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CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

March 6, 2019

Draft Minutes

**WORK SESSION**

**I. Meeting Call to Order**

Mayor W. John Moore called the March 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 and Water Plant Lead Rick McClung. Audience: 11.

**II. Work Session Discussion Topics**

**A. South Tank Reservoir Earthquake Valve**

Rick McClung reported that on December 10, 2018 around 4:00 am, Public Works received an alarm for low water level on the south reservoir. McClung indicated the water level was dropping at a rate for which the earthquake valve should have shutoff, so he called the engineer. McClung suggested the pressure from the million-gallon tank was keeping the pressure in the south tank system high enough so earthquake valve did not close. He and the engineer discussed setting the shutoff pressure level to at a more sensitive level so it would operate sooner, which raised a concern about water availability for fire protection. McClung decided to set the SCADA system to send an alarm when the water was depleting at high rates (SCADA is Supervisory Control And Data Acquisition). Upon receiving the notice, the crew would need to manually shut off the valve.

McClung noted plans were to install another earthquake valve by the bridge. He explained the engineers would have to establish a way to keep the system flowing as needed. McClung stated one option was to use a mercury switch valve that shut off upon shaking. He stated he was continuing to work with the engineering and operations.

Commissioner Kerti asked what part of the design and implementation did not go according to plan. McClung speculated it was a design issue where the designer failed to consider the backpressure from the north tank.

McClung indicated the warranty was for one year. He added that if the decision were to set the valve to a lower pressure, he would want a third party to analyze the pressures and systems. Commissioner Tooke clarified that Civil West designed the project and that Westech was the current engineer.

McClung noted the second earthquake valve by the bridge was included in the budget for next year and he would hire Westech to do a thorough analysis on the pressures in the system before proceeding with that work. McClung reviewed the losses from the December 18, 2018 event:

- 1 - 250,000 gallon tank lost 157,000 gallons (south tank)
- 2 It was set to alert at 14 feet and now would alert at more than 1 foot per hour drop
- 3 - 1,000,000 gallon tank lost 104,000 gallons
- 4 - Overall loss was at 17,000 gallons per minute.

5  
6 McClung indicated the new SCADA alarm should be in place within a week. Tooke clarified  
7 that the leak was caused by an old fire hydrant that blew off its base. McClung noted the crew  
8 got everything under control within two hours. McClung stated he was not satisfied with the  
9 current situation.

## 10 11 **B. Increase in Transient Lodging Tax**

12 Kerti noted one presenter used Trip Advisor to rank various amenities so he researched the Trip  
13 Advisor data. He disagreed with the conclusion that the Little Log Church was not important to  
14 visitors as he found the Little Log Church was the highest rated attraction that was not part of  
15 State amenities. Kerti thought there were many valid arguments presented and wished some  
16 people would provide the other side of the argument. He recommended tabling the increase for  
17 now.

18  
19 Tooke noted one company had already printed all of their materials. He also noted the areas to  
20 the south with lower transient lodging taxes also have casinos to generate income, making the  
21 comparison to Coos Bay and Florence like comparing apples and oranges. Tooke added that the  
22 Food and Beverage Tax was passed through a public vote and that local residents pay that tax,  
23 too. Tooke agreed the increase should not be made at this time. Kerti clarified that the food and  
24 beverage task passed by a 280 to 111 vote. Mayor Moore noted Coos Bay increased their  
25 lodging tax from 7% to 9.5% in January 2019.

26  
27 Commissioner Vaaler believed Hetzler's comments about symbiotic relationships fit with the  
28 Council Goals. She noted Muirhead's comment about the current healthy market, and she  
29 argued this fact could be a reason to act now. She noted this tax could help the City when there  
30 was a downturn in the economy. Vaaler raised the idea of decreasing the tax when there was a  
31 downturn. She wanted to pursue communication with the businesses for coming up with ideas to  
32 generate revenues. Vaaler also noted numbers could be used to present whatever angle you  
33 want, so she was not convinced by the presentations. Referring to Roslund's suggestion that the  
34 City might be violating state laws governing Visitors Amenities Funds, she looked at the League  
35 of Oregon Cities Legal Guide for Collecting Transient Lodging Tax, and noted the laws had gray  
36 areas and were subject to interpretation, such as what constitutes "other improved real property  
37 that has a useful life of ten or more years."

38  
39 Commissioner Glenn did not want to rush into the increase and suggested a more productive  
40 course of action would be to focus on the business community's desire to work with the City.  
41 He wanted to put together a strategic planning group involving the businesses to focus on the  
42 generating offseason activities to attract visitors.

43  
44 Mayor Moore agreed they should not proceed with an increase and should take advantage of the  
45 interest of the businesses.

1 Mayor Moore indicated he wanted to appoint a citizens committee to examine:

- 2 1. Communities goals for how to use the Visitors Amenities Funds
- 3 2. Ideas for bringing groups to Yachats in the offseason
- 4 3. Thoughts on how to revitalize the Chamber of Commerce

5  
6 Mayor Moore suggested members include Drew Roslund or his designee, Anthony Muirhead or  
7 his designee, Linda Hetzler or Bev Wilson (or someone from the Chamber), and someone from  
8 property a management company.

9  
10 Vaaler asked if there should be an equal number of citizens on the committee. Mayor Moore  
11 agreed citizens should participate but wanted to keep the total group size small. Vaaler wanted  
12 to require that there be an equal number of citizens and business representatives. Glenn  
13 suggested involving local people who are not within the city limits.

14  
15 Glenn suggested having a small group look at other city Chamber's to determine what works  
16 well.

17  
18 Kerti asked why the City needed to organize this group. Mayor Moore indicated this approach  
19 was a way for the City to invite the businesses to participate to give the City input. Kerti  
20 suggested Council further discuss the membership of this committee. He noted they should have  
21 some business owners who were not hotel owners.

22  
23 Vaaler suggested that they send a note to the people who testified summarizing the discussion  
24 today. She also suggested including some lower level staff on the committee.

25  
26 Council discussed how they would let people know this opportunity was there.

27  
28 Tooke suggested they communicate with the committee about the financial situation of the City  
29 so that they understand the City did not have extra money.

30  
31 The Council agreed to look at this issue again in April 2019.

### 32 33 **C. Council and Commission Rules**

34 Mayor Moore noted only Vaaler sent comments and he had incorporated the typos and  
35 corrections into the document Councilors had.

#### 36 37 1. Commission Rules

38 Section 3.41: Should they include a statement that a certain number of members can overrule the  
39 chair? Council did not agree to this suggestion

40 Section 5.11: Suggestion to keep records of all occupations, businesses, trades, or professions of  
41 members of the Planning Commission. Helen Anderson, Chair of the Planning  
42 Commission, indicated they Commission does compare an applicant's background to the  
43 existing members in order to comply with the regulation. Anderson added that this was  
44 another reason why it was important to have applicants interview with Commissions before  
45 getting appointed by Council. Vaaler asked Anderson if this approach was a custom or a

1 rule. Anderson stated the requirement was a rule that they follow. Council did not agree to  
2 this suggestion.

3 Section 5.23, first paragraph: Strike “alike” in last sentence and adjust capitalization and  
4 wording of the first sentence to read, “...for the operation of the City’s parks and the  
5 Commons building...”

6 Suggested including Yachats Municipal Code sections 2.04.060 and 2.08.060 about  
7 Commissions reporting to Council. Council agreed to this inclusion. Vaaler wondered if  
8 there was something stating the minutes had to be completed within 30 days. Glenn  
9 suggested adding these parts to section 1.1 in the draft document.

10 Council agreed to have the numbering system match the format of Council Rules.

11  
12 Mayor Moore indicated he would incorporate these adjustments and send the document to the  
13 Commission for their input and then review. Bob Bennett, Chair of Public Works, believed that  
14 it should be a requirement that each Commission should review their budget at every meeting.

## 15 16 2. Council Rules

17 Vaaler recalled items Council was considering including in the Charter that needed to go into  
18 Council Rules. Mayor Moore clarified that Vaaler was asking to include the two paragraphs in  
19 the document she prepared.

20  
21 Section 2.3: Should the stipulation for “in writing” be clarified or removed? Councilors  
22 discussed what the suggestion actually was asking and whether “in writing” was actually a  
23 confusing option. Kerti suggested the issue was how to ensure everyone was notified within a  
24 reasonable amount of time.

25  
26 Council agreed to continue this discussion at the next work session.

## 27 28 **REGULAR MEETING**

29 **I. Announcements, Correspondence and Proclamations - none**

30  
31 **II. Public Comment – none**

32  
33 **III. Consent Agenda**

34 Mayor Moore stated the minutes were pulled from the consent agenda and would be discussed  
35 separately.

36 **A. Minutes February 6 and 20, 2019**

37 **B. Resolutions Memorializing Council Action**

38 1. Resolution 2019-67 Appointing Budget Committee Members

39 2. Resolution 2019-66 Budget Committee Member to Finance Committee

40  
41 **Vaaler moved to approve the Consent Agenda: Aye – 5; No – 0.**

42  
43 1. February 6, 2019 Minutes

44 a. Page 2, Line 19: insert “jointly” to read, “appointing two people to jointly fulfill the  
45 duties”

1 b. Page 2, Line 21: Add the sentence, “Williamson said that the city was establishing the  
2 office of city manager and would have flexibility as to how it would be filled or not  
3 filled.”  
4

5 Minute Taker Helen Anderson explained corrections to the minutes were to correct mistakes, not  
6 to make stylistic changes. She indicated she could make stylistic adjustments but needed to be  
7 told that was appropriate. Mayor Moore indicated she proceed with the status quo. He suggested  
8 that they might be overthinking the detail of and allocating too much time to the minutes when  
9 the minutes were not widely read.  
10

11 Councilors discussed whether to include an additional statement by the City Attorney or whether  
12 that statement was covered in Page 2, Lines 23-30. Councilors decided there were no needed  
13 changes to Page 5, Line 8.  
14

15 Tooke read from Anderson’s email, “Council should not be changing minutes to simply make  
16 things sound better. Suggested changes should be corrections to the minutes. Corrections mean  
17 changing something that is incorrect. Changing the style does not fall under corrections.  
18 Council should not be changing minutes to simply make things sound better. Corrections should  
19 be made for mistakes only, either of omission or commission.” Tooke did not think the Minute  
20 Taker should be making stylistic changes. Kerti suggested they could discuss this issue at a  
21 future meeting. Anderson added that typos were errors.  
22

23 Vaaler moved to approve the February 6, 2019 City Council minutes as revised: Aye – 5; No –  
24 0.  
25

## 26 2. February 20, 2016 Minutes

27 Vaaler asked that the record reflect that while Mayor Moore had stated the quorum could be  
28 adjusted based on members present in the event of an emergency, but the Charter language did  
29 not include the condition of “in the event of an emergency situation.”  
30

31 Page 2, Line 46: “Not including the City Manager section” to “Revising the City  
32 Manager section.”

33 Page 3, Lines 27-28: Replace Lines 27-28 with, “Vaaler noted there was a citizen present  
34 who wished to be considered for the remaining open seat on Public Works and Streets. Ann  
35 Stott said that she was interested in serving, and Council agreed to interview her.”

36 Page 7, Line 40: Change marquis to marquee

37 Page 5, Line 43: Tax should be 6% instead of 96%.  
38

39 Glenn moved to approve the February 20, 2019 City Council minutes as amended: Aye – 5; No  
40 – 0.  
41

## 42 **IV. Continuing Business**

### 43 **A. Ordinance 355 on Finance Committee Composition, 2<sup>nd</sup> Vote**

44 Glenn moved to approve Ordinance 355 amending the Yachats Municipal Code Chapter 3.10:  
45 Aye – 5; No – 0.  
46

1  
2 **V. New Business**  
3 **A. Public Works & Streets Commission**  
4 **i. Emergency Operations Plan**

5 Bob Bennett, Chair of Public Works and Streets Commission, reported he received the City  
6 Manager's comments on the Emergency Operations Plan (EOP) last week and would be meeting  
7 with her this week. He explained the EOP establishes the chain of command in emergency  
8 operations so that the City's plan is consistent the hierarchy from the City to the county to the  
9 state and finally to FEMA's infrastructure. He noted the Committee modified Newport's plan to  
10 reflect the functionality of the City, such as not having police or fire department. He reported  
11 Chief Petrick had provided her input on the revisions to reflect the role of Yachats Rural Fire  
12 Protection District (YRFPD).

13  
14 Bennett pointed out that while Yachats does have a City Manager, it does not have an  
15 Emergency Operations Coordinator. He noted the maintenance and planning aspects of the  
16 Emergency Operations Coordinator falls on the Emergency Preparedness Committee and Public  
17 Works and Streets, while the operations management tasks fall on the City. He indicated he  
18 would be working with the City Manager on the language to make clear the divided duties.  
19 Bennett reported he received comments from former Mayor Stanley but no other Councilors.

20  
21 Bennett stressed a major issue with this document was to ensure Yachats maintains its Storm  
22 Ready/Tsunami Ready status, which was partly achieved by this plan.

23  
24 Jacqueline Danos asked for clarification on the plans for toilets. Bennett noted the EOP was  
25 more about the operational structure rather than details of local preparations. He stated they add  
26 appendices to reflect the local activity. McClung stated the City does have emergency containers  
27 that have supplies and tools. He noted they do not have bathroom. McClung added that the  
28 Emergency Preparedness Committee has a goal to establish a local CERT team that would  
29 consider issues like what Danos was suggesting. Glenn clarified that Bennett was presenting the  
30 EOP to Council for their information and approval and not for editing or commenting. Mayor  
31 Moore clarified Council would have a revision by the next meeting.

32  
33 **ii. ODOT Model Signs for Evacuation Routes**

34 Bennett reported the Emergency Preparedness Committee had a work session with YRFPD to  
35 review signage and assembly areas. He summarized that the City has signage for the assembly  
36 areas but had yet to install them. The joint group identified the assembly areas. He added that  
37 the Diversity Drive area was problematic in that there was not easy access to the east from  
38 Diversity Drive. He indicated that the route for that area would eventually run through the new  
39 fire station.

40  
41 Bennett also noted that the round evacuation signs at intersections along Highway 101 and side  
42 streets to the east were noncompliant with international standards. International standards  
43 stipulated that round signs were for railroads. He reported that ODOT now has rectangular-style  
44 signs and recommended that the City proceed with acquiring and posting these signs. He stated  
45 they did not have a cost estimate at this time and that the signs would come from ODOT or the  
46 County.

1  
2  
3 **B. March 20, 2019 Joint Work Session and Lincoln County Board of**  
4 **Commissioners, 6:00 – 7:00 pm**

5 Glenn explained the process was to have the Council recommend an agenda to the County, and  
6 these items would be discussed during the first hour of this meeting. Mayor Moore suggested  
7 the following topics:

- 8 1. County opinion on state/count single use plastic bag ban
- 9 2. Homeless and mental health
- 10 3. Low Cost Housing
- 11 4. Biosolids disposal and DEQ requirements
- 12 5. Vacation Rentals - sharing what information the county has
- 13 6. County Services available to Yachats
- 14 7. Ocean View Drive update
- 15 8. Transient Lodging Tax as it pertains to how cities within the county compare

16  
17 Steve Davies (91 Highway 101 N) suggested that rather than having an open-ended question,  
18 they should have a specific question about when or how the county would deal with something.  
19

20 Jacqueline Danos (Spring Hill) suggested they ask about plans for public transportation  
21 improvements.  
22

23 Glenn suggested it might be courteous for Councilors to stay for the remainder of the County  
24 meeting.  
25

26 **VI. Other Business**

27 **A. From the Mayor**

28 Mayor Moore reported he:

- 29 1. Attended the bimonthly county mayors' meeting.
- 30 2. Attended the Area 5 League of Oregon Cities small cities meeting in Newport and  
31 volunteered to have Yachats host the August meeting. He added he wanted to take  
32 one of the new Councilors to the April 2019 meeting.  
33

34 **B. From the Council**

35 Tooke reported he:

- 36 1. Attended the Cascades West Transportation meeting where the state infrastructure fund  
37 was discussed. He stressed the importance of the Florence –Yachats connector, which  
38 was funded by Lane County.
- 39 2. Sent a letter to the State Senate regarding SB621, a bill to preempt City's ability to  
40 regulate vacation rentals. He stated he explained in his letter the rationale behind the  
41 City's approach to establishing its regulations.
- 42 3. Will be going to legislature in Salem for a hearing regarding the continued funding for  
43 Mid-Coast Water Partnership.  
44

45 Tooke indicated he would be absent at the April 3, 2019 Council meeting.  
46

1 Glenn suggested adding the Yachats-Florence transportation to the County Agenda.

2  
3 **C. From Staff**

4 Manager Beaucaire reported she attended the CIS annual conference, noting that CIS  
5 (City/County Insurance Services) was the City’s insurance provider. She explained that while  
6 larger cities have the ability to self-insure, CIS enables smaller cities to pool their risk. The  
7 major topics included cyber security, the homeless population, financial fraud, and succession  
8 planning with human resources.  
9

10 4. The Martin vs. Boise 9<sup>th</sup> Circuit court case has impacted how cities can regulate homelessness  
11 issues. Roseburg, OR presented data about homelessness increase 9% annually. One claim  
12 about property removed (\$1,000 value) settled for \$30,000 to include a claim of loss of dignity  
13 and attorney fees. Manager Beaucaire stated she had talked to the city attorney about these  
14 issues and was preparing a memo to Council on the matter.  
15

16 The biggest risks in cyber security were human factors and phishing emails. She noted that  
17 anything digital could be hacked. She summarized some of the analysis that has been done to  
18 identify weak points and highlighted the annual member surveys that help to identify what was  
19 working well and what was not. She added that the Council of Governments was working with  
20 Yachats to identify potential security risks, and CIS could assist in conducting free trainings and  
21 resources for staff.  
22

23 Manager Beaucaire explained CIS was changing to an enterprise risk management system using  
24 ISO 31000 guidelines, a consistent international standard. She noted CIS would visit Yachats in  
25 the spring to evaluate the City’s facilities and also working on updating volunteer manuals and  
26 incorporating changes about workers compensation for volunteers. She indicated there was a list  
27 of online courses for staff and volunteers.  
28

29 With no further business before Council, Mayor Moore adjourned the meeting at 11:42 am.  
30  
31  
32

33 \_\_\_\_\_  
34 W. JOHN MOORE, Mayor  
35

36 ATTEST:  
37  
38

39 \_\_\_\_\_  
40 Shannon Beaucaire, City Manager  
41

\_\_\_\_\_ Date