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CITY OF YACHATS
CITY COUNCIL WORK SESSION AND REGULAR MEETING

June 7, 2017

Minutes

Mayor Gerald Stanley called the June 7, 2017 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: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, Greg Scott and Max Glenn. Staff present: City Manager Joan Davies, City Clerk II Kimmie Jackson, Water Treatment Lead Rick McClung. Audience: 15.

I. Work Session Discussion Topics

Mayor Stanley welcomed the audience and noted the meeting room has been painted.

A. 501 Building – uses and proposals

Wendy Weimer (35 E Eckman Creek, Waldport) distributed a handout on her proposal to buy the City-owned 501 Building (at 501 Hwy 101N). Weimer stated she has been a realtor since 2007 and is ready to expand her business. Weimer had discussed with Vicki at the Visitor's Center about space availability. Her vision is to have three sections with each business having its own exterior entrance. Weimer's understanding was that the 501 Building was purchased for the addition of parking spaces. Mayor Stanley clarified it was purchased for both parking and a potential new bank. Weimer is willing to put an easement in place to give the City the parking. Weimer highlighted the transaction would result in monthly income, remove the burden of maintenance, and provide additional space for businesses.

Councilor Glenn noted it was too late to accept an offer and was insulted at the offer of \$100,000 on a property the City paid \$500,000 for. Councilor Tooke believed the offer price was very low. Councilor Frye reviewed that the Council has spent a great deal of time on exploring uses for the building and appreciated the proposal.

Mayor Stanley noted the City is looking at two alternatives of selling the building or having the library move into the facility. Glenn did not recall the Council ever considering selling the building. Glenn noted two options of a lease to EIP or to move the library. Frye was open to an offer for the building, if it was significant.

Tom Bedell asked if the Council had considered a bank for the space. Councilor Scott stated Glenn has done extensive research on banks going into the space, without success.

Weimer noted her price was based on her using only 20% of the property, and she is willing to discuss leasing. Mayor Stanley stated Weimer could present another offer to the Council.

B. Vacation Rentals – policies and proposed changes

Scott recalled he was expecting a public input meeting in July on this topic and was not expecting the topic to be on the agenda. Manager Davies clarified she included the topic as there were persons at the last meeting who did not know they could comment. Mayor Stanley apologized for not welcoming comments from the audience at the last meeting. Scott believed the last meeting was for the Council to discuss the topic, not to collect public input. Frye commented that she did not understand the meaning of a work session until she was on the Council and suggested they educate citizens on what work sessions are for, perhaps at the

1 beginning of meetings. Glenn understood the last meeting was for the Council to give feedback
2 to the work group who had developed the proposal.

3
4 Manager Davies explained the photo she had distributed to the Council was from a property
5 owner who indicated this was a photo of his family, as an example of who used their vacation
6 rental for family events, but did not pay rent for it. That was a question that the Council had
7 discussed, when some owners claim they are not receiving rent, but the house is occupied.

8
9 Frye asked Scott where the input process stood. Scott said public input is set for July 12, 2017.

10
11 Mayor Stanley clarified his position on not being in favor of people buying homes in the city for
12 the sole purpose of using them as an investment vacation rental (VR) with no intention of living
13 in Yachats. Frye asked Mayor Stanley why he was opposed to caps on the number of VRs.
14 Stanley stated he is not convinced capping the VRs would result in more affordable housing
15 being available, noting many of the VR homes are high-cost properties. Stanley noted an
16 exception of a recent home conversion to a VR that had been a long-term rental and had a low
17 sales price (est. \$150,000). Stanley wanted to avoid the adversarial situation that occurred in
18 another city around VRs. Stanley believed there should be more discussion about how to
19 manage the rentals.

20
21 Frye referred to her past work with former councilor Sandy Dunn in assessing what makes
22 Yachats a special, livable and unique place to live. Her research indicated volunteers are
23 crucial to quality of life and having VRs as neighbors is a detriment to quality of life. Frye
24 believed there is urgency to address the cap issue.

25
26 Scott took exception to the Mayor's statement that they do not have a handle on which VRs are
27 available. He noted the current system does not allow for the City to withdraw a VR license
28 because of inactivity. Scott noted the work group purposefully tried to take a balanced
29 approach in examining the pros and cons.

30
31 Glenn recalled that the previous mayor and councils have had a long-time consensus that there
32 would eventually need to be a cap. Glenn believes now is the time to create a cap, as the
33 number of VRs has stabilized in the past few years. Glenn did not see that Yachats was in the
34 same circumstance as other cities and their controversies.

35
36 Tooke stated he recalled the Mayor's concern about a cap and expected pushback on the
37 matter from citizens. Tooke wanted more input on the topic. Tooke emphasized the importance
38 of enforcement to make any system work.

39
40 Manager Davies noted there are five vacation rental licenses pending since last month.

41
42 Paul Thompson (1153 Driftwood Lane) stated he has lived in Yachats for seven years and has
43 complained numerous times about VRs. He was in favor of the new proposal. Thompson
44 agreed with Tooke that enforcement is a serious problem. Thompson noted that parking,
45 garbage and noise are the main problems, and there has not been enforcement around these
46 issues. Thompson stated his neighbors have complained, to no avail, as well. Thompson
47 argued there is right-of-way five feet from the road into the driveway and cars consistently park
48 in this area. Thompson praised Manager Davies for her responses to his complaints. Scott
49 stated there is a parking inventory in the city database, which Thompson could use to determine
50 legal parking for each property. Frye believed enforcement has not been up to par, but there is
51 a need to educate people that their complaints need to be formally filed with the City.

1 **C. IT Program Budget Review**

2 Mayor Stanley stated the Budget Committee had asked for more information about the IT
3 Program. Scott noted his report to the Council. Scott argued that poor information access
4 inhibits the Council and staff's ability to work, and paper data systems are outdated. Scott
5 believed there is a need for customized data work as off-the-shelf software products are not
6 adequate. Scott noted many of the software programs are very expensive and the current City
7 database does not replicate systems that already exist. Scott noted Yachats is unique with its
8 online document library. Scott read the main components in the data system, referencing the
9 improvements for business tax filing and the online room reservation system. Scott emphasized
10 the net cost to the City is currently \$1,250 per month to maintain and develop the database.

11
12 Scott noted the largest gap in the data system is missing data. Scott noted Helen Anderson had
13 previously cleaned up the tax lot information. Scott asked of the Council to:

- 14 (1) Authorize Scott as a city official to talk with Munibilling to get their data compatible.
15 The numbers in the database became inaccurate in February 2016 when the Munibilling
16 system was implemented. (2) Designate the property inventory as the official record of
17 property records. (3) Instruct staff to use the new system.

18
19 Scott noted staff wants to be able to track payments and indicated he could provide that service.
20

21 Glenn stated after the Budget Committee meeting in May he realized there is a lot of information
22 in the document library that is not being used. Glenn summarized his philosophy, "What people
23 are not up on, they will be down on." Glenn's questions were: 1. What did we try to automate?
24 2. What is not yet working properly? 3. What more should be automated? Glenn met with
25 staff to better understand their concerns. Scott, Glenn and Manager Davies are having an
26 automation specialist review what has been done and what could be done. Glenn is pleased
27 with the current website, and strongly recommends the Council not eliminate this component.
28

29 Frye was unaware of bringing in a systems specialist. Frye was impressed with all the work
30 Scott has done. Frye was concerned about a conflict of interest in having a City Councilor be
31 the IT Manager. Frye argued she never sees finished products and would like to see firm
32 deadlines for completing tasks. Frye wants to see clearer planning and specific priorities and
33 progress on those priorities. Scott noted the City Manager provides the prioritization input.
34

35 Scott cited an example of the Parks and Commons Commission talking about room rentals. He
36 reported he is providing a way to computerize that and is also computerizing the vacation rental
37 complaint system. Scott indicated he has hired a third developer to help on the project to speed
38 up progress. Scott indicated the new document library will go online within a week and will
39 allow for "Google type" searching. Frye would like to see an IT person on staff.
40

41 Tooke stated he is not an IT expert but has an appreciation of what is involved in development.
42 Mayor Stanley stated he is impressed with Scott's work, especially his latest written report.
43

44 Frye restated she believed the current system is not good and is not supportive of spending
45 money on the work. Frye argued a good system is one that people can use, is accessible, is
46 reliable, and people understand.
47

48 **D. Award Bid for South Tank Project**

49 Manager Davies reported the City had received four bids, the highest at \$1.4 million and the
50 lowest at \$1.085 million. The engineers have done their due diligence on ensuring the low
51 bidder, Clackamas Construction, met all the project requirements.

1 Manager Davies read into the record the Notice of Award to Clackamas Construction in Boring,
2 OR. Manager Davies noted by contract they have 300 days to complete the project, which
3 would put the end in April 2018. This timeline is consistent with the financing requirements.
4

5 Scott asked if there were any reasons not to proceed with this contact. Frye asked about safety
6 issues being adequately addressed. McClung stated he is confident with the safety of project.
7

8 **E. Cape Perpetua Program Proposal – Paul Engelmeyer.**

9 Paul Engelmeyer introduced project partner Charlie Plybon from the Surfrider Foundation.
10 Engelmeyer reviewed the mission of the Cape Perpetua Foundation as presented in his written
11 report and request for \$10,000 of support. The Cape Perpetua Foundation partners with
12 Discovery Northwest (Seattle) in facilitating education, visitor amenities and conservation.
13

14 Plybon reported many non-profits have been making investments in conservation and
15 communication efforts in the Cape Perpetua area. Plybon stated they wanted to more formally
16 establish a collaborative and would like to hire a coordinator to link to the City of Yachats. They
17 also want the City to become a more active part of the collaborative.
18

19 Engelmeyer explained how the various efforts are moving forward (e.g., docents at lighthouse
20 and visitor center, whale watching program). He stated they need to prioritize their deliverables
21 and hoped the Council would help with that. There were several letters of support in the packet.
22

23 Scott asked if there was anyone on the Council who does not support this proposal. Mayor
24 Stanley asked about the title, “coordinator,” and whether “liaison” would be more appropriate.
25 Engelmeyer clarified the Coordinator covers more than just Yachats. Stanley was in favor of a
26 more active role for Yachats and would like to see regular progress reports. Frye asked what
27 the \$10,000 request would cover. Plybon explained funds are needed to cover the gap until a
28 formal system is in place and agreed clarifying expectations are important. Marc Courtenay,
29 Yachats resident, stated he previously served in this same capacity in the Santa Barbara area.
30 Courtenay would like to volunteer as the “warm body” to work with Engelmeyer’s group.
31

32 Glenn wanted clarification on how the group would communicate with the Yachats Visitors
33 Center. Plybon noted Cape Perpetua gets 143,000 visitors each year, and the collaborative
34 wanted to help make those people aware of Yachats.
35

36 **F. Job Listing for City Manager – review Prothman recruit**

37 Mayor Stanley stated the Council needs to select a council liaison that will coordinate the City
38 Manager search with Prothman. Glenn volunteered. Frye asked for clarification on what the
39 liaison will do. Manager Davies noted that last time, Prothman interviewed candidates via
40 Skype prior to giving the City its recommendations. Prothman has advertised with the League
41 of Oregon Cities, as well as throughout the nation. Glenn would like to see a meet and greet
42 with prospective candidates as was done last time.
43

44 **G. Open Contracts – Code Enforcement Officer and Commons Custodian**

45 Manager Davies summarized the open positions of Code Enforcement Officer and Commons
46 Custodian. She reported Sterner had submitted his resignation as custodian and Don Niskanen
47 had retired earlier in the year. Davies noted she has advertised in the newspaper but cannot
48 advertise the positions on the State employment website because these are contracted
49 positions. Waldport and Toledo are both ending a contract with their code enforcement
50 company in September, and are interested in sharing a person or company. Manager Davies

1 summarized her recruiting efforts to date. Bette Perman suggested posting the openings on
2 Facebook and the Oregon Coast Craigslist.

3
4 Glenn noted that the previous Code Enforcement Officer had contacted owners of vacant lots
5 that are overgrown around this time of year. Davies indicated she has been sending notices
6 and asked the Council about how they have handled private lots that have never been cleared.
7 The current code does not differentiate between never-cleared lots and lots in more developed
8 areas. Davies suggested adding multiple definitions to the code to allow for keeping never-
9 developed lots as-is. Scott agreed with Glenn in wanting to keep the town green. Scott noted
10 Quiet Water requires lot maintenance and the homeowner's associate maintains them. Stanley
11 asked Manager Davies for a recommendation on new language for the code. Scott asked
12 Davies to consult with Wally Orchard for his perspective on how to manage the situation.

13 14 **H. Council Shepherding Goals - reports**

15
16 Frye stated:

- 17 1. She would like parking spaces put on the agenda. Frye wants the council to be more
18 aggressive in finding additional parking now that the highway project is coming to an
19 end. Frye believes the Council also needs to address the future of the ball field.
- 20 2. The Library Commission has completed a strategic plan and will have a public
21 hearing on the document. Scott noted the document is not really a strategic plan.
- 22 3. The MOU for the Health Clinic was approved by Lincoln County. Frye noted many
23 people came to the Lincoln County Health table at the Yachats Pride picnic.
- 24 4. The Florence bus service has been delayed to August.
- 25 5. Davies and Frye have been working with City Attorney to get the Planning
26 Commission's draft on formula businesses in a more usable form.

27
28 Glenn stated:

- 29 1. He has been monitoring community pages on the discussions of the 101 Project.
30 Glenn commended the efforts of Jason Klohk from Pac Ex to address issues.
- 31 2. Work with the Emergency Planning Commission is continuing.
- 32 3. He is still planning to convene a workgroup on public art and removal of blight.

33
34 Stanley stated:

- 35 1. He and Glenn attended a meeting with the county Economic Development Alliance
36 and he would like Glenn to continue working with this group. Stanley noted the
37 EDA's highest priority was housing. Glenn stated he would follow the housing study
38 and Alliance's recommendations to see what can be brought to Yachats.

39
40 Scott stated:

- 41 1. He has met with EIP. There are no action items at this time.
- 42 2. The new streetlights are dark-sky compliant. Scott noted some businesses want to
43 put lights on the new posts that are part of the retaining wall in front of the stores
44 in the C&K pavilion. He told shop owners the lights must be dark-sky compliant.

45
46 Tooke stated:

- 47 1. He discussed with Dave Buckwald what grants are available for removal of aging
48 septic tanks and other projects. A plan is needed before applying for grants.
- 49 2. Projects with the State Parks are inactive at this time.
- 50 3. He will be working with McClung on the South Tank Project.

51

1 Stanley stated:

- 2 1. He is waiting on information from the State legislature on the Visitor Amenities Fund.
- 3 2. The Marketing Committee meets soon on plans for the 50/100 City Anniversary.

4
5 Frye noted last week was the first Yachats Pride event, and it was well organized, well attended,
6 and enormously successful. Stanley stated the picnic was wonderful and set a high standard.

7
8 **G. Approve Agenda for June 14, 2017 City Council meeting**

9 Glenn would like to add a proclamation for the 37th and final year of the Music Festival. He
10 would like to see the Mayor read the proclamation at the beginning of the festival.

11
12 Frye would like a more formal update on the Highway 101 Project. Frye reported installation of
13 the art banners was delayed because a truck had run over the banners when they were drying.
14 Stanley noted there would be American flags flying on the other side of the streetlights by July
15 4th. Glenn asked about requirements for placement of the American flag.

16
17 The Work Session concluded at 12:03 pm.

18
19 **REGUALR MEETING**

20
21 **II. Business**

22
23 **A. Award Bid for South Tank Project**

24 Glenn moved to authorize the City Manager to award the contract for the South Tank Project to
25 Clackamas Construction of Boring, OR for \$1.085 million: Aye – 5; No - 0.

26
27 **B. Cape Perpetua Program Proposal**

28 Scott moved to approve and award \$10,000 from the Visitor Amenities Fund to Tourism and
29 Conservation at the Cape Perpetual Visitor Center: Aye – 5; No - 0.

30
31 The council indicated consensus to partner with the Cape Perpetua Collaborative.

32
33 **C. Approve Applicants to Public Works and Streets Commission**

34
35 Marc Courtenay stated he had been looking for ways to be of service to the community and to
36 the Council. His experience included being a liaison and an advocate, and to be of service.
37 Scott liked the idea of having a generalist and non-technical person on the Commission.
38 Courtenay stated he has been noticing changes in surface areas on sidewalks and streets and
39 would be willing to address issues that arise. He attended last month's PWS meeting.

40
41 Glenn moved to appoint Courtenay to Public Works and Streets Commission: Aye – 5; No - 0.

42
43 Tom Bedell (25 E Windy Way) stated he has spent his life in public works and is familiar with the
44 wholesale supply process to water and sewer treatment plants. Bedell noted he was the
45 longest serving member of the Plumbing Heating and Cooling Contractors Association, was on
46 the Executive Board of the PHCC for the eleven Western states, and was appointed by the
47 Governor to the Oregon State Plumbing Board. He attended last month's PWS meeting. Glenn
48 appreciated that Bedell might have expertise in understanding major equipment purchases.

49
50 Frye noted some Commissions are in a transition regarding their roles in city operations and
51 providing vision. Bedell stated he was willing to remove his application if the Council believed

1 his expertise would interfere with staff work. Frye clarified her comments about the
2 commission-staff relationship and noted she thought it was fabulous to have a person with
3 Bedell's background on the Commission. Scott reinforced the position that their needs on the
4 Commission are not about the details of how work is conducted but instead about vision to
5 determine if a project makes sense for community.
6

7 McClung stated he believed these new applicants would be a great addition to the Commission.
8

9 Scott moved to appoint Bedell to Public Works and Streets Commission: Aye – 5; No - 0.
10

11 **III. Other Business**

12 Tom Lauritzen asked to make a comment on the IT Program. Lauritzen stated he initiated the
13 conversation at the Budget Committee meeting to review funding for IT. Lauritzen was
14 concerned about a lack of implementation of the elements of the IT system and unfinished
15 components still needing "tweaking." Lauritzen argued most of the system components are not
16 used to their capacity or design. Lauritzen noted the amount of time staff is using on trying to
17 use and implement system components, specifically on the reservation system, the transient
18 rental tax system, and the property inventory and water data. He noted there needs to be more
19 clear explanations on how the components are to be used. Lauritzen believed there are
20 solutions that do not require more development but instead focus on fixing the implementation
21 and user interface. Lauritzen added that if not implemented correctly, money is wasted.
22

23 Frye thanked Lauritzen for expressing more eloquently her frustrations with the system. Frye
24 raised the issue of hiring a consultant to evaluate the IT functionality. Manager Davies and
25 Glenn explained the reasons for reaching out to a consultant, most notably their own lack of
26 technical expertise. Lauritzen posited that the qualifications of the proposed consultant were
27 not a good fit with addressing the implementation problems.
28

29 Scott clarified the Munibilling data problems are a result of Munibilling sending "bad" data, while
30 Lauritzen added that Munibilling is no longer responding to staff calls, due to frustration. Scott
31 believed some staff are resistant to learning the new system.
32

33 Glenn moved to authorize Scott to talk to Munibilling about errors in the data for water
34 consumption, to designate the property inventory as the official city property database, and to
35 instruct the City Manager to transition away from the internal database (Access) and transition
36 to the property management system, by the end of September 2017: Aye – 4; No – 1 (Frye)
37

38 Stanley wanted to clarify with Manager Davies that when the Council votes on the budget at the
39 next meeting, the IT budget will be included. Davies affirmed the inclusion of the IT funds.
40

41 With no further business before the council, Mayor Stanley adjourned the meeting at 12:58 pm.
42
43
44

45 _____
46 GERALD F. STANLEY, Mayor

47 ATTEST:
48
49

50 _____
Joan Davies, City Manager

Date