

City Council Action Item Cover Sheet

DATE: May 2, 2018

Agenda Item:

March 7, 2018 Minutes Clarification

Question Before Council:

Clarification and approval of March 7, 2018 minutes

Person/Group Initiating Request:

Council

Item Summary/Background:

Attached is the March 7 minutes, the written summary of the audio for the portion in question.

Based upon this information what changes does council need to make to approve March 7, 2018 minutes?

Clarification Request
March 7, 2018 City Council Minutes

As written in draft minutes:

Mayor Stanley stated she should provide information about whether there are spaces in the Commons building that cannot be used.

Transcript of audio beginning at 13:30 on the digital recording:

Beaucaire: Are there specific products that you are looking for me to provide at the next work session in order to facilitate the discussion?

Stanley: I think the big question is are there parts of this building that will not be able to be used again. I think that's the question. Do we know that this is a definitive/no longer use of the basement of this building?

Frye: I think that's a really good question. [inaudible few words] and how much it is going to cost to fix it.

CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

March 7, 2018

Draft Minutes

Mayor Gerald Stanley called the March 7, 2018 work session and regular meeting of the City Council to order at 9:55 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 Shannon Beaucaire, Water Plant Lead Rick McClung. Audience 31.

Mayor Stanley announced Tim Gross would present first due to the late start of the meeting.

I. Work Session Discussion Topics

E. Presentation by Mid-Coast Water Planning Partnership: Tim Gross

Tim Gross, Public Works Director of Newport, explained what the purpose of the Mid-Coast Water Planning Partnership. Gross noted the consortium started when he noted Newport was making decisions about water issues that impacted areas outside of Newport. Gross highlighted the uniqueness of the Mid-Coast water region. Gross noted ways in which the Yachats area could assist the project and noted Councilor Tooke had recently been attending their meetings. Gross indicated the work of the Partnership could help jurisdictions like Yachats get support for developing initiatives and finding funding for water projects. Their pressing concern is how to get soft funding for organizational and meeting support. (Copies of presentation slides are in the meeting packet.)

Councilor Scott suggested that having the same expectations for a city of 700 people as a city the size of Lincoln City (pop 8,722) might be overreach. Gross agreed with Scott and noted there were many ways the City could support the Partnership besides with capital. Scott emphasized the importance of the success of this work.

A. Presentation on Vacation Rentals: Joan Davies and Tom Lauritzen

Code Enforcer Joan Davies circulated a notebook with pictures and summaries of all the vacation rentals in the City. Davies noted Scott is going to get photos in the online property inventory. Davies passed out a list of current vacation rental properties.

Tom Lauritzen summarized the history of the current vacation rental program. Lauritzen noted the Council had asked that four questions be addressed in the quarterly report from the Code Enforcement Officer. Regarding Question 1, Lauritzen indicated there were currently 145 rentals. Regarding Question 2, Davies reported since the cap was established, there have been two paper applications, five phone calls, and one email submitted about getting a new license. Councilor Frye claimed Clerk Jackson notified people by email that their applications were not being considered.

Lauritzen explained that the current complaint system directs citizens to respond to vacation rental complaints by calling management companies or contact people directly. This approach bypasses City personnel. If a manager addresses the issue, the complaint is not recorded. Very few complaints had been logged since October 2017. Regarding Question 4, Davies explained the situation with rentals advertised on online sites (e.g., Air BnB, VRBO) is that no unlicensed rentals have been found on online sites.

1 Lauritzen explained what he, Davies and Kathy Perkins were looking for when they drove to all
2 homes in the City: visibility of house number, visibility of managing company, trash put away,
3 and parking defined. Lauritzen noted almost none of the rental company signs had phone
4 numbers. They found out of 145 rentals, 44 had no visible house number, 118 had no visible
5 manager number, and 49 had trash not "put away neatly."

- 7 1. Lauritzen summarized that the current code would not provide answers to the questions
8 the Council wanted to address. Lauritzen and Davies recommended:
- 9 2. Vacation rental complaints should be processed through the Code Enforcer and triage
10 complaints
- 11 3. Better tracking of home sales so current list can be updates
- 12 4. Create an ad hoc committee to reexamine YMC Chapter 4
- 13 5. Changes to Yachats Code
 - 14 a. 4.08.010 Purpose: code states, "This use shall not adversely affect the residential
15 character of the neighborhood." Yet neighborhoods are already impacted.
 - 16 b. 4.08.010 Purpose: the last sentence states an intent to ensure health and welfare,
17 something the City cannot do.
 - 18 c. 4.08.030 Standards: only says house number needs to be visible from the street.
 - 19 d. 4.08.030 Standards: should garbage cans not be visible from the street or just be
20 contained?
 - 21 e. 4.08.030 Standards: only states local contact needs to be on front of rental, which
22 requires one to go up to the front door. The code does not indicate this information
23 be visible from the street.
 - 24 f. 4.08.030 Standards: add language to prohibit exterior lights being on all night
 - 25 g. 4.08.040 Inspections, license and annual fee. there is a need to set a delinquency
26 fee
 - 27 h. 4.08.050 Complaints: requesting a resident to complain at the front door of a rental
28 can put the resident in danger
 - 29 i. 4.08.030 Standards: refers to "City Recorder." Change to "City Manager."

31 Councilors thanked Davies and Lauritzen for a thorough report.

32
33 Paul Thompson noted he has been complaining about vacation rentals for eight years and liked
34 what he heard in the report.

35 36 **B. Presentation by Dahl**

37 Zach Dahl and Chuck Lerwick presented an update on recycling markets. Dahl stated
38 processing plants can no longer meet standards for reselling. Their haulers are now allowed to
39 haul material to a landfill because there is no viable resale market. Dahl reported only Type 1
40 and Type 2 plastic would be accepted in the recycling cans. Lerwick noted Type 1 and 2
41 plastic items have a neck. Mayor Stanley clarified office paper is still being collected in the blue
42 bins. Lerwick noted shredded paper is treated as garbage as the fibers have been destroyed.

43
44 Dahl is asking customers to put plastics #3-7 into the garbage, not in the blue bin. Bette
45 Perman suggested they frame the request as, "Dahl only accept Types 1 and 2 plastics." Paul
46 Englemeyer noted there are products that look like plastics, such as cups made from corn resin
47 (no petroleum), that are recyclable. Lerwick clarified while these materials are compostable,
48 they would be trash in Dahl's program. Charlie Plybon added there is a lot of confusion over
49 recycling, and the better solution is reduction, not recycling.

1 Lerwick reported the transfer center will begin charging \$15.00 to use the recycling center
2 beginning April 1, 2018. He reported they have had many people from out of town using the
3 services. He noted they are working on a plan to allow customers to recycle a few times each
4 year. Michelle Korgan asked if the glass from Ona would be subject to the \$15 charge. Lerwick
5 noted she could drop off the glass for free at the transfer center, as she is a customer. Lerwick
6 clarified with Korgan that a mailer would be a better way of communicating news to customers,
7 as people on auto-bill do not get the newsletter. Zach Dahl stated he was not aware that people
8 on auto-bill were not getting the newsletter.

9
10 Mayor Stanley asked if they could bring back a glass recycling box. Lerwick indicated they
11 cannot as there is no control over light bulbs, which have mercury.

12
13 Leslie Vaaler noted there would be more going into garbage cans so that the size of the Dahl
14 supplied recycle and garbage cans should be reversed. Lerwick suggested the issue needs to
15 be managed by reduction, or not buying over-packaged goods. Dahl suggested people write to
16 manufacturers to suggest reducing packaging materials.

17
18 Lerwick noted the DEQ is writing new rules for handling asbestos. He indicated they will be
19 drafting rules about demolition materials, as asbestos in demolition materials going to Dahl
20 contaminates loads and necessitate special handling. In the future, they will require an
21 inspection of demolition materials coming to the transfer centers.

22 23 **C. Presentation by YYFAP Board: Michelle Korgan**

24 Michelle Korgan, YYFAP Board President, and Alice Beck, Executive Director of YYFAP wanted
25 to address the Rec Plus Program, an after school program. Korgan noted there have been
26 several inspections of the basement area that have indicated the basement is not appropriate
27 for habitation. Korgan recognized the difficulties in dealing with temporary relocation of the after
28 school program.

29
30 Korgan explained the scope of activities YYFAP operates: an afterschool program of over 40
31 youth participating, an indoor park (LIFT children) where parents and children socialize and
32 learn together before pre-school, a summer camp for 44 children, swimming and water safety
33 for 14 children in the summer, and a parental skills class with 12 parents participating. Korgan
34 highlighted that Families Together, coordinated with the Presbyterian Church, has upwards of
35 130 people at their dinners and reflects over 70 unique families. Families Together also gives
36 books to the children.

37
38 Korgan asked the Council that they consider YYFAP on level playing ground for allocation of
39 facilities resources. Beck noted they have been receiving basement for free but they pay rent
40 for upstairs use. She noted the afterschool children are primarily kids from Yachats or from
41 parents working in Yachats. Beck asked if they are not able to return to basement, the City
42 consider YYFAP as an essential part of the Community and to consider allocating community
43 space to YYFAP. Beck encouraged re-evaluating allocations of space either through a
44 community forum or through surveys or other measure.

45
46 Frye stated she recently learned YYFAP was not a City program but that the City does give
47 YYFAP money. Frye emphasized the extensive work of the various Library-related groups to
48 prepare for moving to the 501 Building. Frye noted Sandy Dunn had encouraged her to look at
49 the big picture of City needs. Frye noted the Lincoln County Clinic has been looking at the
50 current Library building as a possible extension of their services.

1 Councilor Glenn indicated he heard that Beck was asking the City step back and look at the big
2 picture of space use. Scott asserted the City has received much feedback on having a
3 community center in the City. Scott did not see the issue being resolved quickly. Councilor
4 Tooke indicated he is still gathering information about the needs of all groups. Mayor Stanley
5 stated he considers the YYFAP situation more as an emergency situation rather than a long-
6 term process. Stanley speculated the City will eventually need a new building but could allocate
7 temporary usage of its buildings. Stanley noted the clinic is at least one and one-half years out.
8 Stanley believed this situation is not a process but something that needed addressing now.

9
10 Frye asked Beck what they had done to look at other space. Beck indicated she needed to
11 know definitively about YYFAP not returning to the basement before she commits to
12 investigating other spaces. She noted they are willing to rent space upstairs. Frye did not think
13 it was not the City's responsibility to find space for YYFAP. Stanley did not agree with Frye.
14 Glenn added that it made sense to him to re-examine all space. Glenn agreed with Stanley
15 about the emergency nature of this problem. Scott suggested this discussion be a topic for a
16 future work session. Glenn asked Manager Beaucaire to prepare information for a future
17 meeting.

18
19 Carl Miller suggested the youth group could secure a grant for building a building.

20 21 **D. Presentation for Cape Perpetua: Paul Engelmeyer**

22 Paul Engelmeyer with Audobon, Charlie Plybon with the Surf Rider Foundation, Tara duBois,
23 Communications Manger at Cape Perpetua, summarized their activities since creating the
24 Collaborative. Their communications plan includes social media, intercept surveys (have 100
25 completed; goal is to get 1000), and business outreach, including a hospitality packet. They
26 had 55 people at the volunteer reception, assisted 207 people through six field trips, had over
27 150 people at the Land-Sea Symposium, and served 312 people through 17 presentations.
28 They are working on creating a newsletter.

29
30 Plybon reported the City's commitment has helped them raise additional funds. He noted they
31 want to make the partnerships more permanent with a declaration of support for the
32 Collaborative, such as with the draft letter in their packet.

33
34 Scott clarified that the group was asking for the City to sign the draft letter. The Council
35 appreciated the work of the Collaborative.

36 37 **F. Discussion of draft letter to Maxine Johnstone**

38 Stanley indicated he would get feedback on his draft letter from Councilors outside of this
39 meeting.

40 41 **G. Update from City Attorney on Vacation Rentals**

42 The City Attorney drafted a letter about when vacation rentals might be classified as a business
43 (included in the meeting packet). Frye wanted to restate the question as, "If the Council were to
44 change the ordinance to classify a vacation rental as a business, what legal ramifications might
45 occur?" Councilors discussed their interpretations of the question to be answered.

46
47 Scott asked Planning Commission Chair Helen Anderson to explain the vacation rental issues
48 that the Planning Commission could address. Anderson explained the Planning Commission
49 could draft code that would classify vacation rentals as a conditional use within a residential
50 zone. A conditional use would require a public hearing as part of the permitting process. The
51 conditional use permit would remain in effect until a violation of the terms or change is made.

1 Licenses would continue to be issued on an annual basis. Anderson added that only new
2 vacation rentals would be required to apply for a conditional use as existing rentals would be
3 grandfathered in. Scott Clarified that a public hearing would be required for each vacation rental
4 and that appeals of Planning Commission decisions would come to the Council.

5
6 Frye and Scott discussed issues around getting legal input and establishing how vacation
7 rentals are handled.

8 9 **H. Discussion: State of the City address**

10 Stanley indicated he would get feedback on his draft letter from Councilors outside of this
11 meeting.

12 Mayor Stanley adjourned the work session of the City Council at 12:10 pm

13
14 Mayor Stanley resumed the work session at 12:21 pm.

15
16 Scott asked Manager Beaucaire what she heard as her direction from Council for issues around
17 building use. Manager Beaucaire stated that she was asked to pull together information about
18 space utilization and present recommendations at the next Council work session. Scott and
19 Frye stated they did not hear a recommendation to be part of the request of Manager
20 Beaucaire. Scott asserted they know about the status of the water and sewer plants, the
21 Library, the Little Log Church, and the Council's vote to move the Library to the 501 Building.
22 He asked if the only uncertain matter was for the Commons building.

23
24 Glenn asserted the Council voted unanimously approve recommendation from a study
25 committee and to inform the public. Part of that recommendation was to move City Hall to the
26 501 Building. Scott noted the Council subsequently voted to move the Library to the 501
27 Building. Glenn stated he believed everything should be up for consideration. Glenn recalled
28 the Council voted unanimously to move City Hall to the 501 Building. Frye and Scott did recall
29 such a decision. Glenn read from the May 12, 2016 Council minutes:

30
31 Motion to approve the recommendation from the study group; one informational meeting
32 will be held to inform the public about the decisions; no renovations will be completed
33 until contracts with renters are signed; and, the transition scheduled in a way that does
34 not inconvenience the public or staff more than necessary: Aye – 5, No – 0.

35
36 Glenn noted the report recommended that City Hall and Council Chambers be moved from the
37 Commons to the 501 Building. Scott argued that the study group did not recommend to move
38 City Hall. Glenn asserted the study committee's recommendation was to move City Hall and to
39 move YYFAP offices and the health clinic into the vacant areas City Hall then occupies.

40
41 Frye asked why this vote was not raised when the Council voted to move the Library to the 501
42 Building.

43
44 Mayor Stanley asked Manager Beaucaire to report back on what the current status is and what
45 the needs are. Mayor Stanley noted they might need to rescind one of the conflicting votes.
46 Manager Beaucaire clarified that she is only to report back on who needs what space. Scott
47 asked that Beaucaire's report only include City needs, which would not include YYFAP. Mayor
48 Stanley wanted to include YYFAP in the discussion. Scott argued that issues around YYFAP
49 are beyond the scope of the City Charter. Frye suggested if anyone else besides the Library
50

1 were to move to the 501, it would be City Hall. Frye emphasized the amount of work that has
2 gone into planning the Library move.

3
4 Frye and Scott believed they already know who needs what type of space. Scott noted they do
5 not yet know the structural situation with the Commons building. Glenn added that they do not
6 have cost estimates either. Councilors indicated numbers from \$100,000 to \$1,000,000 that
7 YYFAP had to spend.

8
9 Frye was concerned about the status of the RFP. Manager Beaucaire indicated the City
10 Attorney was reviewing the RFP and it would go out soon.

11
12 Mayor Stanley asked that Councilors stop this discussion. He asked Manager Beaucaire to only
13 report back on results of a structural engineering assessments. Manager Beaucaire asked for
14 clarification on the specific products she is to provide at the next work session. Mayor Stanley
15 stated she should provide information about whether there are spaces in the Commons building
16 that cannot be used.

17
18 **I. Approve agenda for 3/14/18 City Council meeting at 6:00 pm in Room 1**

19 Tooke asked for clarification on who Jess Palma and Rebecca Austin were. Frye indicated they
20 were with Health and Human Services.

21
22 Scott asked how is item D (affordable housing) was different from item F (Portland legislation on
23 Tiny Houses). Manager Beaucaire noted the Tiny Houses item was specific to what Portland
24 has done with respect to legislation on tiny houses.

25
26 Councilors consented to the agenda.

27
28 **REGULAR MEETING**

29
30 **I. Public Comment/Citizens Concerns - none**

31
32 **II. Minutes**

33 **A. 02-02-18 Work Session and Regular meeting minutes**

34 Page 4, line 49: Frye noted a specific situation had not yet occurred. Anderson
35 suggested a correction of "...this policy could arise over a situation where a
36 Councilor could move to have an executive session and the Mayor objects to such a
37 meeting."

38 Page 5, Line 7: Tooke noted lack of clarity around an unreferenced pronoun. The
39 sentence should read, "no citizen shall speak unless three Councilors say the citizen
40 can speak"

41 Frye moved to approve the February 7, 2018 minutes as amended: Aye – 5; No – 0.

42 **B. 02-14-18 Regular Meeting Regular meeting**

43 Scott moved to approve the February 14, 2018 minutes: Aye – 5; No – 0.

44
45 **III. Business**

46 **A. Commission Appointment – Public Works and Streets: Bob Bennett**

47 Glenn moved to appoint Bob Bennett to the Public Works and Streets Commission.

48
49 **B. Commons Rental Rates and Policies**

50 John Moore, chair of the Parks and Commons Commission, summarized the requests from last
51 month by Council to increase the usage from 15 to 25 on Room 3 and to clarify waivers on

1 deposits. Moore reported the Commission felt strongly that deposits be placed for all groups
2 except for memorial services.

3
4 The additional recommended Friends of the Commons, Friends of the Library, and YYFAP as
5 these groups raise money for the benefit of City entities.

6
7 Moore emphasized YYFAP is part of the Community and our work force fits nicely into
8 community center concept.

9
10 Frye reported she talked to people who were not pleased with the changes in policy. Frye
11 suggested they learn from this process so as to be more inclusive. Frye noted the Arts Group
12 and One of Us Productions are truly important to the City. Frye indicated she would
13 recommend the City consider an arts grant program from these types of groups.

14
15 Moore explained the Arts Guild was currently contributing 20% of their gross sales to the City
16 and that amount is more than they are now paying in rent. Moore suggested artists contribute
17 20% to the Arts Guild, who then would use that money to pay the rent.

18
19 Mayor Stanley asserted he was concerned about the exception for YYFAP. Stanley recalled the
20 Council stating the community aspect of Yachats was more important than the money generated
21 in rentals. Manager Stanley suggested all 501(c)3 organizations whose purpose is primarily to
22 serve the City of Yachats should not pay rent. Scott stated Parks and Commons had already
23 factored these groups into their policy.

24
25 Frye asked Carl Miller his perspective. Miller indicated he was in favor of Stanley's suggestion
26 about exempting 501(c)3 groups. Miller wanted to have someone qualified to operate a light
27 board. Scott noted One of Us gets rehearsal time for free.

28
29 Moore asked if the Council could vote on the policy now. Frye did not want to vote on the pricing
30 policy until they discuss the grant program and the 501(c)3 suggestion. Councilors discussed
31 whether they could entertain a motion to not vote on an issue. Stanley noted he is not asking
32 that the document to go back to Parks and Commons for a redraft. Scott noted if they were
33 going to consider a change in 501(c)3 status, the Commission should be able to provide input.
34 Tooke noted the Council could vote on the proposal before them without impacting the
35 considerations of Frye and Mayor Stanley.

36
37 Glenn asked for clarification on whether Mayor Stanley was suggesting eliminating fees for all
38 nonprofits. Mayor Stanley indicated he was only thinking of nonprofits that benefit the City.
39 Scott noted they were not sure if YYFAP was already exempt from paying rental fees.

40
41 Manager Beaucaire stated she has already begun informal discussions with some community
42 organizations about how they could support arts programs. She noted from a legal perspective,
43 a 501(c)3 whose primary purpose is to enhance the life of Yachats is open to interpretation.
44 She suggested if the Council were to pursue this, they would need to provide some parameters
45 on how to determine what organizations meet the criteria, such as reading mission statements
46 and determining intent. Manager Beaucaire added the Council could vote on the current
47 proposal and have Parks and Commons reconsider the nonprofit issue.

48
49 Tooke moved to accept the revised Commons Rental Rates and Policies as presented by the
50 Parks and Commons Commission: discussion

1 Frye asked to include a caveat to reconsider the 501(c)3 issue. Mayor Stanley did not want the
2 nonprofit condition to be part of this motion.
3

4 Frye moved to amend the motion to include the approval motion with the condition that, within
5 two months, Parks and Commons re-examine allowing 501(c)3 organizations to be exempt from
6 fees: Aye -1; No – 4 (Stanley, Tooke, Glenn, Scott).
7

8 Vote on main motion: Aye – 3; No – 2 (Frye, Stanley).
9

10 Mayor Stanley adjourned the regular meeting at 1:23 pm.
11
12
13
14

15 _____
16 GERALD F. STANLEY, Mayor
17

18 ATTEST:
19
20
21

22 _____
23 Shannon Beaucaire, City Manager

Date