

1 **City of Yachats**
2 **CITY COUNCIL MEETING**
3 **June 2, 2022**
4

5 Meeting called to order at 9:30 am
6

7 Present: Anthony Muirhead, Mary Ellen O'Shaughnessey, Greg Scott, Ann Stott,
8 Council President, Leslie Vaaler, Mayor, Heide Lambert, City Manager, Dayna Capron,
9 Quinton Smith, Chuck from Dahl Disposal, Tom Lauritzen

10 **WORK SESSION**

11 **I. CONVERSATION AROUND COMMISSIONS AND COMMITTEES; CURRENT**
12 **ORGANIZATION AND POSSIBLE RESTRUCTURING**

13 (1:12) Vaaler gave an introduction to this topic by highlighting conversations with
14 Lambert. She continued by highlighting some of the challenges commissions and
15 committees have experienced.

16 (5:17) Lambert discussed how there are frustrations for both the commissions
17 and the Council, and it is not productive. She indicated that she felt there were
18 good solutions and looked forward to working those out together.

19 (6:42) O'Shaughnessey indicated she went back to her research from when she
20 applied for the vacant Council seat and read from her research. She discussed
21 how much the commissions do and how important they are to our form of
22 government.. She went on to discuss committees and staff time and how the
23 City is on its third City Manager, not counting interims, and it has been hard to
24 develop normalcy.

25 (10:11) Scott referred to a conversation with Lauritzen when the government
26 went from a strong mayor to a City Manager and the two things that needed to
27 happen. (1) layout the relationship between the City Manager and the Council
28 and rest of the organization and (2) a need for review of our Commission
29 structure and he felt, in light of the charter change a few years ago, that there
30 has been a failure in clarifying the role of Commissions in the government
31 structure. He indicated that since there are not department heads, the
32 Commissions serve as that and are "staff" in relation with the City Manager.

33 (12:25) Stott voiced her concern from attending various commission meetings
34 that the commissions were not always providing the assistance that the City
35 Manager needed. Having been a part of the government now for a year she has
36 concerns on how the commissions function. She gave a brief rundown of the
37 various commissions. She had the most concern about Parks and Commons as
38 they have such a large focus of responsibility and is more than a volunteer
39 commission should be dealing with.

40 (18:32) Muirhead felt this has been a struggle for some time that he agreed with
41 the other councilors.

1 (19:24) Vaaler felt everyone had made good points. She felt it was important to
2 provide the necessary training and support to all commissioners to enable them
3 to be successful. Her concern with the Library Commission is that they meet
4 quarterly, and they need to be careful to follow state meeting laws. She felt that
5 Public Works and Streets were doing a good job but felt the requirements for
6 Parks and Commons were far-reaching, the Commons, the trails, the Little Log
7 Church (which has requested to be removed from the purview of Parks and
8 Commons). She spoke of a conversation with Karl Fredrickson (Christiansen?)
9 and got some history about the LLC going back and forth between Parks and
10 Commons and the Council. She questioned that as a 501C(3) if the LLC should
11 be part of the government structure. She felt that the Trails Committee is more of
12 a work group and didn't need to come under a commission, however they also
13 sometimes advise on projects, and she thought perhaps that could be brought
14 directly to the City Manager so as not to ignore public meeting law

15 (27:00) Lambert indicated she knew Parks and Commons has struggled in the
16 past especially after the Friends of the Commons dissolved and then Covid hit
17 and that hit this Commission the hardest. During Covid they met and made plans
18 and have been ready to go and haven't been able to proceed. They currently
19 have three big projects going on and it is taking a lot of administration time and
20 they are not getting what they need, like grant writing, to make the projects
21 happen. She highlighted how her days go and advised sometimes she doesn't
22 get back to people right away and she doesn't want them to think she doesn't
23 value their time and ideas. Her priorities are safe drinking water, safe streets and
24 wastewater and having a working, functioning City Hall and she is not quite there
25 yet. She wants to be able to honor their work, but they are acting faster than she
26 can keep up with.

27 (32:38) Vaaler asked if a short-term or long-term restructuring needs to be done.

28 (33:24) Lambert said she really doesn't have an answer to that and is reaching
29 out to the community. She doesn't want to have to tell a commission to slow
30 down or wait when they've been paused for the last two years.

31 (33:50) Stott suggested that the Parks and Commons needs to be restructured
32 and that we need to look at the structures and then the volunteers. She went on
33 to discuss how she thought the restructuring should take place by the City
34 Manager being responsible for the facilities and not the Commission.

35 (37:36) Scott felt the need for Council to focus on the process side of this issue
36 and that it is inefficient to attempt to redesign the commission structure. He felt
37 that the City Manager is responsible to recommend to Council what will work best
38 so she can provide to Council a thoughtful consideration of the issues, options,
39 and a recommendation for them to consider.

40 (39:48) Muirhead felt there are two issues the first being a commission's request
41 for council, which has been addressed by developing a request form. Secondly, a

1 commission, and the council, needs to understand and agree to a commission's
2 charge. He feels communication is the biggest issue.

3 (43:50) Vaaler referred to Section 2.08.040 of the Municipal Code "Powers and
4 Duties". The last line of Section A states: "All authority of the commissions shall
5 be derived from the City Council." She felt the Council is responsible for working
6 with the City Manager on how the commissions operate. She went on to discuss
7 the charge. She referred to the responsibilities listed in the Municipal Code and
8 then advised there is a Commons Manual which discusses what their duties and
9 work is. She went on to say that while Lambert still isn't at a place to devote all
10 the time she would like with the Commissions, the one thing she (Vaaler) is
11 hearing is that Parks and Commons needs restructuring.

12 (47:00) Scott indicated that while something needs to be approved by council, it
13 does not have to originate with Council. He reiterated that he felt it was Lambert's
14 place to inform the Council what will work best for her. He furthered stated this is
15 not the right forum, it is inefficient, and Council does not have all the information.

16 (47:55) Vaaler countered that Lambert felt it would be helpful to have the input of
17 the Council. She is concerned in the short term how with the structure now in
18 place the City Manager is overburdened while respecting the time and effort of
19 volunteers on Commissions.

20 (50:06) Scott agreed with Vaaler and thought the Council President, who is also
21 the representative to Parks and Commons, get together with the City Manager
22 and do some of the leg work and come back with a proposal.

23 (50:54) O'Shaughnessey expressed concern about restructuring Parks and
24 Commons and putting this on the City Manager's agenda. She feels it is not right
25 to throw this at Lambert to make a decision that might upset a lot of people. She
26 suggested that two members of Parks and Commons and two Council members
27 to sit down and have discussion.

28 (53:56) Stott agreed with O'Shaughnessey, but this is about what will work best
29 for the City Manager so it would be up to her if she wanted to be involved in the
30 conversation or just get a report after.

31 (54:55) Lambert discussed her frustrations and went on to discuss the powers
32 and duties of the Parks and Commons Commission. She hired a part-time
33 Facilities Coordinator to get the "Commons out of bed" so to speak but she is not
34 a facilities manager. Lambert said she did include a Facilities Manager position
35 in the budget. She would like to part of the conversation between the councilors
36 and Commissioners because she wants them to understand that she does
37 support their work. In the powers and duties, it talks about a facilities manager
38 things have changed due to Covid. Parks and Commons does not manage the
39 facilities manager and the frustration comes from the flow of communication. She
40 continued by stating that these issues also pertain to other commissions and
41 volunteers who want to become committees. There are questions as to who gets
42 to be a committee, how long does the committee last? These are all things that

1 need to be addressed. Lambert felt that the process for commissioners is not
 2 being followed. Her experience is that a person applies to be a volunteer, is
 3 interviewed, trained/given orientation and then placed on the commission that is
 4 the best fit.

5 (1:00:10) Vaaler suggested that an advisory group to advise the City Manager.
 6 She decides when it is suitable to meet with them and she is under no obligation
 7 to pass on the recommendation of the group unchanged and referred to the
 8 Attorney General's article about public meeting laws. Discussion continued.

9 Vaaler closed the Work Session and moved onto the Regular Meeting at 10:37 am.

10 **REGULAR MEETING AND SUPPLEMENTAL BUDGET HEARING**

11 **I. ANNOUNCEMENTS, CORRESPONDENCE PROCLAMATIONS**

12
 13 (1:07:13) Vaaler reminded everyone of the Emergency Preparedness Fair on
 14 June 5th.

15 **II. PUBLIC COMMENT**

16 None.

17 **III. NEW BUSINESS**

18 **A. Discuss Dahl Rates**

19
 20 (1:08:47) Chuck from Dahl indicated to Council that they (Dahl) are
 21 looking for a 6% increase in their rates it has been two years since any
 22 increases. State law allows an annual CPI increase and there was no
 23 increase last year. He indicated that the money they put aside for
 24 donations like sports, they used to buy bread and deliver to all the food
 25 banks in their service areas.

26 (1:10:15) Vaaler thanked Dahl for not asking for an increase last year
 27 during the pandemic.

28 (1:11:23) Chuck spoke about JUNO – Dahl takes solid waste to Coffin
 29 Butte which is filling up and is looking for expansion. JUNO is a waste
 30 diversion and resource recovery technology by Georgia Pacific. Chuck
 31 indicated they have been using the system for about a year and have
 32 recovered over 928,207 pounds of metal that would have gone into the
 33 landfill. The Dahl facility is at the Toledo transfer center. Chuck then
 34 explained the process of JUNO. He advised in September they are putting
 35 on a "Follow the Waste" tour

36 (1:17:13) Vaaler asked if this technology would increase the number of
 37 things being recycled.

38 (1:17:25) Chuck responded that recycling will be easier. He also indicated
 39 that different countries are coming to the Oregon Coast to see this
 40 groundbreaking technology. Dahl is looking for approval of the increase
 41 beginning July 1st.

1 (1:19:25) Vaaler made the motion to **thank Dahl for not increasing their**
2 **rates last year and that Council approve the request for a 6%**
3 **increase beginning July 1, 2022.**

4 (1:19:52) Smith of the Yachats News asked about the rate proposal and if
5 it was available. He felt people should be able to see their rates and know
6 how they are going up. Lambert apologized and advised she would put it
7 on the website today.

8 (1:21:09) Groth asked if there was any move to increase the type of plastic
9 recycling. Chuck indicated there wasn't but that with JUNO the plastics
10 can go in the regular garbage, and they will be made into "polyballs" and
11 used for fuel or something else.

12 **Vote:** Anthony Muirhead, no; Mary Ellen O'Shaughnessey, yes; Greg
13 Scott, yes; Ann Stott, yes; Leslie Vaaler, yes. **Motion carried 4 yes, 1 no.**

14 **B. Planning Recommendation of Tod Davies**

15 (1:24:39) Vaaler indicated that the Planning Commission interviewed
16 Davies and recommended her to fill the vacant seat on the Commission.
17 She then confirmed with Davies that she was a resident of Yachats and
18 had been for the last six (6) months. Davies advised she has lived here
19 for the last three (3) years.

20 (1:26:24) Scott indicated Davies application was very impressive and felt
21 she would be an asset to the Planning Commission.

22 (1:26:51) Stott just mentioned that on application the address requested
23 should be physical and not mailing as a PO Box doesn't really indicate
24 residence.

25 (1:27:58) Scott moved **for approval of Tod Davies to the Yachats**
26 **Planning Commission.**

27 **Vote:** Anthony Muirhead, yes; Mary Ellen O'Shaughnessey, yes; Greg
28 Scott, yes; Ann Stott, yes; Leslie Vaaler, yes. **Motion carried**
29 **unanimously.**

30 **C. Discuss Budgeted Water Rates**

31 (1:28:58) Vaaler mentioned how the water rates came up in the budget
32 meetings using an increase of 5% but setting rates fell to the Council. She
33 read Resolution 2020-150 allows for a water rate to be set pursuant to the
34 CPI which would be higher.

35 (1:31:24) Scott mentioned that it would be helpful to have in the meeting
36 packet a printout showing the difference the two (2) rates would have on
37 the community and asked if this issue could be put on the next agenda
38 with the documentation so that residents are aware of the upcoming
39 changes before Council votes on it. Discussion held regarding the budget,
40 increases in rates and how it will affect the community.

41 (1:36:42) Scott mentioned that in the past it has been the Council's
42 preference in order to move forward with the budget to go with the lower

1 increases. He did feel 5% versus 7% was not a significant difference. He
2 did feel it did need to be presented to the community, preferably in the
3 newsletter stressing that the highest priority for Council is water
4 sustainability and not increasing rates will not help achieve that goal.
5 (1:38:26) Stott summarized saying there are options: (1) do nothing; (2)
6 increase 5% pursuant to what the budget committee used; and (3)
7 increase 7% based on consumer price index for the preceding calendar
8 year. She felt if the Council wanted to go with the 5% the vote could be
9 taken now but if Council wanted a higher increase, documentation was
10 needed for comparison. Discussion continued on how to proceed. It was
11 decided Lambert would provide a comparison of the 5% versus 7% rate
12 for the June 15th meeting.

13 **D. Follow-up on Work Session**

14 (1:45:16) Lambert recommended that an advisory committee be created
15 between two (2) Parks and Commons Commissioners, two (2) Councilors
16 and herself. She also recommended that there be a pause in the Parks
17 and Commons Commission's stewardship of the Little Log Church
18 Museum until the City has established a Facilities Manager or CIP
19 Manager. The advisory committee would work to find the best
20 opportunities for people to volunteer with the Commons and the Little Log
21 Church Museum.

22 (1:46:53) Scott moved to memorialize Lambert's recommendation: **that an**
23 **advisory group be created between two (2) Parks and Commons**
24 **Commissioners, two (2) Councilors and herself. She also**
25 **recommended that there be a pause in the Parks and Commons**
26 **Commission's stewardship of the Little Log Church Museum and the**
27 **Commons until the City has an established Facilities Manager.**

28 (1:47:06) Discussion was held and it was clarified that Parks and
29 Commons would strictly be dealing with parks and trails, which are the
30 projects they are currently working on. Scott asked Lambert to restate her
31 recommendation so there is clarity for the motion.

32 (1:52:17) Lambert stated: **recommending that Parks and Commons**
33 **Commission pause in their stewardship of the Little Log Church**
34 **Museum and the Commons.**

35 (1:53:21) O'Shaughnessey asked for clarification of this pause and the
36 request from the Little Log Church Museum to be removed from the
37 authority of the Parks and Commons Commission. Discussion held.

38 **Vote:** Anthony Muirhead, yes; Mary Ellen O'Shaughnessey, yes; Greg
39 Scott, yes; Ann Stott, yes; Leslie Vaaler, yes. **Motion carried**
40 **unanimously.**

1 IV. OLD BUSINESS

2 A. Discussion Regarding Push for Legislative Changes in Transient 3 Rental Tax Use

4 (1:57:50) Vaaler referred to the last meeting of Council discussing
5 legislative changes in the Transient Rental Tax Use, and it was decided to
6 move the discussion to this meeting so that a better understanding of the
7 changes could be had.

8 (1:58:56) Lambert advised a response is being worked on and they are
9 working on understanding the charge of the taxes.

10 (1:59:24) Lauritzen advised he reviewed the letter several more times and
11 he is currently responding to a public information request via a law firm
12 representing the lodging industry and doing an analysis of lodging taxes,
13 how we use them, how we have used them. He is not concerned at this
14 point. Lauritzen went on to explain the use of the tax revenue by the City.
15 Discussion was held.

16 (2:06:12) Stott made the motion **to support Newport in their request for
17 how the transient lodging tax is used and that the City Manager and
18 Mayor draft a letter to the League of Oregon Cities and the Finance
19 and Taxation Policy Committee stating our support.**

20 (2:06:38) Muirhead asked what the percentage of the general fund that is
21 provided by the transient rental tax.

22 (2:06:53) Lauritzen advised he could provide that information.

23 (2:07:05) Vaaler referred to the letter from Newport indicating it was from
24 the mayor and the City Manager and suggested that this motion be
25 amended to have both the Mayor and City Manager draft the letter.

26 (2:07:44) Scott voiced a concern that once the funds accumulated over
27 the last couple of years of not doing anything are used, before reallocation
28 of funds are made, will the City be able to sustain our resources and that
29 there is a clear understanding of the impact down the road.

30 (2:09:25) Further discussion on the request of the City of Newport, the use
31 of restricted funds and the general fund.

32 (2:13:02) Scott asked if this was a time sensitive issue and if perhaps the
33 discussion could be moved to another time. Stott withdrew her motion in
34 support of Councilor Scott's recommendation.

35 (2:14:06) Lauritzen provided a response to Muirhead's question indicating
36 the percentage is 67% of the General Operating Fund, which is two-thirds.

37 (2:14:56) Smith of the Yachats News asked for clarification of the motion
38 regarding the advisory group.

39 B. Greg's Schedule

40 (2:15:31) Vaaler reminded the Council that Scott is going to be away for
41 several meetings the last meeting of July and the two (2) meetings in

1 August. She further stated the Charter allows Council to appoint a
2 councilor pro-tem.

3 (2:17:32) Stott felt that since Scott wasn't missing as many meetings as
4 first thought, there shouldn't be a need for a councilor pro-tem. Vaaler did
5 ask the Council if any other councilors would be unavailable any of those
6 three (3) meetings. The remainder of Council advised they would be
7 available bearing any foreseen circumstances.

8 **C. Review Updated City Manager Evaluation Form and Dates for**
9 **Process**

10 (2:18:41) Vaaler indicated Lambert recently advised her (Vaaler) and Stott
11 that the human resources part of her job was not adequately reflected in
12 the evaluation form, so some additional items were included. The forms
13 are to be completed and returned to Vaaler by Friday, June 3rd.

14 Discussion on when to meet to review all the evaluations. The morning of
15 Tuesday, June 7th at 10 am in person at the Commons meeting room was
16 agreed upon.

17 **V. REPORTS**

18 **A. City Manager**

19 (2:23:49) Vaaler indicated the lengthy report from the City Manager in the
20 packet and asked if there was anything Lambert wanted to add or if there
21 were any questions from council.

22 (2:24:07) Stott indicated that others would be interested in this report and
23 asked if a link could be added to the web site to access it. Lambert
24 indicated she would do that.

25 (2:24:44) Vaaler asked about barrels being repurposed as garbage
26 collection bins around the Commons.

27 (2:25:06) Lambert advised the City had purchased some very expensive
28 garbage receptacles and they fill very quickly, especially over the
29 weekend. She mentioned how Buckwald of Public Works saw the blue
30 chemical barrels being used in Florence by getting an appropriate lid and
31 having children paint them to use in the parks. He advised there were lots
32 of these barrels at Public Works and asked if the same thing could be
33 done here.

34 (2:26:52) Vaaler then asked questioned where the Town Hall for the
35 Emergency Preparedness Fair was being held. Lambert said she would
36 verify the location.

37 **VI. OTHER BUSINESS**

38 **A. From Mayor**

39 **B. From Council**

40 (2:27:55) Scott advised he read the minutes from the May 18th Council
41 meeting and noted there was considerable discussion about a community
42 survey. He indicated work on this topic has been in process for the past

1 year and at the end of June there will be a draft code complaint
2 application will be published including two survey questions designed to
3 measure community satisfaction of complaint resolution. A broader
4 application measuring satisfaction with City services has been completed
5 and is awaiting approval and funding. Once these are completed there will
6 be no additional staff time required to compile or manage these apps. He
7 felt these applications would be more cost efficient than hiring a consultant
8 to do one survey.

9 (2:30:38) O'Shaughnessey brought up the document being a complaint
10 form and asked if the questions would cover more than the community's
11 complaints and asked if the survey questions could be provided to
12 Council. Discussion ensued about the survey.

13 (2:32:44) Vaaler advised that in the last newsletter she did request
14 volunteers from the community who wanted to help.

15 **C. From Staff**

16
17 Meeting adjourned at 12:04 pm by Mayor Vaaler.

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19 Transcribed by Contractor, L.F. Barrett, June 13, 2022