

1. 9:30 A.M. Agenda

Documents:

[2022-01-06 Agenda.pdf](#)

2. 9:30 A.M. Meeting Materials

Documents:

1. [12-23-2021 Email From Lance Bloch Regarding Tree Protection Ordinance.pdf](#)
2. [Dec. Correspondence With George Mazeika Concerning LLCM .Pdf](#)
3. [Letter From LLCM Board.pdf](#)
4. [355 Edited For Council Consideration.pdf](#)
5. [Letter From Linda Hetzler Concerning LLCM.pdf](#)
6. [Email From Gerald Stanley Concerning LLCM.pdf](#)



**CITY OF YACHATS
CITY COUNCIL WORK SESSION & COUNCIL MEETING
Yachats OR
Thursday, January 6, 2022, 2021 at 9:30am
To Be Held Via Zoom**

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/84651149572>

Meeting ID: 846 5114 9572

One tap mobile

+16699006833,,84651149572# US (San Jose) 12532158782,,84651149572# US
(Tacoma)

Dial by your location

- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)

Meeting ID: 846 5114 9572

Find your local number: <https://us02web.zoom.us/j/84651149572>

Work Session

- I. Guidance for Planning Commission, Tree Ordinance
- II. Little Log Church Discussion
- III. Discussion of December 2, 2021 requests for Climate Action and Styrofoam Ban
- IV. Charge letters for Commissions, Improving communication with Commissions

The Yachats City Council meetings are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. The meeting are accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status. 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 Revised 1/5/2022



Regular Council Meeting

- I. Announcements, Correspondence, Proclamation
- II. Public Comment: **Topics not listed on the agenda**
5-minute limitation per person
- III. New Business
 - a. Election of 2022 Council President
 - b. January 2022 Council Goals Session: Scheduling and other preliminaries
 - c. Volunteer Application of John Theilacker – Planning Commission
- IV. Old Business
 - a. Finance Committee
 - b. City Manager Position
- V. City Manager Report
- VI. Other Business
 - a. From Mayor
 - b. From Council
 - c. From Staff

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Posted Revised 1/5/2022

Tree Protection Ordinance

Lance Bloch <lancebloch1@gmail.com>

Thu 12/23/2021 1:02 PM

To: Leslie Vaaler <Leslie@YachatsMail.org>; Mary Ellen O'Shaughnessey <MaryEllen@YachatsMail.org>; Greg@yachatsmail.org <greg@YachatsMail.org>; Anthony Muirhead <Anthony@YachatsMail.org>; Ann@yachatsmail.org <Ann@YachatsMail.org>

Cc: Yachats City Planner <Planner@YachatsMail.org>; Loren Dickinson <lorendickinson@gmail.com>; Christine Orchard <christineorchard@gmail.com>; Jacqueline Danos <jac.danos@gmail.com>; Aria August <info@ariaaugust.com>; John Theilacker <j.theilacker@gmail.com>; Voice Mail <lancebloch1@gmail.com>

Mayor and City Councilors,

The Yachats Planning Commission took up the topic of a Tree Protection Ordinance in our regular meeting of December 21st, 2021. However, after some discussion of the topic we came to the conclusion that we need some further guidance on the issue if we are to continue. We currently have several ordinances related to this topic in the Yachats Municipal Code. In particular, the Hazard Mitigation changes adopted on February 17th of 2021 require a Geologic Hazard permit for "Removal of trees larger than 8 inches dbh (diameter breast height)..." under some circumstances. (9.52.050 D.2.h and D.4.a). Also, we have our Clear-Vision requirements which require cutting lower branches of trees within the Clear-Vision triangle (9.64.010). Further, we have requirements that Hazardous Trees must be cut down (5.08.130). Finally, we also have the reference to "...protecting vistas and other scenic views..." (9.44.010C).

In short, we have some protections of trees already in the code, and some protections of views already in the code. It is, perhaps, best stated in the Yachats Comprehensive Plan:

GOAL A

Policy 11 - Protect established trees, which contribute to the aesthetic and environmental quality of the City.

Policy 12 - Calls for a Tree Protection initiative...

Policy 13 - Protect view sheds and corridors unique to the City. They contribute to the community identity and aesthetic values of City residents and visitors.

Since the referral to the Planning Commission followed a complaint about tree cutting, that suggests an emphasis on Policy 11 (and, of course, Policy 12). But we are left with considering Policy 13.

We are also left with considerations of the restrictions and recommendations already in the municipal code, and the possibility that concern over further restrictions may prompt preemptive clearing of private property. Perhaps we have already covered the specific parts of an ordinance concerning tree protection in 9.52.050 that we wish to implement.

We recognize that this is a delicate topic, and that is why we request further guidance from the City Council.

Sincerely,

Lance Bloch, representing the Yachats Planning Commission

Re: Little Log Church & Museum

Leslie Vaaler <Leslie@YachatsMail.org>

Mon 12/13/2021 8:29 PM

To: George Mazeika <georgemaze58@gmail.com>

Cc: Katherine Guenther <guenther@peak.org>; Kimmie Jackson <Kimmie@YachatsMail.org>; Ann@yachatsmail.org <Ann@YachatsMail.org>

Dear Chair Mazeika,

I will not be adding a discussion of the LLCM and the recommendation for a letter of Intent to our December 15 agenda. I want you to know that even though Council already had plenty to discuss at the meeting, I did not make this decision without giving your request careful consideration. I took the time to discuss the matter with City Manager Katherine Guenther and also with Councilor Ann Stott, Council's liaison to the Parks and Commons Commission.

I will consider adding discussion of the LLCM to one of Council's January meetings.

Regards

Leslie,

Leslie Vaaler

Mayor, City of Yachats

From: George Mazeika <georgemaze58@gmail.com>

Sent: Saturday, December 11, 2021 5:29 PM

To: Leslie Vaaler <Leslie@YachatsMail.org>

Cc: Katherine Guenther <guenther@peak.org>; Kimmie Jackson <Kimmie@YachatsMail.org>

Subject: Little Log Church & Museum

Dear Mayor Vaaler,

At Tuesday's Parks & Commons Commission meeting, the Commission voted unanimously to recommend to the City Council that it provide a Letter of Intent to McClain Construction LLC indicating the City's commitment to undertake the needed repairs to the Little Log Church & Museum.

I do not see that on the Agenda for this Wednesday's City Council and I am writing today to ask that you urgently place it on the Agenda.

The scope of the discussion at the P&C meeting included the fact that it appears the Little Log Church is the oldest standing structure in Yachats, the Museum is important as a record of this Community's Heritage and History. Also discussed was the City Council's 2006 commitment to preserving Archaeological and Historical sites within our Community (Goal A section 9 specifically naming the LLCM), and its allocation of funds in the Capital Reserve Account specifically for the Little Log Church & Museum.

The issues with the structures did not occur overnight. Had they been dealt with earlier we would not need

to be having this discussion now, and the costs would have been significantly less. We no longer have the luxury of time for more discussions on this topic, Madame Mayor. Action is long past due.

For its part the Parks & Commons Commission will be more involved with the Boards of the LLCM and the Friends of the LLCM from here on out. That involvement will be P&C Commissioner participation at all of those organizations Board meetings, and working with those Boards on developing a Mission Statement and Program development to share the wealth of material the Museum has with our Community and summer visitors.

I do not know who will be drafting the Letter of Intent, but I have taken the liberty to suggest some language to be included in it.

“

McClain Construction LLC

Letter of Intent

This is to confirm to you that the City of Yachats is committed to undertake and complete repairs to the Yachats Little Log Church & Museum.

State Law requires us to put projects of this size out for public bids, and your firm will be invited to bid on the project.

We hope this Commitment is sufficient for you to maintain your interest in, and continue your work on this project. ”

If necessary, I can be available for Wednesdays City Council meeting.

Sincerely,

George Mazeika

PCC Chairperson

From The Little Log Church and Museum Board

James Kerti <james@jameskerti.com>

Wed 12/29/2021 9:31 AM

To: Leslie Vaaler <Leslie@YachatsMail.org>; Mary Ellen O'Shaughnessey <MaryEllen@YachatsMail.org>; Ann@yachatsmail.org <Ann@YachatsMail.org>; Greg@yachatsmail.org <greg@YachatsMail.org>; Anthony Muirhead <Anthony@YachatsMail.org>

Cc: Katherine Guenther <citymanager@YachatsMail.org>; George Mazeika <georgemaze58@gmail.com>; Rick McClung <Rick@YachatsMail.org>

To the Yachats City Council,

We reach out to you again to stress the urgency of the Little Log Church Museum repair project. We face a hard deadline in early January. The time for inaction has passed. We need to be on the agenda for the January 6, 2022 City Council meeting.

On December 7, 2021, the Parks and Commons Commission voted to recommend to Council to commit to the repair project for summer 2022. They voted with the knowledge, as we have repeatedly communicated to the City, that such a commitment needs to be made in early January. This deadline exists so that the contractor (with whom we believe we qualify for a special exception to the standard bidding process per ORS 279C) has sufficient notice to schedule the repair work.

We understand that Council, as expressed at the August 18, 2021 meeting, desires "community input" for this repair project. It has been communicated to us that Council might not wish to discuss the Little Log Church Museum repair project until some undefined community input occurs.

However, Council has taken no action in the four months since to solicit input — or to even establish what such input would look like beyond complying with standard public meeting processes.

The Little Log Church Museum is a City-owned building. City Council further established in Goal A of the City's Comprehensive Plan that the City will protect this historic structure. The City has a clear legal and fiduciary responsibility to maintain this public building. By extension, City Council is responsible for setting policy to protect and maintain this building.

The Little Log Church and Museum Board consists of seven members who volunteer our time to make this historic building accessible to the public. We are not professional project managers or engineers or community coordinators. Our by-laws, established in City of Yachats Resolution number 304 on September 16, 1997, charge us with directing facility functions such as presenting local art and hosting weddings and special events.

In no way, shape, or form do we exist to shepherd and manage a six-figure repair project.

It is regrettable that Council and the City have let it fall to us to seek out and coordinate with engineers and other specialists to investigate the condition of the facility and chart a path forward.

Nevertheless we have diligently taken up this work, in spite of a number of obstacles, and brought it to the finish line where we have a clear scope of work and a plan to repair this historic City-owned building.

Furthermore we must emphasize that we have no viable alternative at this time. This plan is based on the current condition of the building. The structural investigation, presented to Council in August, highlighted the dire situation and the risk in delaying repairs for another year. We have no guarantee that we would be left with any path forward by waiting any longer. We do not know what such a path would look like — if it even exists, which we have every reason to doubt.

Years of deferring maintenance brought us to where we are today. That responsibility is not owned by this City Council or management, but shared by many over the years. Still, we are where we are today, with

this Council responsible for the course forward.

On a number of major City projects in recent years, from the Oceanview Drive transition to the farmers market contract to the vacation rental cap, the City Council has integrated community input as part of regular Council meetings in their decision making process. Indeed it is why Council meetings are public. It is why regular meetings exist. It is why City Councilors are elected: to listen to and represent the community in public meetings.

The Parks and Commons Commission held a public meeting on December 7, 2021 in which this project was on the agenda, discussed, and voted on. This recommendation was further passed on by the chair of the commission via memo to the Mayor and City Manager.

It is standard operating procedure to have a commission hold a public discussion of a City project and then vote to recommend to City Council to take action. That process has been followed here.

We are requesting, in accordance with these well-established standards, and with consideration to the project's early January deadline, that the Yachats City Council take up this conversation at their January 6, 2022 meeting.

Sincerely,

The Little Log Church and Museum Board

Karl H. Christianson, Mary Crook, Katie Johnson, James Kerti, Vicki Martin, Carl Foster Miller, Leon Sterner

DRAFT FOR COUNCIL CONSIDERATION, JANUARY 6, 2022

CITY OF YACHATS ORDINANCE NO. 355 (AMENDED ____)

AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 3.10

WHEREAS, the procedure used to develop the Capital Improvement Plan has become a function of the Finance Committee; and

NOW THEREFORE, the City of Yachats ordains that Chapter 3.10 – Capital Improvement Planning shall be amended to read as follows:

Chapter 3.10 – Finance Committee and Capital Improvement Planning

Sections:

- 3.10.010 Membership
- 3.10.020 Powers and Duties
- 3.10.030 Capital Improvement Program - Annual Report to City Council
- 3.10.040 Capital Improvement Program - Adoption and Appropriations
- 3.10.050 Capital Improvement Program - Public Report

Section 3.10.010 Membership

The City Council shall establish and appoint a Finance Committee that shall also serve as the Capital Improvement Planning Committee (CIP Committee). The Finance Committee will work with the Commissions and serves in an advisory role to the City Council.

The City Manager shall serve as the Chair of the Finance Committee.

The size and composition of the Finance Committee may vary over time, with a target size of five to eight members. It is highly desirable that the Committee include a member of City Council, a member of the Budget Committee who is not also a member of the City Council, and a member of the Public Works and Streets Commission or other individual who is very familiar with Public Works. If the Committee does not include a member of the Public Works and Streets Commission, or the Parks and Commons Commission, or the Library Commission, it should designate one of its members as a liaison to that Commission. It is very helpful that the Committee includes community members who possess relevant knowledge and experience, along with the ability to be actively-engaged members of the Committee.

Nomination for membership will be made jointly by the Mayor, the Council President, and the City Manager. Each representative will be appointed by the City Council for a specified term. Members can be removed from the Committee by City Council for cause.

(Ord. 248, Add, 12/10/2004, Add 1/16/2019)

Section 3.10.020 Powers and Duties

The Finance Committee's mission is to address the City's long-term financial planning. This may include complex organizational issues that impact Capital Improvement Planning, reserve generation, and other long-term financial planning.

The Finance Committee, at public meetings, shall:

- 1) Provide financial analysis as requested by the City Manager.
- 2) Provide a long-term horizon for fund balance projections (3-5 years) including revenue, capital expenditures, and reserves.

- 3) Provide a "state of the City" financial report to the City Council – This would be a snapshot of how the financial long-term picture looks given certain assumptions.
- 4) Without becoming bogged down with operational issues, assist the City Manager on special projects including, but not limited to:
 - a. Review and recommend changes to the City Budget document by the Supplemental Budget process
 - b. Provide project updates, changes, and substitutions for projects in City's CIP plan
 - c. Advise whether system development charges provide for an equitable share of infrastructure and operational costs
 - d. If requested by the City Manager, advise on how City Manager organizes the Financial Staff
 - e. Advise on creation and maintenance of City's Financial reporting.
- 5) Study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:
 - a. are purchased or undertaken at intervals of not less than five years;
 - b. have a useful life of at least five years; and
 - c. cost over \$5,000; and
- 6) Other projects assigned by the City Council.

Each year, commission chairs, boards, and department heads, shall submit capital project requests to the Finance Committee including information for all anticipated projects requiring Council action during the ensuing five to ten years. Submissions shall be on the proscribed forms provided by the City's budget officer. The Finance Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the city. (Ord. 248, Add, 12/10/2004 Add 1/16/2019)

Section 3.10.030 Capital Improvement Program - Annual Report to City Council

The Finance Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following four fiscal years. The report shall be submitted to the City Council for its consideration and approval. Following Council approval, the first year amounts shall be included in the proposed budget for the next year for consideration by the Budget Committee. (Ord. 248, Add, 12/10/2004 Add 1/16/2019)

Section 3.10.040 Capital Improvement Program - Adoption and Appropriations

Adoption of the City's budget, shall permit the expenditure on Capital Improvement Projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals and the like; but no such expenditure shall be incurred on projects which have not been so approved by the city through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future. (Ord. 248, Add, 12/10/2004 Add 1/16/2019)

Section 3.10.050 Capital Improvement Program - Public Report

The Finance Committee's report and the City Council's recommended Capital Budget shall be published and made available to the public. The Finance Committee shall deposit its original report with the City Manager's Office. (Ord. 248, Add, 12/10/2004 Add 1/16/2019)

PASSED AND ADOPTED by the City Council of the City of Yachats on this _____ day of _____.

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _

APPROVED by the Mayor this ____ day of _____.

Attest:

Leslie Vaaler, Mayor

Katherine Guenther, City Manager



Yachats Area Chamber of Commerce & Visitors Center
241 Hwy 101 PO Box 728 Yachats, OR 97498

Yachats City Council

The little log church... it is sooo beloved by all of us; churchgoers, atheist, agnostics alike. It's charming, and wistfully romantic, it stands for all of yachadians throughout the centuries. Let keep it. Even if it's no longer logs; the architecture, the acoustics, the interior physical layout, the history, we need things that connect us to those who came before us and those who will come in the next millennium. Of all the silly, wonderful, agonizing things we have spent city money on, this is one of the top three; the commons, the little log church, the trails. Let's do what needs to be done, to save it, immediately. Please put it on your January 6 meeting schedule and make a decision to move forward with the project.

With kind regards

Linda Hetzler
President
Yachats Chamber of Commerce

Little Log Church Museum

Gerald Stanley <stanley.gerald@gmail.com>

Mon 1/3/2022 4:32 PM

To: Leslie Vaaler <Leslie@YachatsMail.org>

Thank you for including the topic of the Little Log Church Museum on this week's City Council agenda. As you know, Larry Thornton has stated that if the Letter of Intent for this project is not approved this January, the chances for getting a date for the proposed project may not be able to be secured for this summer. If a date cannot be set for this summer, there is a chance that a delay of another year will significantly make the cost of the project increase, or the further deterioration of the building may render the project impossible to do. As I recall, the Comprehensive plan commits the City to preserve the building, such that while grants may help, the City is committed to carry the project out with its own funding. I would like to add my suggestion to that of many others that the project should be renamed Little Log Church Museum, removing the "and", so that the City will no longer be in the position of supporting a church. For many years now, the Church building is primarily and essentially a museum and so should be regarded. All the best to you in your work.