

1. 2:00 P.M. Agenda

Documents:

[Agenda City Council May 18 2022.Pdf](#)

2. 2:00 P.M. Meeting Materials

Documents:

[Meeting Summary 4.20.22 City Council.pdf](#)

[Meeting Summary 05.05.22 City Council.pdf](#)



**CITY OF YACHATS
CITY COUNCIL WORK SESSION AND REGULAR MEETING
Yachats OR
Wednesday May 18, 2022 at 2:00 pm
To Be Held Via Zoom**

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/83380335391>

Meeting ID: 833 8033 5391

One tap mobile

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Dial by your location

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Meeting ID: 833 8033 5391

Find your local number: <https://us02web.zoom.us/j/83380335391>

Regular Council Meeting

- I. Announcements, Correspondence, Proclamation
- II. Public Comment: Topics not listed on the agenda (5-minute limitation per person)

The Yachats City Council meetings are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. The meeting are accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status. Sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance.



III. New Business

- A. Discussion in regard to the Planning Commission recommendations for the Citizens Involvement Committee (CIC)
- B. Discussion regarding push for Legislative changes in Transient Rental Tax use.
- C. Councilor Scott's schedule

IV. Old Business

- A. Council goal: "Conduct Comprehensive community survey"
- B. Report by Councilor Stott on procedures used by other cities relative to possible land purchases

V. Report

- A. City Manager reports on Progress with Project Process

VI. Other Business

- A. From Mayor
- B. From Council
- C. From Staff

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City of Yachats
CITY COUNCIL MEETING
April 20, 2022

Meeting called to order at 2:07 pm

Present: Mary Ellen O’Shaughnessey, Greg Scott, Ann Stott, Council President, Leslie Vaaler, Mayor, Heide Lambert, City Manager, Anthony Muirhead (joined at 2:19 pm), Tom Lauritzen, Don Groth

I. ANNOUNCEMENTS, CORRESPONDENCE, PROCLAMATIONS

(1:58) Vaaler presented and read a mayoral proclamation regarding sexual assault.

II. PUBLIC COMMENT

(4:34) Amber Wishoff of “My Sisters’ Place” thanked Mayor Vaaler. She went on to say that the stats for 2021 indicate that every 68 seconds an American citizen is sexually assaulted and every nine (9) minutes that victim is a child. Talked about initiatives available. She indicated a new fund raiser, “Safety By The Square Foot” which allows individuals to symbolically purchase a square foot of the shelter. Also discussed the Bottle Drop program which takes bottle/can returns.

III. NEW BUSINESS

A. Consideration of Appointment of Julie Bailey for Possible Appointment to the Planning Commission

(9:12) Vaaler advised that Lance Bloch, Chair of the Planning Commission emailed her that the Commission reviewed Bailey’s application and voted to have her join and at the same time accepted the resignation of Ariana Carlson from the Commission.

Stott made the motion to **appoint Julie Bailey to the Yachats Planning Commission.**

Vaaler asked to amend the motion to read: **Appoint Julie Bailey to the Yachats Planning Commission for whichever seat has the longest term.** Stott agreed.

Vote: Muirhead, yes; O’Shaughnessey, yes; Scott, yes; Stott, yes; Vaaler, yes. **Motion carried unanimously.**

B. Scheduling a Time for Initial City Manager Evaluation Promised in Her contract and discussion of Evaluation Process

(14:33) Vaaler reminded council that in Lambert’s contract it indicated there would be an initial evaluation in May and then another in November. She asked Lambert to express what type of evaluation would be helpful to her.

Lambert indicated she had reached out to other City Managers for information

1 of their evaluation process and sent that information to O'Shaughnessey and
2 Stott. Lambert said she thought short and to the point is the best and went on
3 to highlight some areas. She continued to say she welcomed evaluations as a
4 way to keep on track but also didn't want it to become a chore for Council.

5 (17:33) Vaaler asked how the Council Lambert referred to used the evaluation
6 form, whether they wrote a sentence for each item, everything was done
7 verbally, checked off the item...

8 (17:59) Lambert read off the different topics from the form and then indicated
9 the council members rated each item 1 to 5 and there was a space for
10 comments. She referred to it as a survey monkey so that the councilors could
11 respond anonymously. The responses were sent to the mayor, the mayor
12 would compile the responses and then sit down with the city manager.

13 (19:33) Stott responded that she and O'Shaughnessey had done some work
14 on an evaluation and then it got put on the "back burner". She advised that
15 she and O'Shaughnessey can review the information from Lambert along with
16 what they have already come up with and make a formal presentation at the
17 May 5th Council meeting. O'Shaughnessey agreed.

18 (21:10) Discussion held on what should be included in the evaluation form
19 and the timing for the evaluation. Lambert suggested after the budget
20 process, sometime in June and Vaaler reminded her that the contract said
21 May. Discussion was held and Vaaler suggested making the May 5th work
22 session topic the evaluation form.

23 **IV. OLD BUSINESS**

24 **A. Approval of CIP**

25 (29:47) Vaaler advised that a lengthy meeting had been held the week before
26 to discuss the CIP. Changes were suggested and the latest draft is in the
27 meeting packet. Vaaler asked for questions or concerns.

28 (31:08) Stott referred to the conversation at the last meeting about having
29 more requests than funds to cover them. Asked what the \$250K was for
30 acquisition, survey and Geotech was for under the Water Master Plan.

31 Lambert responded that this would be for raw water storage and that
32 McClung advised her that there were a couple of possible sites and they
33 would both have to be surveyed and have Geotech done. The \$250K is an
34 estimate.

35 (33:40) Stott stated that she noticed the commons items that were discussed
36 last week had been shifted to future years and felt that was appropriate. She
37 then questioned the Gender Drive Storm Drain being converted to a study for
38 \$50K. Lambert responded saying a drain was started, but as they progressed
39 thought that further study needed to be done.

40 (35:24) Scott explained that the Storm Drain Master Plan needs to be
41 updated to provide the information to revise the SDC rates on storm water.

1 Vaaler made the motion **to approve the CIP Plan as provided in the**
2 **council packet, understanding that the Finance Committee will be**
3 **working on later years, but that the City Manager will be using the 22-23**
4 **figures.**

5 **Vote:** Muirhead, yes; O'Shaughnessey, yes; Scott, yes; Stott, yes; Vaaler,
6 yes. **Motion carried unanimously.**

7 (39:35) Stott addressed the Parks and Commons Commission indicating that
8 a lot of work has been done on the Commons north entrance project and she
9 wanted to assure them that Council knows it needs to be done but Council
10 wants to make sure there is a solid plan for the entire Commons structure
11 before money is invested on a remodel. She suggested a community
12 meeting as soon as possible to seek input specifically for the Commons
13 building itself.

14 **B. Terminate the Contract with Community Lending**

15 (42:45) Lambert gave some background as to what the contract entailed and
16 that a "local church" supplied grants to businesses so no one used the loan
17 and this money is sitting there. The company indicated that if the contract
18 was terminated the funds would be returned. She asked council to make a
19 motion to terminate the contract.

20 (44:26) Lauritzen addressed the issue of the one or two businesses that did
21 take a loan indicating Community Lending Works would continue to
22 administer the funds for the two outstanding loans for \$10K each. \$80K has
23 been sitting in Community Lending's account since July, 2020 and the
24 amortization of those two loans has begun. He went on to discuss the
25 different parts of the agreement. He also stated the written contract is not
26 what was presented or approved by Council.

27 (51:45) Stott made the motion **to instruct the City Manager to terminate**
28 **the contract with Community Lending Works.**

29 **Vote:** Muirhead, yes; O'Shaughnessey, yes; Scott, yes; Stott, yes; Vaaler,
30 yes. **Motion carried unanimously.**

31 (53:42) Vaaler asked if this figure would need to be reflected in the
32 supplemental budget. Groth advised no, it would go in as miscellaneous
33 income.

34 **V. REPORTS**

35 **A. Financial**

36 (54:31) Lambert advised March financials have been posted on the website. She
37 continued saying funds will continue to look "wonky" while City Hall continues to
38 catch up. She applauded the new staff learning how to do utility billing and
39 working with the new system. She advised SpringBook is used by cities
40 throughout the nation and it is handy, but it is cumbersome to learn.

41 **B. Council**

1 (56:15) Scott indicated the work on the complaint system has been stopped
2 as the developer has been pulled away. He expects it will restart in early May.

3 **C. City Manager**

4 (57:04) Lambert referred to the report in the meeting packet. She is hopeful to
5 include it at the beginning of the month but a look at the report shows how
6 much is going on in Yachats. She addressed the concerns about the
7 houseless population. She wants the community to know that all concerns are
8 taken seriously and further advised there is no warming shelter in town so by
9 law people cannot be removed from public land. The City is doing what it can
10 to provide a safe environment, porta potties have been placed in various
11 areas, the grounds are being cleared of garbage. She stressed that this is a
12 nationwide problem and asking citizens for compassion and understanding.
13 She further indicated that she is open to any and all suggestions on how to
14 solve this issue.

15 **VI. OTHER BUSINESS**

16 **A. From Mayor**

17 **B. From Council**

18 **C. From Staff**

19 (1:03:18) Lambert thanked the Council, the Mayor and the residents. The past
20 two months have been challenging and she feels she is growing as a person and
21 as a manager and appreciates the work the Council has put in to support her and
22 the confidence they have had in her. She has enjoyed the work and looks
23 forward to the future.

24
25 Meeting adjourned at 3:11 pm by Mayor Vaaler.

26
27 Transcribed by Contractor, L.F. Barrett 04/27/2022

28

1 **City of Yachats**
2 **CITY COUNCIL MEETING**
3 **May 5, 2022**
4

5 Meeting called to order at 9:35 am
6

7 Present: Anthony Muirhead, Mary Ellen O'Shaughnessey, Greg Scott, Ann Stott,
8 Council President, Leslie Vaaler, Mayor, Heide Lambert, City Manager, Joanne Kittel.
9 Loren Dickinson, Tom Lauritzen, Bob Langlely, Timothy Gross, Civil West Engineering,
10 Michael Hempo, Wally Orchard, Rick McClung

11 **WORK SESSION**

12 (2:00) Stott congratulated Muirhead, indicating he is staying on with the Adobe under
13 the new owners.

14 **I. Discussion of process for initial City Manager Review and Review and**
15 **November Review Attached: Evaluation Sample**

16 (2:40) Vaaler referred to the evaluation form included in the packet drafted by
17 O'Shaughnessey and Stott. Vaaler asked Lambert's opinion of the document and
18 if she had any input.

19 (3:38) Lambert advised she was very comfortable with the evaluation form and
20 further stated that O'Shaughnessey and Stott included her in their process. She
21 felt it was short and to the point and covered the aspects of her position.

22 (4:50) Vaaler had three concerns regarding the document: (1) the comment
23 sections were too small.

24 (6:19) Muirhead suggested writing "see attached" and then include a separate
25 sheet with comments.

26 (6:57) Vaaler's second concern was "a wonder"; is a category regarding working
27 with commissions needed?

28 (8:07) Stott felt commissions fell under administrative duties and commissions
29 could be added as a fifth item.

30 (8:47) Lambert suggested putting an additional item under the leadership
31 category but felt this would just be the council's perspective on her relationship
32 with the commissions; perhaps that she communicates effectively to
33 commission's needs and concerns.

34 (9:45) Discussion held regarding where to add the item for commissions or if one
35 is needed at all. Vaaler indicated she felt it was important to have something
36 under leadership - Stott asked for appropriate wording and Vaaler didn't have
37 any and Stott said they'd get back to it.

38 (11:56) Vaaler's third concern was the rating scale, and she went on to explain
39 her rationale.

40 (13:17) Stott indicated the majority of this form was borrowed from Waldport. She
41 indicated one of the changes made was to the rating scale and explained her
42 reasons.

1 (17:04) Discussion held regarding the scale. Summary: (3) Satisfactory, meets
2 Council's expectations; (4) Good, generally exceeds Council's expectations and
3 (5) exceptional/outstanding/superior, substantially exceeds Council's
4 expectations.

5 (27:09) Scott voiced the concern that in the future a broader base of information
6 would be helpful, and he explained his reasoning.

7 (29:05) Lambert gave her thoughts on the evaluation process stating she feels
8 the evaluation is between the Council and the City Manager and that the
9 community makes known to the Council what they want or need and how they
10 feel.

11 (30:36) Scott indicated that with the pandemic he has had little communication
12 with community members and because of that feels he cannot with a high degree
13 of confidence answer the questions on the evaluation form. He went to explain
14 his thoughts.

15 (32:36) O'Shaughnessey agreed with Scott but cautioned that care needs to be
16 taken when asking for input from the community.

17 (34:06) Stott suggested using the N/O option with an explanation in the comment
18 section for the time being. Discussion continued.

19 (35:15) Vaaler then referred to the process of doing the evaluation. She
20 mentioned the "survey monkey" and anonymity but felt hard copies would be
21 better

22 (36:40) Discussion held regarding being anonymous versus identifying the
23 evaluator and tabulating the results.

24 (40:02) Lambert requested that the evaluation be delivered to her privately by the
25 Mayor and the Council President and then asked how the evaluation would be
26 delivered, either all five of the evaluations or the tabulation of the evaluations.

27 (41:03) Scott indicated he felt the City Manager should see all five evaluations
28 and everyone agreed. Discussion continued and how to deliver the evaluation
29 results and timing.

30 (50:32) Scott asked for clarification of how the data would be delivered. Vaaler
31 confirmed that the City Manager would receive all five evaluations and all
32 councilors agreed with that.

33 (57:03) After discussion of when councilors were available and Lambert's
34 schedule, it was decided to distribute the evaluations to the Council the last week
35 of May and then forward the completed evaluations to Lambert the first week of
36 June.

37
38 (58:02) Vaaler closed the Work Session and moved onto the Regular Meeting.
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REGULAR MEETING AND SUPPLEMENTAL BUDGET HEARING

I. ANNOUNCEMENTS, CORRESPONDENCE PROCLAMATIONS

(58:29) Vaaler announced that George Mazeika resigned from the Parks and Commons Commission. Fran Morse for the time being will be taking over the duties of the Chair. Vaaler thanked Mazeika for his service and Morse for stepping up.

(59:53) Vaaler then shared a note she received from Mary Deribrey regarding the unhoused and use of the pavilion.

II. PUBLIC COMMENT

None.

III. NEW BUSINESS

A. Boardwalk Presentation

Attached Presentation Packet

(1:03:38) Langley began the presentation by introducing the members of the “team”: Loren Dickinson, Joanne Kittel, Michael Hempen of Parks and Commons Commission, Linn West, Chair of Public Works and Streets, Rick McClung and a representative from Civil West Engineering, Timothy Gross. He advised there were three (3) purposes to today’s presentation: (1) update the Council since last meeting in August; (2) explain what has happened since then and answer questions and (3) request Council to authorize the team to execute a contract for engineering and design services.

(1:05:07) Dickinson gave a summary of the project. He indicated that all the information included in the meeting packet is very thorough and further stated reasons for the project are mainly safety issues, having another city amenity and compliance with the mandate to complete the link for the Oregon Coast Trail. Dickinson continued, indicating the change to using composite materials for the project.

(1:08:25) Langley gave some history of the project and research done to determine what configuration and materials would be best suited for the project. Civil West came back with a Preliminary Engineering Report for composite, under rail LED lighting and stainless-steel railing options.

(1:11:10) McClung indicated Gross would be better to discuss the pricing but did say cost would be about \$1M and that the team is requesting money in the upcoming budget for engineering for the project.

(1:11:52) Gross shared a cost estimate for the “preferred alternative” and gave the highlights of the categories and costs. He advised these are estimates based on artists renderings, when an actual design is selected that engineer will make estimates based on construction according to a design.

1 (1:15:30) McClung indicated power should be underground and the
2 estimate for that is below \$40K if there is not three-phase at the old
3 Landmark site. Stott questioned what the phases meant, and McClung
4 described them. He advised that the proceeding with the undergrounding
5 of the power ASAP because PUD needs to order the units to be made and
6 that takes times. He advised the team wanted to start the engineering
7 process in the new budget year at approximately \$100K. Throughout the
8 year grants and other funding options will be sought before coming to the
9 City for funding.

10 (1:19:16) Kittel addressed funding of the project referring Council to the
11 three-page document she included in the meeting packet and giving
12 highlights of the possibilities and requirements for grants.

13 (1:24:49) Dickinson gave a tentative timeline for the project and stressed
14 that the timeline will change many times over the course of the project.
15 Currently an estimated start to construction is July 2023 and completion of
16 the project, January 2024.

17 (1:26:40) Vaaler thanked the team for supplying an informative packet and
18 coming to thoroughly explain the process.

19 (1:27:12) Stott asked the difference of the framework being steel framed
20 or wood framed by using the composite material for the boardwalk.

21 (1:28:28) Langley advised the current plan uses composite framing
22 members as opposed to wood or steel.

23 (1:29:06) Dickinson referred to the suspension bridge recently constructed
24 on the Amanda Trail and advised the framework for that is made from
25 composite.

26 (1:29:42) Vaaler questioned the use of stainless steel as opposed to raw
27 steel and the stripping and painting that would be required.

28 (1:30:18) Langley referred to the PER and that is how they made their
29 decision, indicating the use of composite makes the steel information
30 moot; there will be no decay, rot or insect damage.

31 (1:32:35) Muirhead asked about the three-phase at the Landmark and if
32 whoever paid to have it put in has to give permission. McClung advised
33 the property has been decommissioned and so permission is not an issue.

34 (1:33:48) Vaaler had questions regarding the undergrounding of the power
35 re: flooding and repairs after an earthquake. McClung explained the
36 undergrounding coming from Beach Street and across the street to the
37 boardwalk. Further discussion held on undergrounding and street lighting.

38 (1:37:10) Vaaler asked if there was any advantage to having the two
39 projects together as far as asking for grants. McClung advised they could
40 both be done with a grant but didn't want to proceed any further until
41 Council gave its approval to proceed with the boardwalk.

1 (1:28:32) Vaaler then asked about the percentages added onto the
2 figures.

3 (1:39:28) Langley advised he also had that concern and addressed it with
4 Gross. The response was that this is not a firm estimate it is more of a
5 comparison regarding materials. McClung advised that Civil West will be
6 submitting a proposal of costs. Langley continued indicating a relatively
7 small amount in a preliminary engineering report to be fiscally responsible.

8 (1:41:26) Stott referred the mayor to Civil West's report regarding the
9 percentage contingencies.

10 (1:44:02) Scott referred to the conversation regarding the light on the pole
11 and mentioned the "dark sky" certification and the fewer lights, the better
12 to qualify for that.

13 (1:44:37) Dickinson interjected that there is light "spillover" from the
14 businesses there so there won't be a dark hole in that area.

15 (1:45:15) O'Shaughnessey indicated that those out in the early morning
16 will not have the advantage of the spillover light and indicated that area is
17 quite dark at that time. She then thanked Kittel for her work compiling the
18 grant information and discussion was held as to who would be writing
19 grants. Kittel urged the City to hire a grant writer. The team has all the
20 information a grant writer would need, making their job easier.

21 (1:46:34) McClung advised that Civil West has offered to write the \$750K
22 grant and they have experience doing that. It would be for a small fee.
23 Discussion held regarding grants and the team providing the information
24 and overseeing the grant writing process.

25 (1:47:27) Lambert agreed that a grant writer should be hired and that is
26 being worked on. Her concern was for the administration for the grant as
27 far as billing and recording and she is working on that process to
28 accurately track funds.

29 (1:48:47) Vaaler then asked about the timeline and if the "ideal" time for
30 construction has been discussed due to tourist season and discussion
31 ensued.

32 (1:52:54) Stott made the motion to **authorize City Staff to enter into a**
33 **contract for engineering design services for the boardwalk.**

34 Vote: Anthony Muirhead, yes; Mary Ellen O'Shaughnessey, yes; Greg
35 Scott, yes; Ann Stott, yes; Leslie Vaaler, yes. **Motion carried**
36 **unanimously.**

37 (1:54:24) Kittel drew attention to Langley, Dickinson and McClung who
38 have put many hours into this project and have done the majority of work
39 on it. She then thanked the Council, Mayor, City Manager and City
40 Planner for the support of the project.

41 **Approval of Audit Findings**

42 **Attached Financial Statement, Proposal and Resolution**

1 (1:59:07) Vaaler referred to the resolution in the packet, indicating there
 2 was no number and there was a typo in #1, line four stating it should be
 3 **notes**. Lambert advised the resolution number is: 2022-05-01.

4 (2:00:35) Stott asked about page 8 on the City Audit *"We draw attention to*
 5 *Note 1 of the financial statements, which describe the basis of accounting.*
 6 *The financial statements are prepared on a modified cash basis, which is*
 7 *a comprehensive basis of accounting other than accounting principles*
 8 *generally accepted in the United States of America."* She asked if the City
 9 should be moving towards general accounting practices.

10 (2:01:53) Lauritzen explained the history of the auditing and felt modified
 11 cash was perfectly appropriate for a small city like Yachats. The auditor is
 12 required to point out when generally accepted accounting principles are
 13 not being used.

14 (2:04:32) Scott felt the important issue is the need for consistency in
 15 financial reporting.

16 (2:06:23) Vaaler made the motion to **approve Resolution #2022-05-01,**
 17 **adopting a plan of action in response to the audit findings of the**
 18 **auditor report for fiscal 2020-2021 statements, correcting the typo as**
 19 **noted.**

20 Vote: Anthony Muirhead, yes; Mary Ellen O'Shaughnessey, yes; Greg
 21 Scott, yes; Ann Stott, yes; Leslie Vaaler, yes. **Motion carried**
 22 **unanimously.**

23 IV. **OLD BUSINESS**

24 **A. Planning Commission Appointments Memorialization**

25 **Attached Resolutions**

26 (2:07:47) Vaaler brought attention to Resolution 2022-05-03. She made the
 27 motion to **approve Resolution 2022-05-03, memorializing the**
 28 **appointments of John Theilacker and Julie Bailey to the Planning**
 29 **Commission.**

30 Vote: Anthony Muirhead, (stepped away); Mary Ellen O'Shaughnessey, yes;
 31 Greg Scott, yes; Ann Stott, yes; Leslie Vaaler, yes. **Motion carried with four**
 32 **(4) yeases.**

33 **B. Supplemental Budget**

34 **Attached: Supplemental Budget and Resolution**

35 (2:09:06) Vaaler referred to Resolution 2022-05-02 regarding the
 36 Supplemental Budget and asked for questions of comments. Lambert advised
 37 she will correct the changes. Final paragraph to read "...resolves the **attached**
 38 **changes...**"

39 (2:11:17) Stott moved **that Council approve Resolution 2022-05-02**
 40 **adopting the Supplemental Budget.**

41 Vote: Anthony Muirhead, yes; Mary Ellen O'Shaughnessey, yes; Greg Scott,
 42 yes; Ann Stott, yes; Leslie Vaaler, yes. **Motion carried unanimously.**

1 **V. REPORTS**

2 **A. City Manager**

3 (2:12:06) Lambert provided a report in the packet and asked if anyone had
4 questions.

5 (2:12:56) Stott indicated that Parks and Commons talked about these
6 reports and asked if they could be emailed to the commissioners. Stott
7 suggested having them posted on a visible spot on the website so the
8 community can see what is getting done in City Hall.

9 **VI. OTHER BUSINESS**

10 **A. From Mayor**

11 None

12 **B. From Council**

13 (2:14:55) Scott called point of order indicating there is an auditor's report
14 for the Yachats Urban Renewal Agency in the packet and wanted to know
15 how that was being handled. Lambert apologized for not having a
16 resolution to approve the report. Both Groth and Lauritzen advised there
17 weren't resolutions in the past and Lauritzen felt just changing report to
18 reports in the previous motion would cover it. Discussion took place
19 regarding the Urban Renewal Agency and the need to keep it separate.
20 Lauritzen agreed and advised all the members of the agency will be
21 together at the next budget review and that would be an appropriate time.
22 Discussion was held regarding posting the hearing and timing.

23 **C. From Staff**

24 None.

25
26 Meeting adjourned at 11:58 am.

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28 Transcribed by Contractor, L.F. Barrett, May 15, 2022

29