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# CITY OF YACHATS

## PARKS AND COMMONS COMMISSION

April 20, 2017

### Minutes

The April 20, 2017 meeting of the Parks and Commons Commission was called to order by Chair John Moore at 3:00 pm in Room 3 of the Yachats Commons. Members present: John Moore, Dean Shrock, Michael Hempen, Scott Gordon, Ruth Bass, Derek Ojeda. Absent: none. Staff present: City Manager Joan Davies, Clerk Kimmie Jackson, Facilities Manager Leon Sterner. Council Present: Greg Scott. Audience: 8.

#### I. Minutes

Commissioner Gordon moved to approve minutes for March 16, 2017 meeting: Aye – 5; No – 0; Abstain – Ojeda (not present)

Moore announced the City Council has appointed him to act as temporary chair of the Public Works and Streets Commission for a term not to exceed one year. He noted City policy is that a person can only serve on one commission, and the council made an exemption in this case.

#### II. Reports

##### A. Commons User Support Manager

Facilities Manager Sterner summarized:

1. New Carpeting has been installed in Room 1 and the hallways
2. Sterner, the Friends of the Commons Chair Rose Valentine, and Manager Davies worked to update the “by donation” events in the commons. The new system will enable user numbers tracking and distribute payment directly to the Friends. Participants will sign an insurance waiver on an annual basis. Moore asked clarification on the previous process, and Sterner stated noted donations previously were taken to City Hall without user numbers.
3. He is in the process of getting an office cabinet to secure expensive equipment.
4. The friends got a grant from Trust Management for tables and folding chairs. He is working out the details of what gets stored in the Commons versus 501 Building. Sterner’s goal is to no longer need to roll chairs and tables back and forth between the two buildings.

##### B. Trails Committee

Trails Committee Lead JoAnne Kittel reported:

1. View the Future will pay for concrete pad for an interpretive sign the Ya’Xaik Trail. The Trails Committee plans to have the sign installed in May.
2. Recent sunshine enabled trails and YIPS to work be very productive.
3. There was a meeting with View the Future on establishing a 35-acre conversation on both sides of the Yachats River by purchasing the Evans-Benz property. Plans include a river trail and a kayak launch.

4. The 6<sup>th</sup> Annual National Trails Day is June 3, 2017 in conjunction with the State Parks and National Forrest Service. The event will start earlier to not conflict with Yachats Pride.
5. They are still researching the Ridge Trail. A recent State Supreme Court decision nullifying the recreational immunity clause has created uncertainty about getting easements across private property. They are working with the Yachats Fire Department who seeks an evacuation route that would be at lower elevations.
6. Twelve volunteers will get first aid training donated by the Yachats Fire Department.

### **C. Friends of the Commons**

Friends Chair Rose Valentine reported:

1. The Friends are having retreat in May to discuss their five-year goals and plans. Valentine asked commissioners if they have similar plan document the Friends could use to enable better coordination. Sterner stated he has observed joint goal setting every two years. Councilor Scott noted the existence of a Commons Master Plan, which is generated for CIP purposes.
2. The Friends has received a grant from Trust Management in Waldport for \$3500 for the replacement of dangerous round tables, purchase of café tables for Commons, and purchase of chairs for the 501 Building.
3. The Friends are sponsoring a Village Mixer on May 11, 2017.
4. The next meeting is June 13, 2017, as their retreat will stand as their May meeting.

The commission discussed the necessity of a Commission member attending Friends Board meetings and whether a single person is needed for continuity. Board Member Shelly Shrock argued having a Commission member at the Board meetings is important. There was consensus that they would not establish a single person to this role. Moore suggested they get volunteers for the next three meetings then reassess the need. The following volunteered:  
Hempen - June 13; Ojeda – July 11; Gordon – August 8; Shrock - September 12.

## **III. Business**

### **A. Election of Vice-Chair**

Moore read the duties of vice-chair. Moore emphasized he would do meeting prep in the event he could not be present. Ojeda volunteered to serve.

Motion to nominate Ojeda as Vice-Chair: Aye – 6, No – 0.

### **B. New Member Application**

The Commission interviewed Linda Johnson for Commission vacancy. Johnson stated she has been in Yachats for two years and wanted to get more involved. She lives in Koho. Her management experience included working with diverse types. Ojeda noted his positive experiences in interacting with Johnson and hearing about her daily hikes.

Gordon moved to forward Johnson’s nomination to the City Council for appointment: Aye – 6, No – 0.

1 Moore instructed Johnson go to a Council meeting for official appointment.

## 3 **C. Fee Structure for The Commons, 501 Building, and Picnic Shelter**

### 4 **1. The Issue**

5 Moore asked that commissioners and discussants be aware of sensitivities around this topic  
6 and remain objective and fair.

7  
8 Manager Davies summarized the issue that City Hall staff face is one of conflicting numbers and  
9 inputs on rental rate fees. At present, City Hall gets foot traffic by interested parties, Sterner  
10 facilitates conversations on room and equipment needs, and Clerk Jackson generates contracts  
11 for users to sign. There is also a set of fees on the online system. There are multiple documents  
12 with payer categories and fee amounts (included in meeting packet). With the addition of the  
13 501 Building as a rental space, Sterner drafted a list of fees, but that list has not been officially  
14 enacted.

15  
16 Davies identified the following areas in need of codification given that current descriptions are  
17 not clear:

- 18 - What are the classifications for events?
- 19 - Who is requesting the facility?
- 20 - How much do they pay?

21  
22 Davies noted two issues further complicating the matter: a Memorandum of Understanding  
23 between the Friends and Polly Plumb Productions, and YYFAP paying rent for the basement  
24 space when there is a written statement that YYFAP is exempt from fees. Davies pointed to  
25 Resolution 208 from 1991 as the original legal policy.

26  
27 Davies reported there has been confusion over when and where to pay the fees. She urged the  
28 contractual agreement to pay up front either a deposit or the full amount be enforced. Davies  
29 would like to see equal applications of the rules.

30  
31 The City raised approximately \$21,000 in fees last year and could expect that amount to be  
32 reduced by \$5,000-6,000 due to the change in "By Donation" event payments.

33  
34 Moore noted the commission was surprised by the number of waivers granted for rentals.

### 35 36 **2. Use Categories to Specify Rates**

37 Moore read the category use descriptions as written in the packet document indicated by "Use  
38 by Donation" near the top and page 8 at the bottom right. Moore noted the fifth bullet under  
39 Community Use needed work and asked for other areas of confusion.

40  
41 Davies presented examples of events that do not easily fit a category enumerate above:

- 42 a. Fundraising event for Angie Deriberprey's school
- 43 b. Funeral event: Is it always "private" or "community" in certain situations (Davies,  
44 Sterner). Kittel noted she was given community rate for her husband's service but

1 she believed the event should have warranted the private rate. Kittel also noted  
2 these events can collect donations to defray rental costs.

- 3 c. Private seminar for 20 people pays high rate versus revenue-generating Quilt Show does  
4 not pay rent.  
5

6 Jackson noted in the past the City Recorder retained the discretion to categorize events.  
7

8 Questions and issue raised in discussion were:

- 9 a. Sterner explained through an example of a memorial that there are many nuances in  
10 each renter's situation.  
11 b. Should View the Future be exempt from fees? Noting they do raise funds that will  
12 (eventually) benefit the City. (Kittel, D Shrock, Scott)  
13 c. Are people who rent the Picnic Shelter penalized because others use it for free? (Davies)  
14 d. How should the Commission factor in "heartfelt" uses? (D Shrock)  
15 e. Community Rate #7 and Private Rate #2 differ by one word. (Davies)  
16 f. Including exceptions in category definitions would create gray areas. (Anderson)  
17 g. Should the City be the one to assume responsibility for hosting an event when there are  
18 other available facilities in Yachats? (D Shrock)  
19 h. Certain groups that benefit the City so warrant exception, such as View the Future. (D  
20 Shrock)  
21

### 22 **3. Waivers**

23 Moore noted in 1991 the City passed Resolution 208 that stipulated exceptions for specific  
24 groups (Criterion 1) and for groups which "have the expressed purpose of raising funds for the  
25 support or renovation of a City-owned property" (Criterion 2). Moore stated the Friends of the  
26 Commons is the only organization he is aware of that meets Criterion 2.  
27

28 Moore read the Friends' mission statement as posted on their website. Scott suggested the  
29 Trails Committee might fall under this category. Scott argued View the Future focuses on  
30 raising monies to acquire land that would become City property so it would meet Criterion 2.  
31

32 Sterner stated his understanding of mission of Friends to be twofold: (1) Raise funds to support  
33 maintenance and improvements in the Commons facility, and (2) Support culturally diverse  
34 programming than can occur in the Commons.  
35

36 Moore noted from Criterion 3 on Resolution 208 that the Friends should provide an accounting  
37 report to the City.  
38

### 39 **4. Memorandum of Understanding**

40 Moore read portions of the MOU between Polly Plumb Productions and the Friends. Moore did  
41 not believe there is an authority for the Friends to waive fees for another organization. Moore  
42 read the mission of PPP noting they do great work but are not created to raise funds for the  
43 Commons.  
44

1 D Shrock was concerned about the precedent this MOU sets. He noted that the arrangement  
2 for PPP to pay the Friends an unspecified amount the end of the year essentially is covering any  
3 losses they may encounter during the year. He argued any organization should pay based on  
4 the times they use the facilities, not just the times they make a profit during an event. D Shrock  
5 suggested there are ways to accommodate events that do not generate expected incomes,  
6 specifically citing the Newport Health Center which charges 10% of gross revenues with a cap.  
7 Moore added that this MOU enables other groups to get exceptions if they work under PPP.  
8 Jackson added that some have tried to use an exempt organization's name to get waivers  
9 without that person having any official relationship with the exempt organization.

11 Moore summarized there is some unfairness in the existing system that needs a remedy.  
12 Moore asked who, if any, should receive a waiver noting that 16 years ago the City granted one  
13 exception. D Shrock believed they should be very selective on waivers. Gordon referred back  
14 to the 1991 ordinance stipulating putting money back into City property and believed Trails and  
15 View the Future would fall into this exception. Bass did not see a basis upon which the Friends  
16 could grant PPP a waiver, and did not recall the waiver being discussed in a PPP board meeting.

## 18 **5. Other Considerations**

19 Ojeda suggested an option to use grants to defray costs to deserving groups. Ojeda noted that  
20 if they were to track these grants throughout the year, they could better understand the lost  
21 revenue from such exceptions. Davies expressed favor for an option of rewarding rather than  
22 taking, noting that the City does have a grant fund for events that generate business for  
23 Yachats. Hempen expressed favor with the scholarship and/or grant idea.

25 Davies noted that many events do generate business for shops, restaurants, and hotels. She  
26 also noted that the City has not received any donations in the eleven months she has worked.  
27 Anderson cautioned against using "benefit to the community" as a criteria for setting rates as it  
28 is an inherently squishy construct that could be abused by a skillful marketer. Kittel noted that  
29 View the Future has paid for their events and room usage with the exception of their first  
30 event.

32 Scott argued the Little Log Church falls under the Parks and Commons.

34 Moore suggested the Commission have a special session on to set rates. The Commission set  
35 Monday, April 24, 2017 at 1 pm for a special work session.

37 D Shrock asked Anderson to suggest "use categories" examples based on her marketing  
38 experience. Anderson will provide an abbreviated report by the work session.

## 40 **D. Commission Rules – Duties of Chair and Duties of Members**

41 Postponed to next regular meeting

## 44 **E. Ballfield Update**

1 Since the last email update, Moore learned there is a need for aerating the field to enable the  
2 grass to grow back. Moore reported Dave Baldwin, Head Smelt, believes the backstop has a  
3 sound frame and just needs the upper fencing replaced.  
4

1 **IV. Other Business**

2 **A. From the Commission** – none

4 **B. From the floor** – none

6 With no further business to discuss at this time, Moore adjourned the meeting at 4:34 pm.

10 \_\_\_\_\_  
11 Chair W. John Moore

\_\_\_\_\_ Date

16 \_\_\_\_\_  
17 Minutes prepared by H.H. Anderson, April 23, 2017