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CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

February 6, 2019

Draft Minutes

WORK SESSION

I. Meeting Call to Order

Mayor W. John Moore called the February 6, 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 Water Plant Lead Rick McClung. Audience: 15.

II. Work Session Discussion Topics

A. Finalization of Amendments to the Charter

Manager Beaucaire called City Attorney Ross Williamson to set up teleconferencing. Williamson reported he has been through Charter amendments with numerous cities and has litigation experience with Charter interpretations. He emphasized he was only voicing his opinions on legal issues, not suggesting or making policy decisions. He explained the Charter they were working from should be the 2015 edition. He suggested they stay as close as possible to the model charter as opposed to wordsmithing the current Charter, as the model version provides the most useful basis for potential court hearings. He noted a court would want to know why the City chose something different from the model and could ascribe some meaning to that change, such as the City wanting to not follow what was in the model charter. He stressed any changes should be made to change the meaning or effect of the provision, not to simply to alter the grammar or readability. Williamson reiterated the durability and applicability of the model charter in various applications and courts and suggested changes only be made where a definitive different outcome was warranted.

Regarding the Municipal Court, Williamson recommended allowing the City to hold hearings outside of the City of Yachats, noting this change benefits smaller Cities such as Yachats where they can share court expenses with other cities.

Williamson also noted that the City will have to educate the public on what the changes are, adding that his experience has been that a more targeted approach would be more acceptable to the public.

Mayor Moore asked if some of the changes in the draft that was sent to Williamson could be address in the Council Rules. Williamson believe most would be better in the Council Rules, noting specifically how appointments were made. Williamson noted Council Rules were about procedures, which many of the suggested changes focused on.

1 Mayor Moore stated the model charter stipulates a seven member council and a four year
2 mayoral term, and the City has a five member council with two year mayoral terms. Williamson
3 indicated this change would not be problematic as it was clear why Yachats' structure was
4 different from the model charter. Glenn clarified that Williams was recommending adding the
5 sections for the City Manager and Municipal Court into the existing City Charter.
6

7 Vaaler concurred with Williamson on not including the process for filling vacancies in the
8 charter, and asked whether the issue of whether an appointment lasts until the end of the term or
9 until the next general election was appropriate for the charter. Williamson noted this change
10 might create some problems, especially around how many positions could be up for vote in a
11 give election year.
12

13 Vaaler noted that the model charter stated that filling a vacancy in the City Manager position
14 should be done "as soon as was practicable." Williamson stated that the City Manager position
15 often becomes vacant often. He interpreted the language in the model chart to be very flexible in
16 how the position was filled. He referred to Section H where the vacancy could be filled with a
17 pro tem manager, noting this pro tem position could be a staff manager, two staff members, or
18 some outside manager. Vaaler asked if the language would allow for the City appointing two
19 people to fulfill the duties of the City Manager. Williamson had never heard of this situation
20 occurring and wondered if a person would want to serve under these conditions. Williamson
21 noted they could have a City Manager and Assistant City Manager.
22

23 Vaaler asked Williamson if adding, "unless council declares by resolution to do otherwise" after
24 the as soon as practicable sentence would present a problem. Williamson speculated that it could
25 be problematic in the adding a layer of procedural requirement. He suggested a court might
26 wonder why the City wanted this additional layer when the current language was already
27 flexible, and perhaps the court might wonder if the City was trying to be less flexible.
28 Williamson could not imagine a case where someone would take legal action over the "as soon
29 as practicable" statement and cited many reasons that would be acceptable to a court for delaying
30 an appointment.
31

32 Vaaler asked if the duties of a manager in Section e needed to be spelled out and if those
33 stipulations could simply be included in the manager's contract. Williamson believed it was
34 important to be included in the charter as it indicates that the position was a charter-level
35 appointment and not something that a Council could change at whim.
36

37 Mayor Moore thanked Williamson for his advice and ended his call.
38

39 Glenn favored adding the two sections on the City Manager and Municipal Court as the attorney
40 suggested.
41

42 Kerti clarified that the May 2015 election measure on the City's Charter eliminated the section
43 on not allowing the City to purchase real estate. Tooke noted the Model Charter document was
44 in the document library.
45

1 Mayor Moore indicated Council could ask the City Manager to include the sections from the
2 model Charter on the Municipal Court and the City Manager and bring the document back for a
3 vote at the February 20, 2019 meeting. Vaaler suggested they should change the language on
4 quorums to be exactly what was in Section 3.6 of the model charter, adding the second sentence
5 to read:

6
7 A majority of the Council members is a quorum to conduct business. In the event of a
8 vacancy due to resignation or other events, the quorum is reduced accordingly. In the
9 event of an absence, a smaller number may meet and compel attendance of absent
10 members as prescribed by Council Rules.

11
12 Council agreed to make this addition.

13 14 **B. Discussion of Administrative Policies**

15 Mayor Moore explained there has been a suggestion to reorganize the policies to cluster around
16 the body they apply to, noting he had to look at the Administrative Policies, the Council Rules
17 and other documents to find out what was required of a Commissioner. Mayor Moore explained
18 Policies 1, 2, 3, 6, 7, and 8 apply to the Council and could be included in Council Rules. Policies
19 6, 7, 8, 9, 18 and language from the Yachats Municipal Code 2.04 and 2.08 all apply to
20 Commissions and could be formed into a Commission Rules document. The remaining policies
21 apply to the City. Councilors agreed to this approach.

22
23 Mayor Moore handed out a document that could be used as Commission Rules. He indicated he
24 added in Section 4 on Use of City Staff, "The Chair shall be the liaison between the commission,
25 board, or committee and City Staff." Mayor Moore also modified in the Library section 5.4 that
26 the Library Commission is to work with the librarians to formulate the budget.

27
28 Vaaler added there was information she had recommended for the charter that should now be
29 included in the Council Rules.

30
31 Mayor Moore indicated he would prepare draft documents. Kerti clarified they would get
32 agreement on each of the three documents and pass them together as a replacement of the
33 existing Council Rules.

34 35 **C. Proposed Finance Committee Ordinance 355**

36 Mayor Moore noted there was language in Ordinance 355 that Councilors wanted to revisit.

- 37
38 1. Section 3.10.010: Council agreed to change the first sentence of the second paragraph
39 to read, "The representative from the City Manager's Office shall serve as the Chair of
40 the committee and will be a voting member."
41 2. Section 3.10.010 second sentence of second paragraph: Change "Commissions" to
42 "bodies"
43 3. Section 3.10.020 Item 4.c: Change "development" to "developments are paying"
44 4. Section 3.10.020 Item 4.d: Move "can" to read, "Advise how the City can organize..."

1 5. Section 3.10.030: Add “possible amendment” to the sentence, “The report shall be
2 submitted to the City Council for its consideration, possible amendment, and
3 approval.”
4

5 Mayor Moore indicated the approval of Ordinance 355 would be added as Item E under New
6 Business to the agenda for February 20, 2019.
7

8 **REGULAR MEETING**

9 **I. Announcements, Correspondence and Proclamations - none**
10

11 **II. Public Comment – none**
12

13 **III. Consent Agenda**

14 **A. Resolution 2019-55 Appointing a Council Member to the Finance Committee**

15 Vaaler moved to approve the consent agenda: Aye – 5; No – 0.
16

17 **IV. Unfinished Business**

18 **A. Ordinance 358: Adoption of Comprehensive Plan Updates**

19 Glenn moved to approve Resolution 358 adopting the Comprehensive Plan Updates: Aye – 5; No
20 – 0.
21

22 **V. New Business**

23 **A. Resolution 2019-57 Appointments to Planning & Parks and Commons** 24 **Commissions**

25 1. Loren Dickenson, Planning Commission: Dickenson explained he wanted to use his
26 40-year history of working with Planning Commissions, boards, and other groups as an architect.
27 Planning Commission Chair Helen Anderson stated the Planning Commission was very excited
28 to have Loren work with them.
29

30 Glenn moved to appoint Loren Dickenson to Seat A of the Planning Commission: Aye – 5; No –
31 0.
32

33 2. Craig Berdie, Parks and Commons Commission: Berdie stated he wanted to serve on
34 this Commission because of his deep appreciation and love of the natural world, the importance
35 of parks and trails to the City, and his seeing the Commons as great asset to the City. Vaaler
36 clarified that Berdie did not want to serve on the Public Works and Streets Commission. Vaaler
37 asked Berdie if would be willing to encourage women to serve on the Commission.
38

39 Tooke moved to appoint Craig Berdie to seat C of the Parks and Commons Commission: Aye –
40 5; No – 0.
41

42 **B. Resolutions 2019-58 and 2019-59 Financial & Planning IGA with OCWCOG**

43 Manager Beaucaire reported she learned at a recent Oregon Cascades West Council of
44 Governments meeting (OCWCOG or COG) that COG could provide planning and financial
45 services to the City. She indicated approving this agreement would allow the City to use these
46 services as needed and would not cost the City anything if services were not used. Mayor Moore

1 clarified cost would be per hour not to exceed \$3,000 per quarter. Glenn expressed excitement
2 with this possibility. Kerti asked for clarification on whether this action was about a recent
3 departure of staff and a temporary City Planner or whether these services would be ongoing.
4 Manager Beaucaire indicated this agreement would be an ongoing resource. Tooke clarified this
5 arrangement would be in addition to the plan to hire a full-time Planner/Code Enforcer. Vaaler
6 clarified the “to be determined” hourly rates in the contract were not specified as COG was in the
7 process of negotiating their collective bargaining agreements and setting those amounts. Vaaler
8 clarified that the City Manager would both be deciding to use this resource as part of her ongoing
9 administrative work and involving Council in some decisions around using the services.

10
11 **Glenn moved to adopt resolution 2019-58 authorizing the City Manager to enter into an**
12 **agreement with OCWCOG to provide Planning Services to the City: Aye – 5; No – 0.**

13
14 Manager Beaucaire reported Clerk Judy Richter has left the City for an opportunity for
15 advancement. Manager Beaucaire indicates she has negotiated with COG to provide financial
16 services for two to two and a half days each week during the transition time, including time from
17 the directors. Manager Beaucaire indicated this would be a cost savings from the previous
18 finance staff position. Manager Beaucaire explained the amount COG would charge was less
19 than the salary, benefits, and PERS for the finance City’s staff position. Manager Beaucaire
20 added that the person serving Yachats would serve several cities, thus splitting the cost of the
21 position. Vaaler asked if the two-year term of the contract was a provision required by COG.
22 Manager Beaucaire indicated the City has an option for a 60-day termination if the City was not
23 satisfied and the two years contract gives COG a foundation upon which to hire someone. Kerti
24 clarified that COG would have full access to City systems via the City’s technology.

25
26 **Tooke moved to approve Resolution 2019-59 authorizing the City Manager to enter into an**
27 **agreement with OCWCOG to provide Financial Services to the City: Aye – 5; No – 0.**

28 29 **C. Resolution 2019-60 Procurement IGA**

30 Manager Beaucaire reported she had asked Facilities Manager Hoen to work with Public Works
31 to develop RFPs for the upcoming improvements to the Library, Little Log Church and Museum,
32 and the 501 Building. She noted Hoen found an organization that helps develop RFPs, provides
33 RFP templates, and allows the City to post RFP’s on their network thus expanding the visibility
34 of the RPF. She added the organization also provides training opportunities for staff to get
35 certifications. The service cost \$450 for the remainder of this year for an annual membership
36 (not a per RFP amount). Vaaler clarified Yachats fell under the \$7,500,001 to \$21,000,000 level
37 with a \$900 annual fee. Manager Beaucaire indicated the budget resolution passed by Council
38 was for just over eight million.

39
40 **Glenn moved to approve 2019-60 authorizing the City Manager to enter into agreement with the**
41 **Oregon Cooperative Procurement Program to provide procurement and contracting services to**
42 **the City: Aye – 5; No – 0.**

43 44 **D. Appointment of City Representative(s) to Policy Committee for Lincoln County** 45 **Housing Project**

1 Mayor Moore recalled at the last meeting the Council agreed to appoint Dave Mattison to serve
2 as the technical representative to this committee and they still needed a Council representative.
3 Glenn volunteered to serve.

4 Vaaler moved to appoint Councilor Glenn to serve on the Lincoln County Housing Project: Aye
5 – 5; No – 0.

6
7 **E. Appointment of Council Representative to OCOG Area Commission of**
8 **Transportation**

9 Mayor Moore reported this commission meets on the fourth Thursday ever other month in
10 Albany, but a Councilor could participate via video conferencing in Toledo. Glenn noted most
11 of the other Lincoln County representatives attend the meeting in Toledo. Manager Beaucaire
12 added that this group discusses other issues from transportation such as grants, low interest rates
13 loans, what other communities are doing, and what will be upcoming from ODOT. Tooke
14 agreed to volunteer on an interim basis. Moore agreed to serve as secondary.

15
16 Vaaler moved to appoint Councilor Tooke as primary and Mayor Moore as secondary
17 representatives to the OCOG Transportation Commission: Aye – 4; No – 1 (Tooke).

18
19 **F. Approve agenda for February 20, 2019 Council meeting**

20 Manager Beaucaire added an item for a \$30,000 grant for updating the watershed protection plan
21 as Item F under New Business.

22
23 Manager Beaucaire asked Council if they wished to review an OLCC liquor application for a
24 new restaurant that would be going into the old Heidi's Italian Restaurant space on Beach Street.
25 Glenn favored having the City Manager and Mayor handling these applications. Vaaler asked
26 about the procedure for revoking a liquor license. Manager Beaucaire indicated that the City
27 reviews licenses annually and could contact the OLCC should problems arise. Tooke asked
28 Manager Beaucaire to get clarification on whether posting of the license was required by OLCC.

29
30 Tooke moved to proceed with approving the OLCC liquor license for Beach Street Kitchen: Aye
31 – 5; No – 0.

32
33 Tooke moved to approve the February 20, 2019 Council agenda as amended: Aye – 5; No – 0.

34
35 **IV. Other Business**

36 **A. From Mayor - none**

37
38 **B. From Council**

39 Kerti noted that they spent a substantial amount of time working on the charter only to have
40 those changes be revised by the attorney. He asked if the Council could get input from the
41 attorney prior to discussing significant changes to legal documents. Council concurred with this
42 suggestion. Glenn noted the City Attorney came to every Council meeting when he first was
43 attending Council meetings. Glenn believed hearing from the attorney today was very helpful.

44
45 **C. From Staff**

1 Manager Beaucaire noted the City was currently open from 8:30 am to 4:30 pm with no lunch
2 closure. She has investigated what other cities do, and noted they have shorter hours and are
3 often closed all day on Fridays. She asked if Council would consider altering the City Hall hours
4 to 9:00 am to 4:00 pm with an hour for lunch. Manager Beaucaire noted the importance of
5 having all staff meetings and giving staff uninterrupted work time. Vaaler asked if reducing
6 hours would decrease the availability of the City Planner. Manager Beaucaire reported the
7 Planner could work by appointment during these times and that the Planner was now available
8 by phone and email during times when he was not present in the office. Vaaler asked that they
9 take into consideration the lunch hour by the Post Office (1:00 – 2:00 pm) when setting the lunch
10 closure.

11
12 Moved to allow the City to be open to the public from 9:00 am to 4:00 pm with a one hour lunch
13 period contingent upon providing reasonable notice to the public: Aye – 4; No – 1 (Vaaler).
14

15 Mayor Moore adjourned the meeting at 11:40 am.
16
17
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19

20 _____
W. JOHN MOORE, Mayor

21
22 ATTEST:
23

24
25 _____
26 Shannon Beaucaire, City Manager

Date

