

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

September 23, 2024, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at [www.lincolncity.org](http://www.lincolncity.org) under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE: 10/14/2024

**A. CALL TO ORDER**

Mayor Wahlke called the meeting to order at 6:00 PM.

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Marci Baker	City Councilor	Present	
Todd Barker	City Councilor	Present	
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Present	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Present	
Susan Wahlke	Mayor	Present	

Staff Present: Daphnee Legarza, City Manager; David James Robinson, City Attorney; Chief David Broderick, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Stephanie Reid, Public Works Director; Casey "CJ" Young, Engineering Tech II; Tony LaSoya, I.T. Director; Shannon Macias, Deputy City Recorder.

**C. PLEDGE OF ALLEGIANCE**

Mayor Wahlke led The Pledge of Allegiance.

**D. CONSENT AGENDA**

<b>MOTION:</b>	<b>Consent Agenda</b>
<b>MOVER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed</b>

1. Regular Meeting – Minutes of Regular Meeting – September 9, 2024, 6:00 PM
2. Regular Meeting – Minutes of Work Session – September 16, 2024, 5:00 PM

**E. COUNCIL DELIBERATIONS**

*None*

**F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS**

*No Citizens were present for public comment. Ms. Legarza summarized a comment from Catherine Kitty Chadwick regarding correspondence with ODOT to lower the speed on Highway 101 through Lincoln City.*

**G. PRESENTATIONS**

*None*

**H. PUBLIC HEARING / ORDINANCE**

*None*

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

*None*

**J. ORDINANCES**

*None*

**K. RESOLUTIONS**

*None*

**L. SPECIAL ORDER OF BUSINESS**

1. Construction Contract Award for SE 3rd Street Sidewalk

<b>MOTION:</b>	<b>Motion to Approve the Construction Contract Award for SE 3rd Street Sidewalk to K&amp;E Excavating in the Amount of \$1,294,854.20 with a Contingency in the Amount of \$129,485.21 (10 percent of bid amount) for a Total Award Amount of \$1,424,339.62</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

2. Head to Bay Trail Repair Award

<b>MOTION:</b>	<b>Motion to Approve the Bid Award to K&amp;E Excavating for the West Devils Lake Road Path Repair Project in the Amount of \$109,600.00 with a Construction Contingency of \$10,960.00 (10 percent of bid amount) for a Total Award Amount of \$120,560.00</b>
<b>MOVER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Todd Barker, Councilor Ward 1</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

3. Holmes Rd. Pump Station Sewer Main Replacement Award

<b>MOTION:</b>	<b>Motion to Approve the Bid Award to K&amp;E Excavating for the Holmes Road Sewer Project in the Amount of \$319,550.00 with a Construction Contingency of \$31,955.00 (10 percent of bid amount) for a Total Award Amount of \$351,505.00</b>
<b>MOVER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

4. Intergovernmental Agreement for the Improvement and Operation of D-River Park between the State of Oregon, Oregon Parks and Recreation Department, and the City of Lincoln City, Oregon

<b>MOTION:</b>	<b>Motion to Approve the Proposed Intergovernmental Agreement for the Improvement and Operation of D River Park Between the State of Oregon, Oregon Parks and Recreation Department and the City of Lincoln City, Oregon</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Marci Baker, Councilor Ward 2</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

5. Intergovernmental Agreement: Oregon Cascades West Council of Governments for Grant Services

<b>MOTION:</b>	<b>Motion to Approve the Intergovernmental Agreement for Oregon Cascades West Council of Governments for Grant Services</b>
<b>MOVER:</b>	<b>Marci Baker, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Todd Barker, Councilor Ward 1</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

*Ms. Legarza announced that the State of Oregon has awarded the City \$1 million for the Schooner Creek Discovery Park. Ms. Legarza gave an update on current events. Ms. Legarza encouraged citizens of Lincoln City to sign up for boards and committees, and listed available openings. Ms. Legarza also mentioned that she will ensure visual aids (maps/photos/etc.) of upcoming construction projects are posted on the City's website.*

Mr. Robinson spoke regarding the proposed tobacco resolution. Councilors were unable to open and read the email. Mr. Robinson estimated it would take an hour of his time to present the email to the Council. The Council and Staff discussed the information. Mr. Robinson spoke regarding a list for STRs (short term rentals). The Council and Staff had a discussion regarding the information. Mr. Robinson spoke regarding the signage for STRs. Mr. Robinson said on September 20, Oregon Government Ethics Commission adopted a rule for executive sessions where the media are statutorily authorized to be present, if any person, including any member of the governing body, is attending the executive session by telephone, video, or other electronic means, the governing body shall provide members of the media the same attendance option. Mr. Robinson requested to change the ordinance for executive session.

6.

<b>MOTION:</b>	<b>Motion to Direct Staff to Not Move Forward with a Tobacco Resolution</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Casper, Mark, Parsons, Wahlke
<b>NAYS:</b>	Baker, Barker, Hoagland
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

**N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR PUBLIC COMMENT**

7.

<b>MOTION:</b>	<b>Motion to Approve and Establish the Baseline Questions as Discussed in Executive Session, and Direct Staff to Facilitate Inquiries via Email from City Staff as Appropriate</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

8.

<b>MOTION:</b>	<b>Motion to Direct Staff to Provide Council with a Draft Evaluation Form for the City Attorney using the Information Discussed in Executive Session</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

9.

<b>MOTION:</b>	<b>Motion to Direct Staff to Set an Executive Session to Complete Review of the Draft for the City Attorney Evaluation Process</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

**O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS**

*No Citizens were present for public comment.*

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

*Councilor Barker spoke about ZOA 2024-04 from the Planning Commission and when it should be discussed. Mr. Robinson said it would be done during the public hearing.*

*Councilor Casper spoke about the Continuum of Care meeting that she attended. Councilor Casper also asked about the use of photo radar in town. Chief Broderick explained the process of photo radar and red-light cameras.*

*Councilor Baker spoke about the Council Strategic Priorities and asked about more information. Mayor Wahlke said the strategic priorities should be reviewed every January. Ms. Legarza said that she would go over the information. Councilor Baker gave an update on Strategic Planning & visioning at the League of Oregon Cities. She also asked about an update on the status of Oceanlake Mid-Block Crossings project. Ms. Legarza responded that there are tentative dates in November for updated information from ODOT.*

*Councilor Hoagland inquired about lowering speed limits on Highway 101 as well as West Devils Lake Rd. Ms. Legarza said that a uniform speed limit study is forthcoming. Councilor Hoagland followed up on artificial lights at night.*

*Mayor Wahlke invited children (4<sup>th</sup> to 12<sup>th</sup> graders) to participate in the "If I were Mayor" Contest. Mayor Wahlke said she can be contacted for contest details and entries are due by the end of March. Mayor Wahlke said there are monetary prizes for the top contestants. Mayor Wahlke said she is excited to see the progress on the sidewalk/boardwalk along Highway 101 from West Devils Lake to Neotsu Dr. Mayor Wahlke said the new Welcome to Lincoln City signs have been installed at the north and south ends of town. Mayor Wahlke asked to get consensus to appoint Councilor Baker as an ex-officio member to the Citizens Involvement Committee. The Council gave consensus.*

**10.**

<b>MOTION:</b>	<b>Motion to Appoint Mayor Wahlke as the Voting Delegate at the 2024 LOC Conference</b>
<b>MOVER:</b>	<b>Marci Baker, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

**11.**

<b>MOTION:</b>	<b>Motion to Direct Staff to Bring back Information Regarding Disallowing Illuminating the Beach Using Artificial Lights at Night.</b>
<b>MOVER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 7:38 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

*//S//*

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JAMIE YOUNG, CITY RECORDER