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CITY OF YACHATS
CITY COUNCIL MEETING
June 14, 2017

Minutes

Mayor Gerald Stanley called the June 14, 2017 regular meeting of the City Council to order at 2:00 pm in Room 1 of the Yachats Commons. Council members present: Mayor Stanley, Barbara Frye, Jim Tooke and Max Glenn. Excused: Greg Scott. Staff present: City Manager Joan Davies, City Clerk Judy Richter, Water Lead Rick McClung, Wastewater Lead Dave Buckwald. Audience: 19.

I. Announcements

A. Mayor Stanley

Mayor Stanley began the meeting with a moment of silence due to the attempted assassination of a US Congressman and a shooting at an UPS facility in San Francisco.

Stanley noted this weekend is Beachcomber's Days in Waldport. Stanley also noted Governor Kate Brown has restored the Arts Commission Awards for a citizen who makes an outstanding contribution to Oregon through the arts and suggested someone could nominate a local artist.

II. Proclamations and Special Recognitions

A. "Yachats Music Festival Days, July 7-9, 2017 – The Grand Finale" proposed by Max Glenn. Manager Davies read the proclamation into the record. Joanne Kittel (Yachats) reported this is the 37th year of the festival. Kittel and her late husband, Norm, started going in 1988 and never missed one. Kittel noted internationally-renown artist Leon Bates has performed at every festival, requiring multi-year advance booking. Glenn added that the organization had adopted Yachatian Milo Graamans as a performer/participant.

Glenn moved to approve the Proclamation proclaiming July 7-9, 2017 – The Grand Finale" Aye 4; No – 0.

B. ASK (Asking Saves Kids) Day - proposed by Bob Barrett

Manager Davies read the proclamation into the record, in reference to asking if a home has a loaded gun in it, prior to allowing your child to go there to visit.

Tooke moved to approve the proclamation proclaiming June 21, 2017 to be ASK Day: Aye 4; No – 0.

III. Public Comment

A. Chuck Lerwick, Dahl Disposal Operations Manager: Not in attendance.

B. Michelle Brannon, Lincoln County District Attorney: Brannon stated she wanted to reach out to counties and introduce herself. She noted she has been DA for three years and has been a deputy DA for 15 years. Brannon began her career with juvenile and child abuse cases, but was recently lead prosecutor on a murder case. Brannon explained the awkwardness of seeing people in public and not asking about how they are, as they often meet her in a very uncomfortable situation coming into her office. Brannon seeks transparency and wants to ensure Lincoln County remains a wonderful place to live. Mayor Stanley summarized his meeting with DA Brannon. Kittel added that Brannon has been an exceptional DA and advocate for children and the vulnerable.

C. Maxine Johnstone (330 King St): Johnstone, a 24-year Yachats resident, read a letter she wrote to Council in 2015 requesting businesses reduce outside music on the 4th of July to under

1 the recommended 85 dB level recommended by public health agencies. Johnstone noted nothing
2 was done by previous council or mayor, in response to her multiple requests. She respectfully
3 asked the council to “do something” and possibly pass an ordinance to limit sound levels. Frye
4 stated she was embarrassed that the Council had not responded to her, but Council did discuss
5 them matter, and noted the difficulty around how noise is measured and enforcement. She noted
6 that the former mayor had experience with measuring noise, and he had told them how complicated
7 that would be. Frye did not have a solution. Johnstone had no issue with the fireworks, just the
8 ongoing music, which travels uphill from the downtown area. Johnstone believed a request from
9 Council would impact the behavior of local businesses. Glenn stated he shared Johnstone’s
10 concerns, but asked for clarification on “no music” versus “lower volume music.” Johnstone stated if
11 they cannot enforce or measure the lower volume, then she would prefer a ban.

12
13 Manager Davies noted she did not know about this issue in advance of this meeting or she would
14 have researched it, but noted that Section 5.08.160(i) of City Code addresses noise. She noted
15 there is Code on sound-amplifying devices that could be modified, and advised the audience that
16 she can research issues if she gets advanced notification, so that a response is more timely.

17
18 Mayor Stanley suggested making a statement in the July newsletter about section 5.08.160.i and
19 about respecting noise levels. Frye stated she could not support a recommendation of no outdoor
20 music in town on that day, but would be in favor of trying to control volume.

21
22 June O’Connor (1618 Highway 101) noted in 1989 the Presbyterian Church put up carillons directed
23 at her home. O’Connor reported the County Health Department came to Yachats to measure noise
24 output. Davies asked O’Connor about her thoughts on the possible carillon at the Little Log Church.
25 O’Connor said her opinion would depend on the sound output and suggested they test noise levels
26 using speakers, before purchasing the carillon.

27
28 **IV. Consent Agenda**

29 **A. Minutes**

30 May 3, 2017 Work Session
31 May 10, 2017 Council Meeting
32 May 15, 2017 Budget Committee

33
34 **B. Accounts Payable**

35 Councilor Scott has previously reviewed this report.

36
37 By virtue of the Consent Agenda, the above minutes and accounts payable are approved.

38
39 **V. Reports**

40 **A. Council Reports**

41 Glenn, Frye, and Tooke noted they had nothing new to report since the June 7, 2017 Work Session.
42 Mayor Stanley attended an Economic Development Alliance meeting, led by Yachatan Caroline
43 Bauman, and praised the group for its efforts and efficiency. Frye offered to answer questions about
44 the Yachats-to-Florence transport and reported there is a delay of the start to August or September.
45 She noted discussion about the stops is ongoing, and persons can complete a survey online about
46 what services and stops are desired. The survey website address is: ltd.org/connector

47
48 **B. Department Reports**

49 **1. City Manager:** Manager Davies summarized the report in the meeting packet.

50 Frye asked about ADA access at the grocery store parking lot. Manager Davies stated access is via
51 traffic turn-ins and from the sidewalk onto W. 2nd St. She noted access by Planet Yachats on 3rd St is

1 no longer available. Frye asked why a curb was necessary on 3rd St blocking access. Davies noted
2 the design is in accordance with ODOT standards and an access point would have to be done by
3 the private property owner. Frye believed this issue should be monitored. Sherry Dickenson posited
4 that a person could challenge significant changes to access to a property that is not ADA-compliant.
5 Manager Davies noted the lot itself is ADA-compliant. Loren Dickenson asked whether the work in
6 the C&K lot was part of the City contract or done by the private property owners. Manager Davies
7 stated that work is part of the ODOT project, and asked which part he was referring to.

8
9 Shelly Shrock noted she has observed three people trip in the curb area on E. 2nd Street, between
10 the Green Salmon and Drift Inn. She noted there is a step where one expects a slope. Mayor
11 Stanley noted nuances with wheelchair access in the flashing crosswalk that is at the same location.
12 Manager Davies will investigate the reason why the step was put into place rather than a slope.

13
14 Frye asked about plans to pave E. 2nd and Prospect Streets. Manager Davies indicated they had
15 hoped to have funds left over to widen and pave 2nd St to Prospect, but they are not available.

16
17 Frye commended Manager Davies for her work, especially during this month of intense work on Hwy
18 101. Mayor Stanley also expressed his appreciation of her contributions.

19
20 2. Emergency Planning: Manager Davies noted Emergency Planning report and added
21 committee are still working on tsunami signage to mark escape routes. Manager Davies
22 summarized ongoing efforts in the community to plan for the August 2017 eclipse.

23
24 3. Code Enforcement: Manager Davies summarized the incidents in the report, noting how
25 grass and weeds are overgrown, due, in part, to the heavy winter rains. Manager Davies noted
26 there is a July 1, 2017 deadline for cutting vegetation. That will reduce fire danger in the summer.

27
28 2. Public Works: Manager Davies noted a high wind advisory has been issued for tonight, so
29 Wastewater Lead David Buckwald was currently taking down the banners from the lamp posts.
30 Water Lead McClung summarized the Public Works report. McClung noted the Dollar General
31 construction crew hit the 4-inch water main on-site and dumped 33,000 gallons of water in ten
32 minutes, explained screw press now enables direct dumping of bio solids into dump truck, reported
33 Pac Ex has been easy to work with on the 101 Project, and noted the City has been contracting out
34 use of vac truck. The mounds of gravel on W. 4th Street are asphalt grindings from the highway
35 project. Piling it there is saving the city \$5,000 in haul-away fees and providing \$10,000 in materials
36 acquisition. McClung noted this gravel provides excellent street coverage, and Public Works plans
37 to apply it to W. 4th Street, Pontiac Street, and along the east and north sides of the ball field, before
38 July 4th, when parking spaces are needed.

39
40 Mayor Stanley asked about possibility of including a white line on side streets connected to Hwy 101
41 to help drivers see the lane widths. McClung proposed they wait until the regular "stop bar" lines are
42 painted, then assess situation. Glenn asked when Central Lincoln PUD would take down utility
43 poles. McClung replied that PUD is waiting on Spectrum//Charter Internet to finish their
44 infrastructure. Frye asked when the flashing pedestrian light would be installed. McClung explained
45 the crosswalk would be painted first, then the light installed. He noted he had been in error when he
46 said there would be two flashing lights for 101 crosswalks. There will only be one, at 2nd Street. Bette
47 Perman asked that asphalt grindings also be used on the shoulders of E 2nd, since that road will not
48 be widened and it is again in a state of disrepair.

49 Frye asked when landscaping on the 101 project will be done. Manager Davies indicated dirt will
50 arrive tomorrow and implementation is still a work in progress. She reported local gardening experts
51 told her that planting for long-term should be done in the fall, not now. Frye asked about the location

1 of the mosaic planters. Manager Davies indicated that moving them to the area by Toppers had
2 been considered, but they could not block views for drivers, and the complex owner was not really in
3 favor of utilizing the space there with them. For right now, they will stay where they are, by the 501,
4 but can be looked at later. Manager Davies stated "Portia" the sea lion art statue will go on the
5 corner of W. 4th and Highway 101.
6

7 **VI. Public Hearings**

8 Mayor Stanley opened the Public Hearing on Resolutions .

9 **A. Resolution 2017-06-01 Declaring City's Election to Receive State Revenues**

10 Manager Davies summarized the Resolution noting the total amount is relatively small (\$10,000-
11 15,000), and just goes into the General Fund. Mayor Stanley would like to see some of these funds
12 go into addiction recovery programs. Frye moved to adopt Resolution 2017-06-01 Declaring City's
13 Election to Receive State Revenues: Aye - 4; No - 0.
14

15 **B. Resolution 2017-06-02 Adopt 2017-18 Urban Renewal Agency Budget**

16 Manager Davies read the Resolution into the record. Glenn moved to adopt Resolution 2017-06-02
17 Adopting the 2017-18 Urban Renewal Agency Budget: Aye - 4; No - 0.
18

19 **C. Resolution 2017-06-03 Adopting 2017-18 City Budget, Making Appropriations, 20 Levying Taxes, and Categorizing Taxes**

21 Manager Davies read the Resolution into the record. Tooke moved to adopt Resolution 2017-06-03
22 Adopting the 2017-18 City Budget, Making Appropriations, Levying Taxes, and Categorizing Taxes:
23 Aye - 4; No - 0.
24

25 Mayor Stanley closed the Public Hearing.
26

27 **VII. Business**

28 **A. Resolution 2017-06-04 Extending Worker's Compensation Coverage to Volunteers**

29 Manager Davies noted all volunteers must be covered by Worker's Compensation, and it has been a
30 massive effort to get the rosters brought current and remove inactive volunteers, so that the City is
31 not paying for coverage for them. Glenn moved to adopt Resolution 2017-06-04 Extending Worker's
32 Compensation Coverage to Volunteers: Aye - 4; No - 0.
33

34 **B. Resolution 2017-06-05 Accepting Certain Identified Unanticipated Revenues to be added to the General Fund**

35 Manager Davies read the Resolution into the record. Manager Davies also noted a \$1 million check
36 from ODOT is in the mail. Mayor Stanley asked for clarification on the \$480,000 from ODOT that
37 was not budgeted in the previous year. Glenn moved to adopt Resolution 2017-06-05 Accepting
38 Certain Identified Unanticipated Revenues to Be Added to the General Fund: Aye - 4; No - 0.
39

40 **C. Resolution 2017-06-06 Authorizing Transferring of Monies between Objects of 41 Expenditure**

42 Manager Davies explained the complexity of this resolution and the justifications for the line items.
43 Davies noted that the previous City Recorder funded items through multiple supplemental budgets,
44 but she did not do any prior to her retirement, creating some unanticipated overages at the end of
45 the year. Glenn moved to adopt Resolution 2017-06-06 Resolution 2017-06-06 Authorizing
46 Transferring of Monies between Objects of Expenditure: Aye - 4; No - 0.
47

48 **D. Ordinance 347** – not ready for today's discussion; postponed
49

50 **E. Late Request For Funds**

1 Manager Davies reported there were two grants last year for LED lighting applied for by the Friends
2 of the Commons. They got one, which covered the installation of LED lighting in the Multipurpose
3 Room and Room 8. The City had agreed to pay \$10,000 in matching funds, but because one grant
4 was not received, the City did not have to contribute. No one had notified her that the grant was
5 being reapplied for, until four days ago, so it was not secured in the 2017-18 budget. The Friends
6 are asking again for \$10,000 in match, for the new application for LED lighting for the rest of The
7 Commons. Manager Davies noted the Council has the authority to authorize the funding later in the
8 year, if the grant is awarded. Frye wanted clarification of the granting sequence, so FYC Chair Rose
9 Valentine reiterated the sequence of events. Glenn asked if this was for matching funds, and
10 Valentine said both the Friends and the City's contributions would be matched. Mayor Stanley
11 asked Parks and Commons Chair John Moore if he approved this request. Moore indicated
12 approval. Glenn moved to authorize the Friends of the Commons to include \$10,000 of City
13 matching funds for a grant to complete LED lighting for The Commons: Aye - 4; No - 0.

14 15 **F. 501 Building Uses**

16 Mayor Stanley noted the Library Commission would not be presenting their plan at this meeting.

17
18 Real estate agent Wendy Weimer explained her offer to purchase the 501 Building. Weimer
19 planned to break the building into three sections for different businesses, and was willing to allow the
20 City to retain parking rights on the property. Weimer summarized the terms of her offer of \$250,000,
21 with \$25,000 down and the City carry the contract for three and a half years. Weimar argued that
22 the City recovers half of their investment and the equal value of retaining the majority of the parking.

23
24 Frye thanked Weimer for her offer and asked for clarification on the drive-through operation for food
25 service. Weimer noted real estate market is going strong and she is eager to proceed.

26
27 Manager Davies explained what public input could be made at present, what would be discussed in
28 executive session, what could be voted on following the executive session. Tooke and Mayor
29 Stanley believed the offer was interesting. Glenn asked for clarification on the comp data provided
30 in Weimer's information packet, on the proposed map of the building, and how bathrooms would be
31 accessed from the various building sections. Tooke asked if food would be by a franchise (no).

32
33 Shelly Shrock (121 Greenhill) strongly believed the Library is a much better use for 501 Building.
34 O'Connor (1618 N Hwy 101) asked for the interest rate. Dickenson (323 Jennifer Dr) expressed
35 concerned about joint use of parking and how that would be incorporated with City code
36 requirements. Perman believed the potential use of the 501 Building for the Library is more
37 consistent with the City vision. Shrock was concerned about if the business does not do well.

38
39 Frye asked Weimer why she proposed buying rather than leasing. Weimer explained she would
40 have to invest in remodeling, because she does not need the full space for her real estate business.
41 That could not be done with just a lease. Frye asked Weimer if she had looked at other available
42 properties in Yachats and encouraged Weimer to do so.

43
44 Mayor Stanley ended this section of the public meeting to go into executive session at 4:15 pm.

45 46 **VIII Executive Session**

47
48 Mayor Stanley reopened the public portion of this meeting at approximately 5:20 pm.

49 50 **IX. 501 Building Use**

1 Mayor Stanley reported there was a consensus of the Council to not accept the offer from Wendy
2 Weimer to purchase the 501 Building.

3
4 **X. 2017-22 AFSCME Collective Bargaining Agreement**

5 Frye moved to reject the current AFSCME collective bargaining agreement and to instruct Manager
6 Davies to recommence bargaining discussions: Aye – 4; No – 0.

7
8 **XI. Other Business**

9 **A. From Mayor** - none

10
11 **B. From Staff** – none

12
13 **C. From Council** - none

14
15 The meeting was adjourned at approximately 5:25 pm.

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18 _____
19 GERALD F. STANLEY, Mayor

20
21
22 ATTEST:

23
24
25 _____
26 Joan Davies, City Manager

_____ Date

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28