

CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

December 5, 2018

Draft Minutes

Mayor Gerald Stanley called the December 5, 2018 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: Gerald Stanley, Barbara Frye, Craig Berdie, Jim Tooke, and Max Glenn. Absent: none. Staff present: City Manager Shannon Beaucaire, Clerk Kimmie Jackson, and Water Treatment Plant Lead Rick McClung. Audience: 18.

Mayor Stanley asked for a moment of silence for George Herbert Walker Bush.

Mayor Stanley thanked Clerk Kimmie Jackson and Facilities Manger Heather Hoen for the Holiday decorations.

I. Work Session Discussion Topics

A. Ordinance 5.12.020(a) and Fire Department: open flame BBQ and notification to propane owners

Mayor Stanley invited Fire Chief Frankie Petrick to present her request. Chief Petrick asked Council to revisit the burn ordinance, noting the two sides of those wanting to burn debris versus those having negative impacts on breathing from smoke. She noted the Council previously voted to allow barbecues without any permitting. She explained the difficulty for the Fire Department of having to find homes that were still having open flame barbecues during the state-imposed burning ban. She added that home insurance might not cover damage due to illegal burning. If Council decided to adopt permitting, Chief Petrick explained residents would need to get an annual permit and there would be no fee for that permit.

Councilor Berdie asked if there was a difference between charcoal and an open flame. Chief Petrick noted this year the State differentiated between a valve-controlled flame and other means of burning. She noted the state did distinguish between charcoal/briquette and propane fires, and there is a risk difference if turning over the grill would result in the spreading of fire. She explained how the burn ban was issued. The Oregon Department of Forestry can issue a "red flag warning" which can ban propane. The state legislature can impose its own ban of open pit fires on the beaches. Councilor Frye asked what other cities were doing around this issue. Chief Petrick believed Lincoln City was the only city in Lincoln County with a specific ban. Frye asked for clarification on the insurance issue. Chief Petrick explained the homeowner would have legal responsibility for damage resulting from fireworks and illegal barbecues on their property.

Mayor Stanley clarified that a "red flag warning" meant that no one could operate a barbecue. Chief Petrick added that with a permit program, she could inform homeowners of when a ban is in place. Tooke clarified that the Waldport sign for a burn ban at the fire department was a prohibition of burn barrels, which Yachats does not allow.

Mayor Stanley clarified that no change is being requested for the current permitted fires as Petrick has that information on file.

1 Petrick recalled in 1936 a fire set around Angell Jobs Corps burned down to the Yachats River.
2 She also explained how fire districts in other areas rely on other fire departments for equipment
3 and firefighters. She explained that some beach closures were due to the fact that there were
4 not enough fire fighting resources to combat fires on the beach.

5
6 Frye clarified that Chief Petrick wanted to return to the original ordinance where all barbecues
7 would require permitting. She asked to have a decision by June 2019.

8 9 **B. 2nd Phase of Organizational Study and proposed Climate Change Commission**

10 Mayor Stanley explained how this discussion would proceed. Frye explained she, Tom
11 Lauritzen, Greg Scott, Rick McClung, Dave Buckwald, and Kimmie Jackson were on a
12 committee that was charged to look at the organizational structure and staffing needs when they
13 decided to change to a City Manager–Council form of government. She reported they spent a
14 year assessing the duties of the various staff positions. She noted they identified nearly 100
15 different duties for the City Manager. She explained the Council hired a City Manager before
16 the Committee’s work was complete.

17
18 Clerk Kimmie Jackson recalled one goal was to spread the workload so one person did not
19 have all of the responsibility. Jackson indicated they wanted to have staff trained in multiple
20 areas so any given task could be done by multiple people. Frye recalled they interviewed staff
21 in other cities.

22
23 Rick McClung added that he was glad to see the Council wanting to continue work on the study.

24
25 Lauritzen explained his presentation was a summary of what has happened since the
26 organizational structure group met. He reviewed that the City had hired a permanent City
27 Leader and appointed Dave Buckwald and Rick McClung to oversee the sewer and water
28 plants.

29 He highlighted the City’s responses to previously identified internal factors that were inhibiting
30 progress.

31
32 Lauritzen noted since the above changes, staff turnover, funding major projects, developing
33 technology systems, and accounting issues had arisen. Lauritzen asserted the next step was to
34 review the role and function of Commissions and Committees. He also noted a new external
35 problem of addressing citizen demand for different services.

36
37 Lauritzen asserted, on the external side, there has been a change in citizen demands from the
38 City, arguing the implementation of the City Manager role opened the door for people to make
39 more and different requests of the City and Staff. Regarding internal issues, he indicated there
40 needed to be an evaluation of Committees and Commissions in terms of core competencies
41 and to identify what Council expects of Commissions and Committees.

42
43 Lauritzen suggested the office staff were built to do transactions. He believed the City now
44 needed to identify the other issues that are being brought to City Hall or requested through
45 electronic methods and social media. Lauritzen noted that Manager Beaucaire indicated
46 Yachats gets much more citizen communication than other cities of similar size. He suggested
47 most of the work being requested did not have to do with transactions (e.g., paying water bills,
48 getting licenses, or making other payments). He hypothesized that the citizenry has been
49 trained by Amazon to get immediate feedback.

1 Lauritzen summarized his perspective of underlying principles upon which Yachats operates.
2 Berdie noted that Yachats is different in some areas that would mean more services than one
3 would normally expect of a city of 400 people, such as the development and maintenance of
4 trails.
5
6 Lauritzen suggested there could be two parallel tracks of what activity needed to happen next.
7 He highlighted the need to make decisions on what Yachats wants to provide to its residents
8 and pertinent factors. Frye noted how so many decisions have an impact on staff time.
9 Lauritzen suggested the agenda item on forming a Climate Change group could serve as a test
10 of the work this study group could do.
11
12 Mayor Stanley raised concern about the timing of discussion the process of how to implement
13 Lauritzen's suggestions. Frye suggested Lauritzen was only making a recommendation. Glenn
14 asked if this work was a continuation of the old Organizational Structure Study group and when
15 a decision was made to revise that group. Mayor Stanley stated the study group's work was
16 ongoing. Glenn clarified this presentation was the development of Lauritzen, and was reviewed
17 by Manager Beaucaire.
18
19 Frye wanted Lauritzen to continue making his report and suggested the new Council could
20 decide for themselves whether to process with the work. Mayor Stanley expressed great
21 appreciation for Lauritzen's work and asserted the quality of the report was excellent. Mayor
22 Stanley discussed his views of how citizens have worked with him versus the City Manager.
23
24 Berdie stated he observed a lack of clarity between the Commissions and the Council,
25 suggesting that Commission do what they want and bring recommendations to Council. He was
26 very supportive of identifying inputs and outputs and the flow of work. He suggested that the
27 City has many experienced residents and Commission members who could provide some of the
28 input data.
29
30 Glenn believed the report was very helpful, but he had concerns about how this work would fit
31 with the work Manager Beaucaire had done with planning organizational structure. Manager
32 Beaucaire responded that she would work with Lauritzen to ensure their work was integrated.
33 Frye expressed frustration that too often work gets done and then gets overlooked. She did not
34 want to see the work of the Organizational Study Committee or Lauritzen get lost. Lauritzen
35 asserted his work could compliment other work being done.
36
37 Lauritzen continued with his implementation plan and the team that would work on the first
38 phase. He suggested the group to work on this area would best be composed of the two newly
39 elected Council members, the City Manager, and project note taker.
40
41 Regarding the second phase, Lauritzen outlined what information needed to be provided, what
42 staff roles would be, and the deliverables. He suggested decisions in the City tend to be made
43 before all the facts are known. He explained how the process of assessing, deciding, and
44 implementing would work. He suggested the City Manager, Clerk III, Clerk II, note taker, and
45 volunteer citizen should be the group to examine this work. Lauritzen explained how he could
46 help in this area.
47
48 Frye suggested a Council representative should be on each of the groups Lauritzen described.
49 She also suggested a more experienced Council member could be part of the phase one team.
50

1 Glenn asked Tom Kerns if he would be agreeable with the Climate Change group being a
2 Committee, with the understanding that the Chair would be part of the Round Table of
3 Commission Chairs meeting.
4

5 Frye indicated there was excitement over the possibility of having such a group, and added
6 there was no clear definition of what a Commission should be. She saw the group as being
7 able to advise the Council and did not see that this group would fit with existing Commissions.
8 Frye suggested the group work as a “blue ribbon panel,” which would report to Council.
9

10 Berdie asked what the deliverables of the group would be. He compared the work of this
11 possible commission to be similar to how e-business has evolved. Frye added that the group
12 could benefit from official recognition from the City. Mayor Stanley explained his vision of this
13 group’s work in the form of a task force.
14

15 Tom Kerns noted Dave Baldwin, Michael Hempen, and Bob Langley were present and were
16 part of the group. Kerns stated they were expecting their work would have zero impact on staff
17 and have no monetary costs. He noted they could not brainstorm if they were a Commission
18 due to the quorum issue. He wanted to avoid that kind of structure.
19

20 Kerns identified two deliverables: 1. A summary of what has been in the news delivered to
21 Council and Commissions, and 2. Advice to Council on actions they might take. Kerns
22 suggested they could be some type of advisory group.
23

24 Berdie asked if the group would be able to provide hard data on issues like how many climate
25 refugees to expect or how much rain amounts would change. Dave Baldwin reported they have
26 already started to identify threats that could impact Yachats. He noted one international report
27 identified 467 pathways to threats due to climate change. The group was trying to identify the
28 pathways in which Yachats could be threatened. He noted their first concern was around
29 saving lives and property. Baldwin indicated they could then assess the probabilities of those
30 threats and then assess the damage potential. He stated they narrow down the list to a
31 reasonable number of threats, and then they would research with other cities, universities, and
32 organizations have done to help find solutions. He stated they would then give Council a
33 summary of their findings.
34

35 Baldwin noted it would be easier for this group to work with other entities if they had some
36 gravitas or official standing with the City. He added their work would also impact other coastal
37 towns.
38

39 Berdie suggested they focus on opportunities as well, such as the advantages of cleaner air. He
40 also wanted to enable some access to funding for accessing research or other information.
41

42 Frye asked for clarification on what would be required of the group if they were to represent the
43 City. Manager Beaucaire noted if they were a public body, their activities would fall under public
44 records law. Frye wondered if there was a way around the bureaucracy to enable them to work
45 freely. Kerns suggested they could appoint a single advisor to represent the group. Kerns also
46 suggested looking at public-private partnerships as a relationship.
47

48 **C. Nondiscrimination Statement Resolution 2018-41**

49 Mayor Stanley recalled he looked into this topic when he first became Mayor. He noted a
50 member of the County Commission recently transitioned and the County revised their
51 statement. He also noted the attorney indicated the City also needed to create an actual policy.

1
2 Mayor Stanley recommended adding: Gender identity, Gender expression, Military status,
3 Association or political affiliation, and Genetic information. Frye suggested this matter should
4 be discussed with the Union. Berdie asked if other jurisdictions have encountered any issues
5 with having these distinctions.
6

7 **D. Approve agenda for 12/12/18 Council meeting**

8 Mayor Stanley indicated he was adding a discussion item for declaring Yachats as a Bee City.
9

10 Frye asked to add a reading of the New Year's Peace Hike Proclamation. Manager Beaucaire
11 suggested they could include that reading under announcements.
12

13 Council consented to the agenda.
14
15

16 **REGULAR MEETING**

17 **I. Announcements and Correspondence**

18 James Kerti announced YAAS was hosting a Winter Solstice Bonfire on December 21, 2018 at
19 4:30 pm in the Pavilion.
20

21 Frye announced the following events on Friday, December 7, 2018:

22 Noon - Decorate Tree

23 5:00 pm – Tree Lighting

24 7:00 pm – Declaration of Winter Season at Little Log Church

25 7:30 pm - Sweet Adelines at the Ladies Club
26

27 Mayor Stanley announced:

28 - Pacific Coast Wind Ensemble on Saturday at 2:00 pm in the Multipurpose Room

29 - Christmas Holiday Concert on Sunday at 2:00 pm at the Presbyterian Church
30
31

32 **II. Public Comment/Citizens Concerns**

33 Karli Kerr (248 Lincoln Avenue) read a letter from last year regarding the cutting of heritage
34 trees near her property. Kerr noted she appreciated Manager Beaucaire's letter to R&R Tree
35 Service. However, she did not feel there had been much impact on the tree cutter. Kerr
36 suggested Mayor Stanley had told her she was treated very unjustly. She stated she felt like
37 the City was not doing enough to protect her.
38

39 Berdie asked about the ordinances for removing vegetation on public right-of-way and the
40 process for requesting removal of trees on public right-of-way. Frye noted there was a limit on
41 what government can do, and the remaining option might be to file suit. Glenn wanted
42 clarification on actions taken. Mayor Stanley emphasized the difficulty of the situation. He
43 stated the matter is in the hands of the City Manager.
44

45 Kerr noted a city in Washington fined someone \$15,000 for removing a tree without permission.
46 Mayor Stanley acknowledged Kerr was not satisfied with the City's response.
47

48 Manager Beaucaire noted her letter indicated the County Sheriff would handle additional
49 violations.
50

51 **III. Resolutions**

1 **A. Resolution 2018-41: Updates to EEO/Affirmative Action Nondiscrimination**
2 **Policy**

3 James Kerti note “resolution” and “action” were misspelled.

4
5 Glenn moved to approved Resolution 2018-41 updating the Equal Employment
6 Opportunity/Affirmative Action Nondiscrimination Policy as amended: Aye – 5; No – 0.

7
8 **B. Resolution 2018-45: Memorializing Council Action on Library Remodel and**
9 **Expansion**

10 Frye moved to approve Resolution 2018-45 accepting the recommendation of the Library
11 Commission to remodel and expand the current Library: Aye – 5; No – 0.

12
13 **C. Resolution 2018-46: Memorializing Action on the 501 Building**

14 Glenn moved to approve Resolution 2018-46 memorializing action of Council authorizing
15 exploration of relation of City Hall into the 501 Building and reporting projected sources of
16 revenue: Aye – 5; No – 0.

17
18
19 **IV. Ordinances**

20 **A. Ordinance 355 Amendments to Municipal Code chapter 3.10 Finance**
21 **Committee**

22 Manager Beaucaire explained the process for getting this draft version of Ordinance 355, which
23 reflected changes recommended by Council. Manager Beaucaire explained the difference
24 between a resolution and an ordinance. She noted the attorney identified six policy questions
25 for the Council to address.

26
27 Frye asserted the Council should appoint the members (last sentence in 3.10.010), not the
28 Finance Committee. Frye also asked to change the language of “City Manager’s Office” to “a
29 representative from the City Manager’s Office.”

30
31 Frye clarified the redline version is the City Manager’s incorporation of comments from the
32 Resolution passed in November 2018.

33
34 Mayor Stanley raised the issue of both the City Manager and Councilors having a vote on the
35 Committee. Manager Beaucaire noted this was the second question raised by the attorney.
36 Glenn clarified the attorney was only saying the voting issue was of concern for Staff. Frye was
37 opposed to having Council members vote. Manager Beaucaire asserted the attorney was
38 asking Council whether they thought Councilors should be ex-officio or voting members.

39
40 John Moore noted the City Manager serves as Chair of the Finance Committee. Frye asked
41 how that came to pass. Moore clarified that former Mayor Ron Brean previously chaired that
42 Committee and turned that duty over to the new City Manager Joan Davies.

43
44 Tom Lauritzen noted former Mayor Lee Corbin established the Finance Committee in 2001 with
45 himself, Greg Scott, and Mark LeBoss, who were tasked to find ways to set aside annual
46 reserves. The Committee was reformed later to establish the CIP. Former Mayor Sue Smith
47 changed the Committee to Green Ribbon Committee, and then Smith disbanded the group.
48 Brean resurrected the Finance Committee because flow of information for the CIPs had broken
49 down. Brean asked Lauritzen and Keith Perkins to establish a process to integrate the CIPs.
50 Lauritzen believed the current ordinance was established in 2011.

1 Lauritzen noted the Budget Committee approved the operating budget but does not manage the
2 CIPs. Mayor Stanley noted the Budget Committee approved the work of the Finance
3 Committee each year.

4
5 Manager Beaucaire provided her interpretation on attorney's to be that he was only asking if
6 Council wanted the Budget Committee to take on the duties of the Finance Committee. She
7 added that deciding to do this would represent a significant change in how the City currently
8 operated.

9
10 Manager Beaucaire suggested the Ordinance be re-examined at the December 12, 2018
11 meeting to give Councilors time to review the attorney's questions.

12
13 Moore noted if Council wanted the representatives from Commissions on Finance Committee to
14 be City residents, they would need to include that in the language.

15
16 Helen Anderson noted as Council was on the Budget Committee and the Finance Committee
17 meets monthly, the Council would essentially be having a third monthly meeting if they were to
18 transfer the work of the Finance Committee to the Budget Committee.

19
20 Berdie suggested it would be premature to act on this matter before addressing the
21 organizational structure issues.

22
23 Berdie had concern about the definition of "impact" in the last paragraph of Section 3.10.020
24 starting with, "The Finance Committee shall consider the relative need, impact, timing and cost
25 of these expenditures..." He asserted impact should also include investments, as only looking
26 at expenditures was limiting. He also wanted to see a report on the items that were not
27 approved.

28
29 Lauritzen noted the Finance Committee has historically looked at ROI, noting they found
30 changing to new water meters had a ROI of ten years.

31
32 Stanley asked Manager Beaucaire to draft new version of this Ordinance with the three major
33 changes indicated above. Manager Beaucaire asked Councilors to review the attorney's
34 comments. Frye did not think they should be working on these details until they have examined
35 the organizational structure issues.

36 37 **V. New Business**

38 **A. Vote: Ordinance 5.020(a)**

39 Manager Beaucaire asked if Council wanted her redline Chief Petrick's suggestions. Tooke
40 suggested this issue could be addressed in January 2019.

41 42 **B. Vote: 2nd Phase of Organizational Study and Proposed Climate Change** 43 **Commission**

44 Frye moved to accept the "Yachats Org Study Update" from Tom Lauritzen on organizational
45 structure and to recommend consideration of the update to the next Council: Aye – 5: No – 0.

46
47 Tooke suggested it was premature to made a motion on the Climate Change group until Council
48 addresses how the group would be formed.

1 Mayor Stanley moved to accept the report of the Climate Change group led by Tom Kerns, to
2 state its support for this concept, and to recommend further study to identify the appropriate
3 structure to advise the City: Aye - 5; No – 0.
4

5 **VI. Other Business**

6 **A. From Mayor** - none

7 **B. From Council**

8 Tooke reported he received an email from Alexander Harris from OregonWild.org and asked
9 others to support this work, suggesting that once land goes private, it would never again be
10 accessible. Tooke suggested Councilors could sign individually or as a group.
11

12 Tooke moved that the City Council endorse the status of public lands in the State of Oregon:
13 Aye - 5; No – 0.
14

15 Tooke suggested people read the article on “The Insect Apocalypse” in the New York Times
16 Magazine.
17

18 **C. From Staff** - none
19

20 Mayor Stanley adjourned the meeting at 1:04 pm.
21
22
23
24

25 _____
GERALD STANLEY, Mayor

26
27 ATTEST:

28
29
30 _____
31 Shannon Beaucaire, City Manager

_____ Date
32