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CITY OF YACHATS
CITY COUNCIL REGULAR MEETING

April 12, 2017
Minutes

Mayor Gerald Stanley called the regular meeting of the City Council to order at 2:00 pm in Room 1 of the Yachats Commons. Council members present: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, Greg Scott and Max Glenn. Staff present: City Manager Joan Davies, Wastewater Department Lead David Buckwald. Audience: 41.

I. Announcements and Correspondence

- A. Mayor Stanley announced the Love Letters play is excellent and profound.
- B. Mayor Stanley thanked those who took part in State of the City event and the citizens for coming (estimated 120)

II. Citizens Concerns

A. Burgundy Featherkile (Pacific View Dr): Freedom Cities

Featherkile asked the Council to adopt resolutions on Freedom Cities. Featherkile noted the resolutions were started by an offshoot of ACLU, People Power, to get law enforcement, cities, and villages to protect valued members of their communities and to let everyone know all are welcome. Featherkile asserted Rule 6, Redress, is especially important. Stanley appreciated the creative approach and asked for a representative from Newport to report on their efforts in the area. Responses included:

1. Sheriff Landers asserted the resolutions were law. (Judith Farrow)
2. The problem arises when ICE apprehends inmates as they are released from the Lincoln County Jail (Farrow). She noted inmate release information is available online. Stanley reported Sherriff Landers concurred with Farrow's statement.
3. The public could be educated on the appearance of different law enforcement uniforms. There have been situations where ICE identified as police. (Farrow)
4. The armor of ICE in Portland states, "police." (Larry Dalmron)
5. Citizens need to know they do not have to let ICE into their home, can ask for a warrant, and do not have to answer door in middle of night (Victoria Lambert, Ten Mile).
6. The Florence Republican Club reported incorrect information on immigrant community activities to the Florence City Council and asked that schools not be part of sanctuary programs because immigrants were "murderers, rapists, and likely to behead others." The Club is expected to present that night at the Siuslaw meeting. (Victoria Lambert)

Frye explained council could not make a decision at this meeting but they will discuss and do what they can. Scott made note of Yachats' mission statement and explained the Council would need to determine the fit within the City's mission and charter. Glenn stated his support of the resolutions but expressed concern with implementation of some points such as not allowing people in city facilities, as the city does not law enforcement nearby or onsite. Featherkile posited these resolutions could be a foundation for someone to take civil actions. Frye believed making a statement is important and expressed concern for lack of resources for enforcement, citing the example of fireworks on the beach.

Scott wanted clarification on whether the matter would be addressed through an ordinance or a resolution. Glenn would like to find ways to engage immigrant presence in community to provide things that would be supportive to them. Tooke agreed the issue is important and

1 warrants further discussion. Frye reported the Lincoln County Healthcare Board indicated
2 apprehension of being arrested has not affected use of services.

3
4 Glenn asked if there was evidence on people being apprehended in Lincoln County. Mayor
5 Stanley stated he had heard reports in Yachats. Lambert confirmed hearing reports of
6 detainments in Waldport and Newport.

7
8 **III. Minutes**

9 **A. Minutes**

10 Glenn moved to approve the March 1, 2017 Council work session minutes: Aye – 5, No – 0.

11 Frye moved to approve the March 8, 2017 Council regular meeting minutes: Aye – 5, No – 0.

12
13 **B. Accounts Payable Report**

14 Scott said he reviewed the report. Glenn moved to approve Accounts Payable: Aye – 5, No – 0.

15
16 **IV. Reports**

17 **A. Council Reports**

18 1. Mayor Stanley attended: (a) Lincoln County Mayor's meeting hosted by Depoe Bay and was
19 impressed with preparations for eclipse, (b) Board of Commissioners yearly meeting that was
20 held in Yachats and all councilors attended, and (c) Council of Governments/Tri-County Council
21 of Mayors.

22 2. Frye stated she had been to four meetings about transit and noted: (a) the pilot project on
23 Florence bus service will start July 1, 2017 and a bus has been purchased but still stops need to
24 be set, (b) the Lincoln County Transit group is developing a 20 year plan, is struggling with how
25 to stretch resources, and is excited to put labels at bus stops to identify stops, and (c) Lincoln
26 County Health Center discussions are continuing.

27
28 **B. Department Reports**

29 1. City Manager: Glenn found the report to be very helpful and noted 15 different categories
30 that Manager Davies has put work into. Scott found the report to be concise and easy to
31 read.

32 2. Public Works: Scott asked for clarification on the difference between the I&I (Inflow and
33 Infiltration) and the Public Works reports and noted the large volume of I&I contribution
34 to the sewer. McClung stated that while improvements have been made, the I&I
35 problem is ongoing. He added that compared to other cities in the area, Yachats is doing
36 well. Scott recommended the wastewater department track trends and asked to see this
37 analysis. Frye asked for an explanation of what contributes to I&I. McClung noted
38 examples of illegal downspouts, cracks in pipes, and leaks around manholes and stated
39 inspections are done during winter and repairs performed during summer. Wastewater
40 Plant Operator Dave Buchwald has a master plan.

41
42 Mayor Stanley asked if Public Works was making progress in grease removal. McClung
43 reported no changes. He reported it took 12 man-hours in February to clean 2 of 5
44 pump stations. Glenn asked if there was a way to track violations. McClung stated
45 residential tracking is cost prohibitive but they can monitor restaurants.

46 3. Visitor's Center: Glenn appreciated receiving the quarterly report from the Visitor's Center
47 and was pleased to see projects from the Events Coordinator, Robert Rubin.

48 4. Code Enforcement: Manager Davies stated she has been doing code enforcement since the
49 departure of the code enforcement officer. Manager Davies stated she would like to
50 have half-time person to do enforcement, it is currently not in budget, but she will put it in
51 budget so council can decide whether to approve.

- 1 5. Events Coordinator: Rubin reported:
2 a. Rainspout is April 28-30, 2017: a dinner and multiple bands
3 b. Music Event before Eclipse: Glenn asked about the eclipse musical event. Rubin
4 said since the eclipse was on Monday morning, it would be useful to have an
5 event on Sunday.
6 c. Alternative Energy Fair: Rubin is planning an Alternative Energy Fair on September
7 16-17, 2017 in conjunction with Electric Car Week. He hopes to have electric
8 cars available for test drives and tours with Steve Burkle at his wind generator
9 plant.
10 d. 100th Anniversary – Bev Wilson asked for \$2,500 for:
11 i. Creating portable exhibits to be placed around the city and to include timelines,
12 city history, Native history, and commons history.
13 ii. A picnic on July 16, 2017 to celebrate the 50th anniversary of incorporation and
14 100th anniversary of US Post Office changing the name from Ocean View to
15 Yachats to possibly include actors to portray key figures in Yachatsian history
16 (Beulah, Lester), human spelling of Yachats captured by drone, games,
17 videos, and displays.
18 iii. Yachats Academy of Arts and Science presentations
19 iv. Presentation on history of the Civilian Conservations Corps (in conjunction with
20 Cape Perpetua), noting they have recorded interviews from people who
21 worked in the Corps

22 Stanley invited public to come to the Marketing meeting at 8:30 am on April 18, 2017 to share
23 ideas.
24

25 Glenn asked Wilson about drop off in visitor numbers this year. Wilson suggested the numbers
26 might be down due to weather and to parking lot disruptions. Stanley urged people to volunteer
27 at the Visitor's Center and Wilson noted visitors come from every state and 22 countries and are
28 usually happy.
29

30 Scott noted that from 2015 to 2016, tax receipts went from approximately \$990,000 to
31 \$1,257,000. Tom Lauritzen stated some of the increase is due to an increase in tax rates and
32 estimated the tax revenues increase to be around 5%.
33

34 6. Emergency Planning: none
35

36 **C. Legislative Update**

37 Manager Davies read the bill titles currently under consideration in the state legislature that
38 might have impact on Yachats and noted the summary is online. Glenn stated the League of
39 Oregon Cities has staff and lobbyists at legislative hearings and reports on bills relevant to city
40 governments.
41

42 Scott made special note of a PERS bill, which could have significant impact on early retirement
43 and employer needs.
44

45 **V. Business**

46 **A. Proclamation of April 2017 as Sexual Assault Awareness Month**

47 Lisa Norton, executive director at My Sister's Place, summarized their activities to raise money
48 for and awareness of sexual assault issues. She appreciated the continued support from the
49 Yachats Ladies Club. Mayor Stanley read the Proclamation into the record. Norton asserted
50 the importance of individual efforts to do what they can to eliminate sexual assault. She
51 reported they secured a \$500,000 to hire an attorney to investigate sexual assault cases.

1
2 Glenn made a motion to adopt the Proclamation regarding sexual assault: Aye – 5, No – 0.
3

4 **B. 501 Building Usage**

5 Mayor Stanley summarized that the 501 Building was purchased in 2015 as a means to attain
6 additional parking and potentially getting another bank in town. In May 2016, Glenn headed a
7 committee to examine potential uses of the facilities. Mayor Stanley asserted the City is aware
8 of its financial responsibility to either generate revenues from the facility or sell at a profit.
9

10 David Dunston (Searose Beach) reported the Library Commission passed 3 motions at its last
11 meeting:

- 12 1. Expressing formal interest in 501 Building as a Library
- 13 2. Requesting of the Friends of the Yachats Library \$2,000 to hire a consultant for interior
14 design
- 15 3. Setting meeting topics for the next three months to ask for public input on the Library
16 location and on their strategic plan, to review a cost study on feasibility of moving,
17 and to make a final decision on their desire to move.
18

19 Dunston introduced commissioners Marv Wigle, Marion Godfrey, and Nikki Carlson.
20

21 Carlson (Hanley Dr) reviewed the history of the Library's interest in the 501 Building, noting that
22 when the council approached library with a plan that included part of the building for bank, the
23 Library declined believing its usage was not a good fit with a bank. The desire to move the
24 Library is due to current space constraints, shelving non-compliance with ADA standards, and
25 shelving non-compliance with state earthquake support requirements. Carlson argued the 501
26 building could meet needs of the Library well into the future, including additional meeting rooms
27 and closer proximity to evacuation points (but not out of tsunami zone).
28

29 Scott asked for show of hands from the audience for who was present specifically for library
30 question: 10 hands raised. Frye reported she and Manager Davies met with Library
31 representatives and expressed her appreciation of the thoughtfulness of commission in thinking
32 through this decision.
33

34 Tom Lauritzen explained financial scenarios around facility usage:

- 35 a. The City currently pays \$17,800 per year in rent for City Hall offices and chambers.
- 36 b. The above space could be rented to recover rental income loss to the Friends (1800 sf).
- 37 c. The City could restructure financing on the 501 building so as to repay existing borrowing
38 and acquire mortgage at competitive rate in which amortization would not exceed
39 the amount currently paid for rent.
40

41 Glenn noted that a library in the 501 Building would satisfy five of the goals the committee
42 raised: (a) private space for person to do Medicare consultations, (b) computer space for public,
43 (c) interpretive kiosk for trails, (d) community history displays, and (e) additional storage. Glenn
44 asked Carlson if the Library would be amenable to having an interactive ATM as part of the
45 facility. Carlson stated that was possible and noted the Medicare consultations could have
46 expanded hours due to the private room.
47

48 Yvonne Wolfe suggested the architecture of the building could result in substantial costs due to
49 the need to drill into the concrete floor for stabilization and move electrical circuits.
50

1 Dunsdon noted in reference to Lauritzen's cash flow analysis that the old library building were
2 used to generate revenues.
3

4 Scott asserted when one has major project needing community support it is best to go through
5 the library because of its importance in the community. Scott was excited by the turnout and
6 library's interest in building. Scott encouraged the commission think outside the box to
7 incorporate the significant changes in electronic communications and to build a library of the
8 future. Frye noted how her work at library showed the importance of library in the community.
9

10 Mayor Stanley asked for clarification on community use of meeting rooms and noted he is not in
11 favor of City Hall and the library sharing space.
12

13 Rubin reported the 501 Building is scheduled through November 2017, and he supported the
14 Library's move to that facility. Bette Perman (E 2nd St) liked the idea of moving the library but
15 cautioned moving City documents and records closer to water's edge.
16

17 McClung revealed he has the 501 blue prints, to the delight of the Library Commission.
18

19 **C. Parliamentary Procedures** – postponed to next meeting
20

21 **D. Appointment of Temporary Chair to the Public Works Commission**

22 Scott moved to appoint John Moore as temporary chair of Public Works and Streets
23 Commission for a period not to exceed one (1) year: Aye – 5, No – 0.
24

25 **B. – continued – 501 Building Usage**

26 Scott asked councilors what other options they want to consider for the 501 Building. Glenn
27 presented the history of interactions with Steve Burkle on using the building as an assembly
28 plant for the EiP turbines. As of last week, Brad and Steve Burkle are still interested. Glenn
29 and Scott noted they will be meeting with the Burkles on April 28, 2017. Glenn suggested the
30 City retain ownership and develop a leasing agreement that would factor in the business growth.
31 Mayor Stanley stated his priority of renting for income. Frye agreed
32

33 Stanley says his priority is to rent to Burkle. Frye agreed original Council intent was to have 501
34 be a rental, but she was would like to see a more firm intent from Burkle. Tooke stated he sees
35 EiP technology and the Library are the two main contenders.
36

37 Scott stated he gives priority to what most benefits community and weighs financial aspects
38 less. He concluded a library is a better fit and would be a welcoming presence on the highway.
39 He stated his preference to have City Hall remain where it is. Frye would like to see the old
40 library used for a health clinic. Glenn emphasized that the Commons is a community center not
41 a commercial events center. Scott noted survey results from the Comp Plan study and from the
42 1990s both indicated residents rate the Commons as instrumental to character of Yachats
43

44 Frye raised the issue of shelter for expensive equipment. Scott deferred to Public Works on how
45 best to protect rolling stock. Tooke noted he had not seen any recent activity on the ball field. A
46 discussion ensued on the status of the ball field as usable property.
47

48 Councilors reached a consensus that City Hall should not be in the 501 Building and the Library
49 is the better fit for the 501 Building. Tooke summarized the questions before the council are
50 what to do with the library, how to protect rolling stock, and what to do with the 501.
51

Mayor Stanley would like to have Room 3 for offices of YYFAP.

1
2 The Council discussed the likelihood of raising an additional \$17,000 from rental income from
3 what is now City Hall space.
4

5 Dean Shrock, Parks and Commons Commission member, recently addressed usage of The
6 Commons as community center and as revenue generator. The commission decided to cap
7 usage for commercial events like arts and crafts fairs. As an instance of heavy usage without
8 income generation, they commission noted live theater program. Shrock suggested the Council
9 look at potential uses for the ball field.
10

11 Frye said she was not sure current city hall space could generate \$17,000 in revenue. Shrock
12 asserted from the Parks and Commons assessment that revenue generation from renting the
13 City Hall space is unlikely. Helen Anderson noted the \$17,000 figure roughly translates to
14 \$1,500 per month and questioned the likelihood of achieving that. Lauritzen noted the entire
15 Commons generated only \$22,000 for the entire past year.
16

17 The Council agreed that a three-month time frame for the Library to do their discovery was
18 adequate for all parties.
19

20 **E. Rental Rates and Copying Services**

21 Manager Davies noted she had presented councilors with all documents regarding rental fees.
22 Davies emphasized city staff faces on an almost-daily contact from the public, who are confused
23 about rental rates. She also noted a 1991 Resolution declaring that the Friends of the Commons
24 will provide the City with an accountability of revenues and expenditures. She could find no
25 examples of such reports. She noted a 2016 document on increased rates that was drafted by
26 the Facilities Manager, but never presented to the Parks and Commons Commission, as well as
27 recent Memorandum of Understanding between Polly Plumb Productions and the Friends of the
28 Commons, wherein FYC stipulated a waiver of all Commons fees for Polly Plumb events.
29 Neither the Parks and Commons Commission nor Council was involved in this MOU.
30

31 Manager Davies cited examples of confusion that arise over varied pricing, who must pay for
32 room rentals and who uses the building without charge. Davies questions why an event that
33 makes money does not have to pay for room rental. Davies also presented examples of
34 requests for city staff to do copying, collating, folding, and stapling of event programs. She
35 emphasized the burden this puts on staff time and workflow, as well as having the copier in use.
36 Davis reported people asking for services state, "We've always done this" in regard to getting
37 clerical support. Davis emphasized rules should not change depending on who is asking. She
38 noted that some of the groups asking for waivers and services state they "give a lot to the City."
39 Davies noted some people have been told they do not have to pay for rooms up front.
40

41 Issues raised around Commons policy included:

- 42 1. Confusion about what constitutes a city group (Mayor Stanley). Stanley argued the
43 rental fee policy needs revision and all should pay for rental fee.
- 44 2. Equal application of policy.
- 45 3. The role of the Facilities Manager (Glenn).
- 46 4. Copying and clerical services by City staff.
- 47 5. The relationship and MOU between Polly Plumb Productions and the Friends of the
48 Commons. Friends Board Member Shelly Shrock reported her confusion over profit
49 distributions posited in the MOU.

- 1 6. Reservations process and system (Anderson). Anderson reported her experience with
- 2 making reservations for the Yachats Pride event in June was very time-consuming
- 3 and frustrating. Dean Shrock stated the online reservation system is easy to use.
- 4 7. The oversight and jurisdictional relationship between Parks and Commons and the
- 5 Friends of Yachats Commons
- 6 8. Policy on insurance coverage provided by the Friends to small group versus big event
- 7 (Manager Davies)
- 8 9. Jurisdiction of the Friends – can they arrange deals with users without getting approval
- 9 from the Council or the Parks and Commons Commission? (Dean Shrock)

10
11 Scott posited that all copying and clerical services by City staff should cease, effective
12 immediately. Parks and Commons Commission Chairman Moore stated his intention to create
13 clear recommendation on rental fees and policies at their next meeting. Tooke surmised these
14 practices appear to have been going on for a long time and favored having a discussion to
15 determine relationships between all involved parties.

16
17 Glenn wanted to review the agreement between the Friends of the Commons and the City.
18 Manager Davies was not aware of such a document, noting she did find the contract for the
19 Facilities Manager employed by the Friends. Glenn posited the council considers drafting a
20 document with the Friends that is more than a contract with the facilities employee.

21
22 Stanley read item 2 on the 1991 document relating to waiver of fee for city events and
23 supported the policy of charging rent for non-city events. Scott stated he was not for a blanket
24 statement of everyone paying rent, as there groups who do not charge money but still promote
25 the City, such as View the Future.

26
27 Scott indicated that the Friends were formed to raise money to support the Commons facility.
28 Initially they hosted events to raise money. More recently they have raised funds through
29 grants. Scott noted their important work in improvements such as the new LED lights and
30 carpet.

31
32 Mayor Stanley asked Manager Davies to succinctly stipulate her wishes. Davies asked that: (1)
33 copying and clerical services be used only for official city business and (2) all parties obey the
34 rules. Scott moved to authorize office staff to only provide printing and other clerical services for
35 official city business: Aye - 5, No – 0.

36
37 Frye wanted the council to put in writing their position on following rules so Manager Davies and
38 Clerk Kimmie Jackson do not get blamed for policies that some might not like. There was
39 consensus they put their position in writing and have conversations with the Chair of the Friends
40 and the Facilities Manager.

41
42 The council discussed issues around setting pricing policy. Suggested input to pricing included:
43 Realize there are exceptions (Crestview High School using picnic shelter)
44 Pricing could factor in the inability to raise sufficient money to cover costs, such as is done by
45 the Health Education Center in Newport (Dean Shrock). Newport HEC charges 10% of
46 revenues.

47
48 Tooke noted there is a policy on alcohol. The Council reaffirmed the policy that sale or
49 consumption of alcohol must be approved by the City Manager or Mayor, by way of an
50 application.

51

1 Glenn would like to see enactment of an item in the original 1991 resolution that requires FYC to
2 provide an accounting of revenues for events in which money is charged. Mayor Stanley
3 suggested they reaffirm 1991 resolution, effective today, until further notice.
4

5 Glenn moved to reaffirm Resolution 208 dated October 1991 as current policy, effective
6 immediately: Aye – 5, No – 0.
7

8 Scott moved to authorize City Manager to only apply existing written policy with respect to
9 renting and rates: Aye – 5, No – 0.
10

11 The council agreed to take the following actions:

- 12 1. Meeting between Mayor Stanley, Scott and FYC President Rose Valentine
- 13 2. Meeting between Manager Davies and Facility Manager Sterner
- 14 3. Notice to Polly Plumb or FYC that the MOU has not been accepted by the Council
- 15 4. A statement in the newsletter
16

17 The meeting was adjourned at 5:25pm.
18

19 _____
20 GERALD F. STANLEY, Mayor
21

22 ATTEST:
23

24 _____
25 Joan Davies, City Manager
26

_____ Date