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CITY OF YACHATS

CITY COUNCIL MEETING

December 12, 2018

Draft Minutes

8 Mayor Gerald Stanley called the December 12, 2018 meeting the City Council to order at 6:12
9 pm in Room 1 of the Yachats Commons. Council members present: Gerald Stanley, Jim
10 Tooke, Barb Frye, Craig Berdie, and Max Glenn. Staff present: City Manager Shannon
11 Beaucaire and Clerk Kimmie Jackson. Audience: 19.
12

13 **I. Announcements, Correspondence, Proclamations**

14
15 **II. Public Comment**

16 Nathan Bernard (Yachats Brewing) stated he was informed by his tenant two weeks ago that
17 there was a problem with the sewer line at his property on 430 Highway 101 N, and Public
18 Works used their camera to identify the location of a broken pipe. He asserted that the sewer
19 pipe was damaged during the construction of the Highway 101 sidewalks. He reported he was
20 given "several answers from several different people at the City" about what to do, and he
21 resumed repair work on Monday (December 10, 2018). Bernard stated he was told at one point
22 that Central Lincoln PUD was responsible and at another time Pacific Excavation was
23 responsible. He reported he was told he needed to stop work to allow Pacific Excavation to do
24 the repair within 10 days.
25

26 Bernard stated he had a licensed plumber complete the work (completed today), and he was
27 told that he had to have a permit to do that sewer line repair. He was also told he needed to
28 retroactively get a permit to replace the roof of that building. Bernard stated he talked to the
29 building division in Salem who told him, according to state law, a building official had discretion
30 as to whether to require a permit for a re-roofing. He noted three roofers had told him they had
31 never had to get a permit for a re-roof. He reported he talked to the County Building
32 Department, and they indicated there was no permit on file for the re-roofing of Commons.
33

34 Bernard stated he has told the County that he was willing to comply with "any and all
35 requirements for permits" for any of his properties. He stated he had an electrical permit for the
36 electrical work in the 430 building. Bernard asserted he was the only one in recent history to be
37 asked to get permits for a sewer repair and re-roofing in the Yachats community in recent years.
38 Bernard asked the Council how he should address the damage done resulting from a City
39 project and why he was being singled out for obtaining permits.
40

41 Councilor Tooke stated this conversation was the first he had heard of the issue. Councilor
42 Frye suggested that the City hired a City Manager, in part, to handle contracts and legal issues,
43 so she suggested Bernard talk to the City Manager. Bernard indicated he had talked to the City
44 Manager, and based on her response, he anticipated the repair would not be covered as he was
45 told the City would not help him and he was informed of the need to file additional permits.
46 Councilor Berdie indicated he had a sewer repair on his residence and was required to get a
47 permit. Bernard stated the plumbing inspector from Salem informed him that plumbing permits
48 were required for repairs greater than five feet.
49

1 Bernard reported he pulled eight records on commercial roof work and none had been required
2 to have a permit. He objected to being singled out for getting a roof permit. Councilor Glenn
3 stated this matter was an operations issue and should be addressed with the City Manager.
4

5 Mayor Stanley thanked Bernard for raising the issue with Council. Frye clarified with Mayor
6 Stanley that this issue would not be appropriate for a Council Work Session. Bernard indicated
7 he came to Council because the response of the City Manager and now the Council was
8 passing the matter back to the City Manager. Bernard stated the City Manager was “very
9 confrontational and adversarial throughout the process.”
10

11 Mayor Stanley indicated he would give Bernard an additional five minutes to address a separate
12 topic. Bernard stated he read the minutes of the Planning Commission for the past six months,
13 and he believed that the Planning Commission was operating with misinformation regarding
14 permits with the brewery. He quoted from that minutes that work was being done to “give the
15 code teeth” to fight Bernard for failing to get a permit. Bernard explained that at the beginning of
16 this year, he hired both an attorney and an architect who met with the County where it was
17 proposed to the County that Bernard would comply with the requirements to get an occupancy
18 permit. He noted they had initial draft drawings and were waiting for the engineer to provide the
19 “as built conditions” of the building. He acknowledged they moved forward more slowly than
20 they originally indicated they would. Bernard stated the minutes of the Planning Commission
21 indicated no permits had been obtained for that structure. Bernard stated he did get permits for
22 the electrical and plumbing work on that building. He stated there was one issue he did need to
23 address. He did not think the Planning Commission was aware of the process that was
24 occurring regarding his work to be compliant.
25

26 Bernard questioned whether it was appropriate to develop an ordinance to deal with a single
27 business, noting the City Attorney had raised a similar concern of an ordinance to address a
28 single business.
29

30 **III. Minutes**

31 **A. November 7, 2018 Work Session**

32 Page 4, Section B: the vote was not recorded for Section B

33 Page 4, Section D: the vote was not recorded for Section D

34 Page 2, Line 21: “decided” should be “decide”

35 Page 2, Line 34: delete the section starting with, “Berdie noted in section...”

36 Page 6, Line 17-19: remove these lines.

37 Frye moved to approve the November 7, 2018 meeting minutes of the City Council as amended:
38 Aye – 4; No – 0; Abstain – 1 (Tooke not present).
39

40 **B. November 14, 2018 Regular Meeting**

41 Page 4, Line 9: “draught” should be “drought”

42 Page 6, Line 49: “Lincoln County Health” should be “Lincoln Community Health Council”

43 Introduction: “Barb” should be “Barbara”

44 Frye moved to approve the November 14, 2018 meeting minutes of the City Council as
45 amended: Aye – 5; No – 0.
46

47 **A. November 14, 2018 Supplemental Budget Hearing**

48 Glenn moved to approve the November 14, 2018 meeting minutes of the City Council as
49 presented: Aye – 5; No – 0.
50

51 **IV. Resolution 47: Commission Appointments**

1 **A. Jacqueline Danos**

2 Planning Commissioner Kerti stated Danos has regularly attended Planning Commission
3 meetings and has conducted research for the Commission. Planning Commissioner
4 O'Shaughnessey Planning Commissioner Bloch noted Danos' interest in Planning Commission
5 issues and her would be very welcomed. Danos stated planning can be an often-overlooked
6 part of a city but was extremely important. She stressed the importance of addressing issues
7 before they arise.

8
9 **Glenn moved to appoint Jacqueline Danos to the Planning Commission: Aye – 5; No – 0.**

10
11 **B. Christine Orchard**

12 Kerti highlighted Orchard's attention to detail and contributions to Planning in the past.

13
14 **Glenn moved to appoint Christine Orchard to the Planning Commission: Aye – 5; No – 0.**

15
16 **V. New Business**

17 **A. Discussion of Building Processes and Procedures**

18 Manager Beaucaire recalled Council had asked for summary of how the building process
19 worked and the process for obtaining a marijuana dispensary license. She stated she included
20 the City Planner's summary of the building process, a summary of the dispensary approval
21 process, the OLCC Land Use Compatibility Statement, "Life of a License Application" flowchart,
22 OLCC Licensee Required Documents & Postings, and a link to the website for the Business
23 Readiness Guidebook for Recreational Marijuana Operations. She indicated she could take
24 questions back to Planner Lewis.

25
26 Berdie had questions about details of requirements, especially at what point does one need a
27 building permit. He suggested residents might not be aware of when building permits are
28 required.

29
30 Bernard clarified this document was already in the document library. Manager Beaucaire stated
31 the summaries did not distinguish between commercial and residential processes. Bernard
32 asserted the commercial process was very different and Council should be aware of that.

33
34 **B. Bee City Application**

35 Mayor Stanley stated he has been involved in the Pollinator Project and the Honey Lover's
36 Festival, and he wanted to encourage the City to become a Bee City. He cited the following
37 reasons for becoming a Bee City: the impacts of climate change on the bee population, the
38 relationship with Newport and ODOT on pollinator plants along Highway 101, and the fact that
39 Newport and Waldport were already Bee Cities.

40
41 Mayor Stanley indicated that Pat Rollins and Patti Johnson who organized the Honey Lover's
42 Festival are interested in pushing this project though. Frye expressed concerned that this work
43 would create demands of staff that would be cumbersome at this point in time. Berdie
44 concurred with Frye and suggested an ad hoc committee could take on the work to complete
45 the application. Glenn commented that the need for an advocate was essential and that a
46 discussion with Parks and Commons was in order. Tooke agreed with Glenn.

47
48 **VI. Reports**

49 **A. Financial Report**

50 Manager Beaucaire reported as Clerk Richter has been out of the office, she created a report
51 from the accounting system. Manager Beaucaire explained she and Clerk Jackson had worked

1 to get a summary document from the software system. She noted she has been talking with
2 COG, who indicated they have been working with a cloud-based financial services provider,
3 Springbook, to provide an economical and effective accountant software system to
4 governments. She added that this provider also has the ability to handle utility billing, licensing,
5 and tax collection modules.
6

7 Frye asserted the report provided was not helpful. Berdie noted that nondepartmental restricted
8 reserves were significantly over at 113% and the urban renewal amount was at 70% when it
9 should be at around 47%. Manager Beaucaire indicated she would get more information on
10 these issues for Berdie. Mayor Stanley clarified the visitors amenities funds item was a transfer
11 of funds.
12

13 Bernard asked whether a City of 700 needed a financial firm. Manager Beaucaire clarified her
14 statement was about financial software.
15

16 **B. Council Reports**

17 Berdie reported he and Tooke attended the Oregon Source Water Protection workshop today in
18 Tillamook. He took away that every city on the coast had significant water storage issues. He
19 noted a fund for source water projects of \$200,000 that is divided into 17 projects, implying a
20 city would need more than one grant to fund additional storage. Berdie suggested they would
21 need a consultant to organize all the grants. Tooke reported Astoria has a 3,700 acre
22 watershed that was used to generate two million from the State. Tooke and Berdie noted Cape
23 Arch was trying to purchase 2,100 acres for a watershed. Berdie noted some funders want to
24 work more with large parcels. Tooke stressed the State of Oregon was not paying much
25 attention to water issues. Bernard encouraged the City to look into rainwater catchment
26 systems.
27

28 Mayor Stanley reported he went with Manager Beaucaire to a meeting of the Oregon Coast
29 Trail. He expressed much gratitude to Manager Beaucaire for her negotiation with the County
30 on the 804 Trail. He also noted the Travel Oregon Mural Dedication on November 30, 2019
31 brought many elected officials to town. Bernard indicated Jesse Dolens worked tirelessly to
32 bring that mural to Yachats.
33

34 Mayor Stanley also reported he attended the local Public Safety Coordinating Commission,
35 noting Lincoln County was one of seven communities receiving a large grant to help with
36 programs to help people transition from jail back into the community. He also presided over the
37 Winter Celebration on December 7, 2018.
38

39 **C. City Manager Report**

40 Ocean View Drive: Manager Beaucaire recalled the County was previously hesitant to address
41 the guardrails because of the archeological issues. She reported the County received an
42 estimate of \$45,000 to \$70,000 for an archeological study, and they agreed to fund that study
43 out of County funds. She added Trails raised the proposed boardwalk near 101 and Ocean
44 View, and the County agreed to pick up the costs of doing an archeological study for that area
45 as well. She reported the County was finalizing draft of easement documents. She expected
46 the archeological studies would be done in late January 2019 and the new guardrails would be
47 installed in March 2019. Berdie suggested they look into guardrails that were encased in wood.
48 Manager Beaucaire indicated the County would install inserts the nine culverts crossing Ocean
49 View drive (March 2019).
50

1 804 Trail: The Trails Committee spoke with the County about finding a material that could be
2 compacted to provide a smoother walking surface along the entire 804 South Trail. The County
3 also agreed to help to provide signage with the 804 mitigation funds and fund the boardwalk
4 with mitigation funds. It was agreed that a Trails Committee member would draft drawings of
5 viewing decks and then discuss the possibility of using mitigation funds to build them. The
6 County was also willing to work with the City about how to best use the full properties of the
7 trails easements between Marine and Aqua Vista. Berdie clarified that they could use mixed
8 funding for some of these projects.
9

10 Street Grants: Manager Beaucaire reported the City received a \$100,000 grant from ODOT for
11 E 2nd Street improvements from Highway 101 to Prospect. They did not receive a grant for W
12 1st Street, but could apply again in August 2019. Frye asked to follow through on the decisions
13 about changing the traffic flow on E 2nd and Prospect.
14

15 Lincoln County Housing: Manager Beaucaire indicated the MOU between the City and the
16 County was in the meeting packet. She reported the County Attorney, Wayne Belmont, was
17 willing to speak to Council. Berdie suggested that the City consider options other than condo-
18 style housing. Danos added that transportation improvements should be considered as they
19 look at housing options.
20

21 Library: The Library Commission, the Friends, and City Manager met and plans were in place
22 to provide a full report to Council.
23

24 Entrance Sign: Manager Beaucaire explained the estimate for the South Entrance Sign.
25

26 City Hall Project: Manager Beaucaire reported she and the architect worked to find ways to
27 work without his having to come to Yachats more than once. Frye clarified the cost was \$8,000
28 to develop concept plans, preliminary construction cost estimates, refined conceptual plans,
29 schematic design with floor plans, teleconferencing, detailed code research, and refinement of
30 construction cost estimates. Manager Beaucaire noted she also asked the architect to indicate
31 how this work could be done in phases.
32

33 City Planner Position: Manager Beaucaire announced that she and Planner Lewis interviewed
34 David Madison, an independent planner who had worked in Tillamook. She reported he would
35 be meeting again with Planner Lewis in January 8, 2019 to begin work. Madison would work in
36 a temporary capacity until a full-time Planner/Code Enforcer could be hired.
37

38 Bernard asked why the City was looking at full-time planner. Manager Beaucaire explained her
39 approach was to combine Code Enforcement and Planning into one position, and she noted
40 Planner Lewis reported he receives many more inquiries from Yachats than he does from the
41 other cities he works in.
42

43 **VI. Other Business**

44 **A. From Mayor**

45 Mayor Stanley stated that the Council has accomplished significant issues in the two years he
46 has been mayor. He expressed his appreciation to those he has worked with.
47

48 Mayor Stanley read a letter of appreciation to Councilors Frye and Berdie for their contributions,
49 service, and time given.
50

51 **B. From Council**

1 As Council President, Glenn read a letter of appreciation to Mayor Stanley for his service and
2 contributions.

3
4 Berdie thanked the Council for his appointment. He noted the tremendous dedication and hard
5 work required of the position.

6
7 **C. From Staff**

8 Manager Beaucaire thanked the Mayor and Councilors for their service.

9
10 Mayor Stanley adjourned the meeting at 7:45 pm.

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14 _____
15 GERALD STANLEY, Mayor

16
17 ATTEST:

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19
20 _____
21 Shannon Beaucaire, City Manager

_____ Date

DRAFT