

CITY OF YACHATS

CITY COUNCIL

January 16, 2019

Draft Minutes

I. Meeting Call to Order

Mayor W. John Moore called the January 16, 2019 work session and regular meeting of the City Council to order at 6:00 pm in Room 1 of the Yachats Commons. Council members present: W. John Moore, James Kerti, Jim Tooke, and Leslie Vaaler. Absent: Max Glenn. Staff present: City Manager Shannon Beaucaire, Clerk Judy Richter, and Clerk Kimmie Jackson. Audience: 16.

II. Announcements, Correspondence, and Proclamations - none

Mayor Moore indicated Councilors received an invitation from Congressman Schrader to a community leaders meeting on January 22, 2019 and indicated he would be attending.

III. Citizen's Concerns

Paul Thompson (Driftwood Lane) reported he read that Dave Mattison had been hired to do Code Enforcement for one day each week and believed that to be a shortsighted idea. He did not believe one day was enough to do the necessary code enforcing. Thompson stated that the City was not doing enough to serve the permanent residents.

Mayor Moore clarified that this position was temporary, and the City planned to hire a full-time Code Enforcer/Planner in the near future.

IV. Consent Agenda

A. December 5, 2018 and December 12, 2018 Minutes

Councilor Vaaler moved to approve the consent agenda: Aye – 4; No – 0.

V. Reports

A. Financial Report

Clerk Judy Richter explained her report was in the meeting packet. Mayor Moore asked Councilors if the format was acceptable. Council accepted the format. Vaaler did not think they needed to see the labor breakdown every month. Council accepted the content.

B. URD Annual Report

Clerk Richter explained law required Council to receive this Urban Renewal District report annually. She noted the City was required to post this report in the newspaper of record (Newport News Times). Mayor Moore noted the account opened the FY2018-19 with ~\$207,000 and was expected to end the fiscal year with ~\$249,000.

C. System Development Charges Annual Report

Clerk Richter summarized the report. Mayor Moore noted they began FY2017-18 with ~\$149,000 and ended with ~\$233,000 in reserves.

D. Volunteer workers' compensation

Clerk Richter handed out a spreadsheet of the Workers' Compensation expenses. She noted Workers' Compensation was based on estimated payroll and totaled \$40,461.60. She noted \$2,306.92 of the total was to cover volunteers, including Trails, the Council, the Commissions,

1 the Committees, the Log Church Museum, and the Library volunteers. She highlighted the
2 importance of volunteer labor for the City as both a resource and cost savings.
3

4 **E. Guests: Wayne Belmont, Lincoln County Housing Project MOU**

5 Wayne Belmont, Lincoln County Counsel, explained the agreement between the County and the
6 Oregon Department of Land Conservation and Development (DLCD) that was in the meeting
7 packet. He reported this document covered the county's efforts to address housing needs.
8 Belmont explained the grant only applied to areas within the cities and urban growth
9 boundaries. Belmont explained the State hires consultants to do the work and the County does
10 not receive funds directly. The County's role was to facilitate the process.
11

12 Belmont indicated the analysis would look at information and data around housing inventory,
13 municipal codes, best practices, infrastructure needs, and costs and fees. Out of this analysis,
14 the consultants would develop strategies. Belmont stated they would need help getting data
15 from the City. He stated they want a cross section of people to serve on the policy committee.
16 Belmont hoped the work would result in best practices recommendation.
17

18 Belmont reported Lincoln County, Lincoln City, Toledo, and Newport all applied for block grants
19 in the 1990s to do low income housing development. This money funded housing improvements
20 such as septic systems and insulation upgrades. He indicated this work was funded through
21 loans, which were repaid when the house changed owners. He noted the administrative costs
22 of making the loans made it difficult to relend these funds.
23

24 Councilor Kerti asked about the frequency of meetings for the various groups. Belmont
25 indicated that would soon be determined. Mayor Moore noted Councilor Glenn had previously
26 worked on housing issues and might want to continue his involvement. Manager Beaucaire
27 suggested they appoint Planner Dave Mattison to be part of the technical data component.
28

29 Craig Berdie suggested this project focused on physical housing and not on other issues that
30 arise around low-income housing. He asked if they could consider things like mental health, job
31 training, and other needs of low-income populations. Belmont noted there would be
32 opportunities for the public to give input.
33

34 Jacqueline Danos asked if public transportation and sustainability practices would be
35 incorporated into the projects. Belmont explained how the County was looking at these issues,
36 noting the county was continually looking at public transportation issues. Belmont stated while
37 the County was looking at the larger picture of issues falling under housing, this project would
38 not cover everything.
39

40 **F. Council Reports**

41 Councilor Tooke reported he met with View the Future on January 16, 2019.
42

43 Mayor Moore reported he attended the Oregon Coastal Zone Management Association meeting
44 in Lincoln City on November 30, 2018. He noted representatives from Congressman Kurt
45 Schrader's and Senator Jeff Merkley's offices were present. He also met with Lincoln County
46 mayors on December 27, 2018. He noted these mayors meetings would occur every few
47 months.
48

49 **G. City Manager Reports**

50 Manager Beaucaire reported:
51

1 1. Ocean View Drive transfer: The City Attorney was drafting language for property
2 easements, the City and County met with the archeologist to determine test areas, the
3 archeologist has received drawings, testing was expected to begin in early February 2019, and
4 new guardrails should be installed by March 2019. She reviewed progress around the 804
5 South Trail upgrades and boardwalk. She met with Westech Engineering to discuss road
6 conditions prior to paving. Beaucaire reported the goal was to complete the transfer by June
7 30, 2019.

8
9 Vaaler asked Manager Beaucaire about when the public would have a chance to provide input.
10 Manager Beaucaire indicated she would be bringing the proposal back to Council and the public
11 could give first input at that time. Kerti clarified that sketch drawings of the proposed boardwalk
12 were in the document library.

13
14 2. Website Redesign: The City's goal is to have the redesign online by June 30, 2019.
15 Manager Beaucaire participated in a kick-off meeting with Civic Plus to discuss process,
16 timelines, and responsibilities. She noted the main website and the CivicRec module for
17 facilities management would involve separate teams, and she would be point person for both
18 teams.

19
20 3. Library Expansion/Remodel: The Library Commission and the librarians approved a
21 new rendering for the design. The RFP is being prepared

22
23 4. Little Log Church and Museum: The City received the engineering analysis on the
24 building and is ready to start working on the RFP. Manager Beaucaire asked the architect to
25 provide a suitable drawing to use in the RFP. Vaaler asked if they had decided to rebuild or
26 remodel. Manager Beaucaire indicated the RFP would solicit bids for all options.

27
28 5. New City Planner: The City contracted with Dave Mattison to serve as temporary City
29 Planner and Code Enforcer. He will be in the office on Tuesdays.

30
31 6. Entrance Signs: Fabrication of the signs is in process.

32
33 7. City Hall Move: Manager Beaucaire had an initial design input conference with the
34 architect. She estimated they might receive drawings in about three weeks.

35
36 8. King Tide Filming: A licensed drone operator will be filming the oceans to track the
37 King Tides. The work will adhere to all FAA regulations and not involve flyovers of homes.

38
39 9. Multipurpose Room Flooring: Manager Beaucaire reported that when workers began
40 work to install the new floors, they discovered the underlying tiles were not secure. Given the
41 age of the tiles, they needed to be tested for asbestos. One group moved their event to another
42 venue. The exposed area has been covered with plywood and an area rug to keep the area
43 safe for use. Depending on test results, installation should resume in early March 2019.

44
45 Kerti asked how Commons events would be affected during construction. Manager Beaucaire
46 reported that Facilities Manager Hoen working with groups to move their events to other rooms,
47 where feasible. Tooke clarified that additional labor would be required to remove the old floor
48 and the contractor had not yet estimated a cost for that additional work.

1 10. Public Works: There was a significant water leak on Hill Court. She has asked
2 Public Works for a detailed report on the issue. She referred Council to her report in the
3 meeting packet on the sewer line damaged during highway construction.
4

5 11. Visitors Center Report: Vaaler asked to review more closely the Visitor Center
6 operations before the current contract with the Chamber of Commerce to operate the facility
7 ends in June 2020.
8

9 Jack Benz (Aqua Vista Loop) asked if items at the Little Log Church could be retrieved in the
10 event that the building would need to be torn down.
11

12 **VI. Unfinished Business**

13 **A. Approving revisions to Charter**

14 Vaaler explained that her edits document included input from Kerti. This report was available in
15 the meeting packet. Major discussions concerned:
16

17 1. Qualifications versus Elections: Should Section 27 be moved from Elections to
18 Council Qualifications? Council agreed to move Item c, "Neither the mayor nor a councilor may
19 be employed by the city" to Council Qualifications.
20

21 2. Employment: Should there be clarifying language for "employed by the city"? Kerti
22 suggested using, "However, with Council approval, an elective officer may serve in a contract or
23 volunteer position." Mayor Moore noted the Council was all volunteer. Kerti indicated there
24 could be a circumstance where a Councilor had a very specific skill that could be useful to the
25 City. Kerti had concern that the Charter does not currently state whether a contracted position
26 was allowed or not allowed. Tooke clarified with Manager Beaucaire that allowing a Councilor to
27 work for the City would be an issue for the union agreement and that Oregon ethics laws covers
28 conflicts of interest and contracts. Council agreed to change the language of the statement on
29 employment to, "An elected officer shall not serve as an employee or independent contractor of
30 the city."
31

32 3. Coercion: Should language be added to prohibit Councilors from trying to coerce the
33 City Manager? Council agreed to address this issue in the Council Rules and not the Charter.
34

35 4. Elections Oath: Should the Charter have the same language as the Oath of Office?
36 Council agreed to add, "and the rules, regulations, and ordinances of the City of Yachats" after
37 "Oregon."
38

39 5. Vote Ties: Should the Charter specify how ties were broken? Council discussed
40 options of having a runoff election, drawing lots, or allowing the candidates to choose how the
41 tie was broken. Manager Beaucaire noted that having the Council involved in breaking a tie
42 could put the Council in a position of making a political decision. The audience favored using a
43 runoff election by 7 to 6. Council agreed to return to this issue later in the meeting.
44

45 6. Vacancies: Should there be more specific language as to how vacancies are filled by
46 the Council? Vaaler noted the Charter was not clear on how multiple vacancies were filled.
47 Kerti noted that there had been several Council appointments but there was no identified
48 procedure for making those appointments. Council agreed to use the language provided by
49 Vaaler.
50

1 7. Vacancies Terms: Should an appointee complete the full term if the vacancy occurred
2 early in the term? Vaaler suggested that Council put the position up for election by the public at
3 the next general election when a vacancy occurs prior to the next general election. This
4 election would only be for two years to the completion of the vacated four-year term. Council
5 agreed to this change.
6

7 8. City Manager: Mayor Moore clarified that Vaaler was not asking to remove “mayor”
8 from the statement, “The city manager is responsible to the mayor and council...”
9

10 9. City Manager Authority over Auditor: Vaaler noted the League of Oregon Cities model
11 charter had language to stipulate that the City Manager should not have authority over the
12 auditor. Council agreed to not include this language.
13

14 10. Public Improvements: Mayor Moore reported that City Attorney indicated the Public
15 Improvements section was a remnant from old versions and the contents were addressed in
16 other sections of the Charter and the Yachats Municipal Code. The Attorney suggested they
17 could leave the chapter in the document to indicate the foundation for the Code. Council agreed
18 to leave this Chapter as is.
19

20 11. Public Improvements: Kerti and Vaaler noted other jurisdictions included language
21 for condemnation. Mayor Moore noted the existing language stipulated that Council could
22 create an ordinance for abandoning the public improvement. Council agreed to not include this
23 at this time.
24

25 12. City Manager Filling Position: Vaaler suggested adding the clause, “unless the
26 Council declares by resolution their intention to do otherwise” to the end of the second sentence
27 under Item d. Manager Beaucaire noted many Cities appoint interim City Managers until they
28 find a suitable candidate. Council agreed to this addition.
29

30 13. City Manager Duties: Vaaler suggested Item e enumerating the duties of the City
31 Manager could be removed and stipulated in the manager’s contract. She suggested the City
32 would have more flexibility when the City did not have a manager in place to hire a person with
33 special skills or if the City could not find a suitable candidate. Manager Beaucaire explained the
34 City Attorney strongly recommended putting these specifications in the Charter, as candidates
35 will look at city charters to ensure that the City plans to use them as they expect, noting that the
36 specified items were standard for the position. She noted if a candidate did not see this
37 enumeration in the Charter, they might not be interested in the position. Council agreed to keep
38 this section as is.
39

40 **B. Ordinance 358: Adoption of Comprehensive Plan**

41 Mayor Moore summarized the steps in reviewing the Planning Commission’s update of the
42 Comprehensive Plan. Tooke asked if there were regulations on trees as suggested in Goal A,
43 Policy 11 on tree protections. Vaaler noted that tree protections were included in the Council
44 Goals. Tooke asked whether the Yachats River was protected. Planning Commission Chair
45 Helen Anderson reported the Planning Commission updated Code relating to the Yachats River
46 and other creeks two or three years ago. Tooke clarified that water conservation/security was
47 part of Protection of Natural Resources (Goal A, Policy 1) rather than under Conservation of
48 Energy.
49

50 Vaaler indicated she reported typos to Anderson and clarified the revision work did not add to
51 the City’s liability.

1
2 Tooke moved to approve Ordinance 358 accepting the Comprehensive Plan update: Aye – 4;
3 No – 0.
4

5 **C. Resolution 2019-54: Adoption of Commons Manual & Fee Schedule Updates**

6 Mayor Moore explained the previous Council had reviewed several iterations of the Commons
7 Manual and be the Parks and Commons Commission has approved the final version that was in
8 the meeting packet. Vaaler noted an error in table of contents of indicated “Error. Bookmark not
9 defined” for “Cleaning/Damage Deposit.” Vaaler clarified that if City Hall were to move to
10 another building, there would be another update to the Manual.
11

12 Vaaler moved to approve Resolution 2019-54 Commons Policy Manual and Fee Schedule
13 update as presented: Aye – 4; No – 0.
14

15 **D. Ordinance 355: Finance Committee Composition (Chapter 3.10)**

16 Mayor Moore asked Council to review the discussion on whether the City Manager has a vote
17 on the Finance Committee. Mayor Moore asked that the City Manager have a vote as the
18 Manager has been Chair since the City went to the Manager form of government and the
19 Manager knows the materials in depth. Mayor Moore noted there have been meetings with only
20 three members and they need the vote for quorum. Vaaler asked what decisions would be
21 impacted. Mayor Moore explained the Finance Committee makes decisions about which
22 projects to fund, which are eventually approved by Council. Kerti suggested having the City
23 Manager be a full voting member made sense. Council agreed to delete the clause in section
24 3.10.010 stating, “however will be an ex officio (non-voting) member of the committee.
25

26 Vaaler asked if the Council would approve the Commission representative appointments. Mayor
27 Moore interpreted that language indicates the Commission representative was solely up to the
28 Commission. Manager Beaucaire reported the Commissions have been making their
29 appointments assuming that was their prerogative. Tooke stated the paragraphs on
30 representatives was not clear, noting “Citizen membership is strongly encouraged” appears out
31 of order.
32

33 Mayor Moore indicated the Council could examine this language more closely at the February
34 2019 work session.
35

36 **Return to VI. Unfinished Business / A. Approving revisions to Charter**

37 Clerk Jackson reported she could not find information from the County on this issue. Mayor
38 Moore suggested adding language to state, “In the event of a tie, the council would determine
39 the method of breaking the tie.” Council agreed to this wording.
40

41 Tooke moved to approve the City Charter as amended above, to send the Charter to the City
42 Attorney for review, and contingent upon the City Attorney’s review, to place the charter on the
43 May 2019 ballot for public approval: Aye – 4; No – 0.
44

45 **VII. New Business**

46 **A. Resolution 2019-50: FY18 Audit Plan of Action**

47 Kerti moved to approve Resolution 2019-50 adopting a plan of action and response to the audit
48 findings: Aye – 4; No – 0.
49

50 **B. Appointment of Council representative to Finance Committee**

1 Tooke nominated Mayor Moore as the Council Representative and moved to confirm the
2 appointment: Aye – 4; No – 0.
3

4 **C. Resolution 2019-51: Volunteer Workers' Compensation**

5 Tooke moved to adopt Resolution 2019-51 extending workers' compensation to volunteers of
6 the City of Yachats: Aye – 4; No – 0.
7

8 **VIII. Other Business**

9 **A. From Mayor**

10 Mayor Moore noted the Charter stated that Commission members were appointed by the Mayor
11 and approved by the Council. He asserted that they were not technically following that
12 procedure. He indicated he could provide a memo to Council recommending the member for
13 Councilor approval. Vaaler explained that method would allow the possibility of the Mayor not
14 bringing forth a Commission recommendation to the Council. Anderson explained Council was
15 following the Charter statement as the Mayor signs the resolution that Council has approved,
16 suggesting it is the Mayor's signature that appoints the candidate.
17

18 **B. From Council**

19 Kerti asked Mayor Moore if there were things Councilors could do to assist him with his external
20 meetings. Mayor Moore suggested Councilors could inform him of questions they want
21 addressed at these meetings.
22

23 **C. From Staff - none**

24 Mayor Moore adjourned the meeting at 8:50 pm.
25
26
27
28
29
30

31 _____
32 W. JOHN MOORE, Mayor

33 ATTEST:

34
35
36 _____
37 Shannon Beaucaire, City Manager

_____ Date