreed with the eastbound to Pontiac flow.
29

30 Vaaler proposed that they not allow RVs enter the park and to close the section from Pontiac to
31 the Park. Vaaler read from an engineer’s report from 2017 that recommended a closure of that
32 section via three options and noting the Fire Department would need to be consulted. She had
33 concern for the mix of pedestrians and vehicles in such a narrow strip presented safety issues.
34 Mayor Moore suggested another option to have the County proceed with paving and striping,
35 then have a professional company conduct a traffic flow analysis to recommend the best option.
36 Manager Beaucaire stated Mayor Moore’s idea was possible as the County’s goal at this point
37 was to get the paving done. Tooke noted once the City gets control of the road, the City has
38 flexibility to make decisions to update the plan. Kerti had concern over keeping this section two-
39 way. Glenn agreed to go one-way and possibly conduct a study. Vaaler suggested that if they
40 were serious about keeping RVs out of the Park, they could add a height-limiting bar across the
41 road. Vaaler questions paving the section from the Park to Pontiac if they were going to close
42 that area. Glenn was hesitant to prohibit RVs as they are such a big part of Yachats’ tourism
43 economy.
44

45 **B. Single Use Plastic Ban Draft Ordinance**

1 Mayor Moore recalled the Council had wanted to see what the State was going to do with their
2 proposed ban, noting the State did pass a plan in the House. Kerti noted HB 2509 passed the
3 House on April 25, 2019 by a vote of 42-18, HB 2883 passed the House on April 23, 2019 by a
4 vote of 32-28, and SB 90 on plastic straws passed the Senate on April 11, 2019 by a voted of 23-
5 6. He suggested tabling the topic until the State legislature finishes their work. Council agreed.
6

7 **C. Vacation Rental Ordinance Pilot Program**

8 Mayor Moore reported the previous Council passed an ordinance in 2017 on a pilot program for
9 vacation rentals and Council would need to take action on the next steps. Kerti stated they
10 should get input from vacation rental owners and the community. Kerti asked what kind of data
11 they could get, such as complaint history/resolution and taxes collected. Glenn asked that they
12 focus on the portions of the resolution that were changes and not the whole issues around
13 licensing of vacation rentals. Vaaler suggested they examine the cap and whether it was at an
14 appropriate level and looking at the license and violation fees. She wanted to know from
15 neighbors if the quality of their neighborhood had changed over the past two years. Vaaler also
16 expressed concern that vacation rentals use a disproportionately high volume of water when the
17 City faces water shortages each year. She noted housing availability issues have continued to be
18 problematic during this time. Tooke noted he had heard surprising little from citizens about
19 vacation rentals since the implementation of the cap. Mayor Moore noted the City brought in
20 \$30,000 in license fees and wanted to know the internal costs of processing and enforcing
21 regulations to see if the fees covered the costs.
22

23 **D. Parks and Commons Commission and Little Log Church**

24 Mayor Moore noted there was a request from Parks and Commons Commission Chair John
25 Purcell to clarify the role of Parks and Commons and the Little Log Church. Mayor Moore
26 reviewed the history of the Little Log Church, noting Little Log Church has historically operated
27 independently. Several years ago, the Council wanted all Committees to report to a
28 Commission, and decided the Little Log Church should report to the Parks and Commons
29 Commission. Mayor Moore noted Council could address this issue now or take Tom Lauritzen's
30 advice to evaluate the role of the Commissions. Mayor Moore believed this approach to look at
31 the bigger issue fit with Purcell's request. Purcell stated the Little Log Church was stable as it
32 exists today and agreed that the Commission role evaluation was warranted. Glenn noted the
33 Round Table meeting with the City Manager and Commission Chairs might lend some insight
34 into the operations of the Commissions. Manager Beaucaire indicated some chairs were new but
35 she could still get input on the topic. Vaaler agreed the vacation rental topic was a priority but
36 did not want to delay this Commissions discussed too far out. Tooke agreed this issue could be
37 delayed. Kerti believed they could do both.
38

39 Purcell noted Parks and Commons Commission was tasked with reviewing the Little Log Church
40 budget and to take that to Finance. However, he was not certain if they were to get involved in
41 the Little Log Church CIPs as well. He favored having the Little Log Church give regular
42 reports to Parks and Commons.
43

44 Mayor Moore indicated Council would address vacation rentals and a beginning discussion of
45 organization structure with the Commissions at their next work session.
46

1 **REGULAR MEETING**

2 **Announcements, Correspondence and Proclamations**

3 Mayor Moore announced there would be a program, “A Home for Everyone” about Eugene’s
4 plans for addressing homelessness in Newport on Saturday, May 18, 2019 at St. Stephen’s
5 Episcopal Church from 1:30 to 3:30 pm.

6
7 Kerti announced the Yachats Academy of Arts and Sciences will have Dr. James Brau, a
8 physicist, speak on a “journey to the beginning of time” on May 4, 2019 at 6:30 pm.

9
10 Helen Anderson announced Yachats Pride begins on May 31, 2019.

11
12 **A. Municipal Clerks Week: May 5-11, 2019**

13 Mayor Moore read a proclamation declaring May 5-11, 2019 as Municipal Clerks Week and
14 recognized Kimmie Jackson for her service.

15
16 Mayor Moore announced Clean Sweep was scheduled for June 20-23, 2019.

17
18 **II. Public Comment (topics not on the agenda)**

19 Gary Hofer (905 Horizon Hill) raised the issue of opening the gate connecting Horizon Hill to
20 Gimlet. He had spoken to other neighbors who would at least like a key or combination lock to
21 get out in case of emergency. Manager Beaucaire stated she has contacted the City Engineer to
22 have him evaluate the situation and make a recommendation.

23
24 **III. New Business**

25 **A. Vote on Ocean View Drive Traffic Flow**

26 Tooke moved to recommend to Lincoln County to pave and restripe Ocean View Drive from 2nd
27 to 7th for one-way northbound traffic and to request in-ground rumble strips in that section: Aye
28 – 5; No – 0.

29
30 Tooke moved to recommend to Lincoln County to pave and restripe Ocean View Drive from
31 Pontiac to the State Park one-way eastbound to allow for separation of pedestrians and vehicles:
32 Aye – 4; No – 1 (Vaaler).

33
34 Glenn was unclear if the paving on Ocean View Drive was to continue from Pontiac to Highway
35 101, and Manager Beaucaire indicated she would get clarification on plans for that section of
36 road.

37
38 **A. Parks & Commons Farmer’s Market Recommendation**

39 Mayor Moore read a statement on the history of the establishing a group to operate the Farmers
40 Market. Mayor Moore stated the Council wanted to hear from Starla Gade and Blythe Collins-
41 Niskanen to explain their proposals.

42
43 Blythe Collins-Niskanen stated she has been involved with the Farmers market since its
44 inception. Collins-Niskanen handed out a revised application and Code of Conduct. She
45 reported she was approached in February 2019 about taking over the Market. She reported she
46 investigated insurance option in March and learned an individual had to be responsible to get

1 insurance. She noted the proposal they submitted has been the same that has been submitted for
2 years. She noted the 50:50 ratio of farmers to crafts was important to retain the Farmer's Market
3 Status rather than a Crafts market. She noted there has been issue around the manager role. She
4 noted she has clearly established that complaints would go not to her nor the market manger but
5 would go to a committee to resolve.
6

7 George Mazeika stated Collins-Niskanen has asked him to be the market manager. He reported
8 he has been Show Chair for the Oregon Coast Agate Collectors in Newport and has been
9 involved in promotion with the Yachats Agate Festival. He appreciated the Council creating a
10 fair and open method of reviewing the proposals. Mazeika noted one vendor had proposed
11 farmer-run market without explaining what that is. He reported information from the Oregon
12 farmer's market. Kelly Craine from the Oregon association told him there are no vendor-run
13 markets in Oregon, but there are venders involved in the management of the market. He also
14 asked about local government involvement in the markets. She stated most of the time the
15 market was private structure. Mazeika noted the city's biggest asset was its people who have
16 vast experience and expertise. He believed the market should have local management and local
17 control.
18

19 Kristi Meredith (9495 Highway 101 S) stated she has been a vendor for 10 years. She noted she
20 spends her time and money in Yachats and wholly supports the community. She wanted to note
21 that Collins-Niskanen believed and supported small businesses and wants to encourage vendors
22 to operate as small businesses so that each vendor contributes to the growth of the market. She
23 reported the most common comment from vendors was that they get their 10 x10 space without
24 being encumbered with other obligations. She stressed that farmers would be very happy with
25 Collins-Niskanen's proposal. Meredith also stated that the 50:50 farmers to vendors ratio was
26 essential to the success of the market. She believed in community before commerce. She
27 stressed the uniqueness of Yachats Farmers Market.
28

29 Vaaler stated Council received many letters, including one from a 10-year-old girl. Vaaler asked
30 about potential losses on running the market. Collins-Niskanen was emphatic that the market
31 would not lose money. Collins-Niskanen stated that they were not going to charge produce
32 vendors in May 2019 because their harvest was just starting. She stated the market was not
33 about making money, it was about community. She reported she has been independent and
34 selling at shows her entire working life. She explained her vision of the role of vendors in the
35 market. Mazeika stated his background was in business and noted the costs were not very large.
36 He wanted to ensure fiscal stability before pursuing significant expansion.
37

38 Glenn stated he was 5th generation farmer from Oklahoma. He noted the volume of calls he has
39 received and the comments from farmers expressing their concern for the continuance of the
40 market. Glenn recalled he was approached several years ago about a vendor who was causing
41 problems, and Glenn wanted to know how they would manage the trouble-makers. Mazeika
42 stated problems arise when there was a lack of communication and understanding. He reported
43 he would be clear with vendors. Collins-Niskanen noted there was a process described in the
44 proposal where complaints would be made in writing. She added that if a vendor was to take
45 matter to a Councilor or to the public, that vendor would lose their membership in the market.

1 She stated her motto of, “No Fighting. No Biting.” Meredith added that the relationship of the
2 vendors to the market was voluntary.

3
4 Kerti reported he heard from community members that there was concern about insurance
5 requirements. Kerti asked for clarification on insurance requirements. Collins-Niskanen stated
6 her insurance was a \$2 million liability policy for the market. Additionally, vendors who
7 produce food have to have licenses and insurance by law. She indicated the same requirements
8 were true for the ag industry. Mazeika stated he spoke with the extension service and learned
9 that the market is only responsible that vendors be licensed. Kerti asked for details on the three
10 paid positions: facilitator/manager, promotion, and book keeper. Collins-Niskanen noted she
11 runs business by paying bills then giving the rest to advertising. She summarized their expenses
12 to be rent, insurance, and three paid staff.

13
14 Tooke stated he had not received comments from citizens and was loudly rebutted for suggesting
15 rotating booth positions.

16
17 Starla Gade stated she lives in Waldport and noted she recently held a meeting with 45 attendees.
18 She stated the Farmers Market in Yachats played a vital role in the Community and for tourism.
19 She has been a vendor for five years. She had previous experience in starting a Farmers Market
20 and travels to go to markets. She indicated she has heard negative comments about non-
21 responsiveness to phone calls and communications. She stated she had concerns that there
22 would not be a clear process when Ellis Lampman turned the market over to Ron Vil. She stated
23 whomever had been discussing the market with Facilities Manager Hoen was not communicating
24 with all the vendors. While noting these comments might sound negative, there are problems
25 with communicating with only a select few of the vendors.

26
27 Gade stated most markets are run with a vendor-formed Board.

28
29 Gade stated she did not prepare a statement as she was not told to prepare anything for this
30 meeting. She claimed she was told not to talk to people or to Parks and Commons. She noted
31 they have had 30 applications. She noted they are encouraging of produce vendors and there has
32 never been a 50:50 proportion of farmers to other vendors. She explained they would be able to
33 take debit cards through the market manager with a coin or token system. Gade stated she has
34 heard concern from others that her group was too busy to be running a market. She stated she
35 was busy but was able to do the coordination. She emphasized that the construction of their
36 board was very clear in the proposal while that was not clear in the other proposal. She believed
37 there were plenty of vendors who wanted to participate in governance. She had also talked to the
38 Oregon Farmers Market Association. She explained her group emphasized openness.

39
40 Enya Chavez from Siletz stated she was a farmer and was a founding member in the Lincoln
41 City Market. She stated almost all farmers markets in Oregon are vendor-run and all decisions
42 are made by the vendors. She stated the manager is to run the day-to-day but the vendor
43 collective manages the overarching functions. She stated they have paid positions. She noted
44 many vendors do advertising themselves. She stated the 50:50 has been proposed in other cities
45 and has failed miserably, noting that Newport and Lincoln City tried and failed and the city lifted
46 that requirement. She stated she was not listed as a farmer but she was a farmer. She stated she

1 has been working on the insurance since March 2019. She stated their insurance came with
2 Board of Directors insurance. She explained the complaint management process. She stated
3 their proposal included SNAP and WIC benefits which was very important to locals. She stated
4 they were working to become a nonprofit and to have credit card processing. She stressed the
5 vendors were the market. She believed she and other vendors should have a say in the operation
6 of their business.

7
8 Eileen Quinn stated she drives two hours to participate in this market and has been a vendor for
9 eight years. She has been doing vending for 29 years. She stated vendors have a lot of
10 experience to contribute to the Board.

11
12 Gade stated they chose to grandfather in all vendors from 2018. She specifically noted a vendor
13 named Leo who brings produce he does not grow, which usually is not allowed. They have
14 talked to all vendors. She stated they wanted to give back to community nonprofits, and they are
15 choosing to support the food share program and YYFAP.

16
17 Mayor Moore asked for clarification on the grandfather statement. Gade indicated once a vendor
18 was in the cooperative, they remain in unless they break rules.

19
20 Vaaler asked how the group would manage a situation where fees did not cover expenses. Gade
21 stated they would provide financial information regularly to vendors and the Board would be
22 responsible for implementing any changes. She noted the Yachats market is one of the least
23 expensive markets. Chavez stated if there was a shortfall, she would be willing to personally
24 contribute to cover the deficit. Gade added that community members have volunteered to help
25 the market get started.

26
27 Kerti asked about the division of responsibilities. Gade stated they have a vendor who has
28 agreed to do the bookkeeping. She added that they have allotted money for advertising in their
29 budget. Chavez noted Newport has asked her to create a pamphlet about all of the markets
30 within Lincoln County. Gade noted the vendors have learned how to do marketing by virtue of
31 running their business. Kerti asked for clarification on the composition of the Board. Gade
32 indicated the board members would be nominated and elected, and that inclusion of farmer
33 vendors would be based on who was nominated. Kerti asked if manager would be local. Gade
34 stated Steve Paul who lives on Camp One has stepped up to be the manager. She stated they
35 would take proposals for the manager position.

36
37 Glenn asked how they would handle problem-vendors. Gade stated they have a rule that vendors
38 must take their problems to the manger and Board and there would be due process. She stated
39 that speaking directly to Councilors would be cause for removal from the market.

40
41 Mayor Moore asked Councilors for their input.

42
43 Vaaler stated she attended the Parks and Commission meeting and was impressed with Purcell's
44 managing of the meeting. She stated she does not normally override a Commission but added
45 that the Commission did not have the information the Council now has through letters, calls, and
46 today's presentations. She wanted the Commission to know she did not think their decision was

1 incorrect based on the information they had available. She stated she favored the Yachats local
2 involvement. Vaaler supported Proposal B (Collins-Niskanen).

3
4 Kerti thanked both groups for their presentations. Kerti recalled from his work on Planning
5 Commission where they had to make decisions on incomplete information, the recommendations
6 carried less weight. Kerti also noted that many Commissioners expressed concerns about their
7 skills to make the decision and the process with the proposals. He indicated he was leaning
8 toward Proposal B. He added that he has received more input from citizens in favor of Proposal
9 B. He noted that either way one group would be unhappy.

10
11 Glenn also stated he appreciated the works of Parks and Commons and was aware that they did
12 not have sufficient information. He expressed great concern over the division in the community.
13 He indicated he has received copies of emails sent from Gade's group that contributed to the
14 divisiveness. He indicated he was prepared to vote for Proposal B.

15
16 Tooke stated he was prepared to agree with the majority of the Council.

17
18 Mayor Moore concurred with Vaaler and Kerti.

19
20 Gade questioned what new information was provided today that would impact the Council's
21 decision. Gade stated she was specifically told to stay away from Parks and Commons
22 Commissioners and from the City Council. She claimed something was going on within the
23 City.

24
25 Vaaler moved to appoint the Collins-Niskanen group (Proposal B) to run the farmers market:
26 Aye – 5; No – 0.

27 28 **C. Approve May 15, 2019 Agenda**

29 Mayor Moore explained the budget hearing was scheduled for May 15, 2019 at 10:00 am and
30 suggested that having a Council meeting that night at 6:00 pm would be onerous. He noted
31 having an evening budget meeting results in significant overtime costs for the City. Mayor
32 Moore had suggested May 8, 2019 for the second meeting. Kerti had a conflict on that date.

33
34 The Council decided to have the second meeting on Tuesday, May 14, 2019 at 6:00 pm.

35
36 Kerti noted the budget item on the Public Hearing should be indicated as a meeting.

37
38 Vaaler wanted to discuss scheduling a State of the City meeting. Mayor Moore indicated he and
39 the City Manager wanted to get the budget done before taking up that matter. Vaaler suggested
40 early June 2019 on a Sunday afternoon.

41
42 Vaaler wanted to discuss the billing of large water users as has been discussed by the Public
43 Works and Streets Commission. Manager Beaucaire indicated the Commission was still
44 considering a recommendation to Council. Mayor Moore asked to hold off from scheduling the
45 rate structure for water billing.

1 Vaaler asked about the recommended changes to Admin Policy 14 around the website. Manager
2 Beaucaire indicated she was talking to other cities who have been in a similar situation to discern
3 the best way forward.

4
5 Vaaler moved to approve the revised agenda for Tuesday, May 14, 2018 at 6:00 pm: Aye – 5; No
6 - 0.

7
8 **IV. Other Business**

9 **A. From the Mayor** - none

10 **B. From the Council** - none

11 **C. From Staff** - none
12

13
14 With no further business before Council, Mayor Moore adjourned the meeting at approximately
15 12:27 pm.
16
17
18

19 _____
20 W. JOHN MOORE, Mayor

21
22 ATTEST:
23
24

25 _____
26 Shannon Beaucaire, City Manager

_____ Date
27