

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

September 11, 2023, 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 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: 9/25/2023

A. CALL TO ORDER

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

B. ROLL CALL

Attendee Name	Title	Status	Arrived
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; Lt. Henderson, Lincoln City Police Department; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, Public Works Director; Anne Marie Skinner, Planning and Community Development Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke spoke about the recent passing of retired School Resource Officer Sgt. Escalante. There was a moment of silence observed.

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed

1. Regular Meeting – Minutes of Regular Meeting – August 28, 2023, 6:00 PM

E. COUNCIL DELIBERATIONS

None

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

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

Nora Sherwood and Gary Berman spoke about the Agnes Creek Open Space and extending the trail.

Ms. Legarza summarized public comments received against the rate increase for North Lincoln Sanitary from the following people: Darlene Evans, Eldon Mains, Tim Gutfleisch, and Marisa Roskelley.

G. PRESENTATIONS

None

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Sole Source for HVAC Units

Mayor Wahlke opened the public hearing at 6:13 PM. The Council had no abstentions or disqualifications. Stephanie Reid, Public Works Director, presented the staff report. There were no citizens present or emails sent for public comment. Council and Staff had a discussion regarding the replacement. Mayor Wahlke closed the public hearing at 6:17 PM.

MOTION:	Motion to Approve Exemption Sole Source for HVAC Units
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Roll Call Vote

2. Public Hearing ZOA 2023-03 (Fencing R1RE and Housekeeping Items)

Mayor Wahlke opened the public hearing at 6:19 PM. The Council had no abstentions or disqualifications.

Anne Marie Skinner, Planning and Community Development Director, reviewed the staff report.

The following people submitted testimony regarding ZOA 2023-03 via email: Ken Mergentime, Eileen Mergentime, Melissa Birch, Janet Knipe, Elizabeth Crane, Jessica Chapagain, Annette Guido & Carolyn Ofiara, Elaine Walsh, Russ Smith, Shannon Loch, and Linda Thorson.

The following people spoke about the ZOA 2023-03: Kim Blackerby, Janet Knipe, Elaine Walsh, Ken Mergentime, Annette Guido, and Jessica Chapagain.

MOTION:	Motion to Close the Public Hearing and Record for ZOA 2023-03
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed via Voice Vote

J. ORDINANCES

3. ORDINANCE NO. 2023-20 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.28 (RECREATION COMMERCIAL (RC) ZONE), SECTION 17.28.020 (USES PERMITTED), PARAGRAPH E; CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.020 (USES PERMITTED), PARAGRAPH N; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS), SECTION 17.52.160 (REQUIRED SETBACKS – EXCEPTIONS), PARAGRAPH C (FENCES); AMENDING CHAPTER 17.17 (SINGLE-UNIT RESIDENTIAL ROADS END (R1-RE) ZONE), SECTION 17.17.050 (RESTRICTIONS) AND CHAPTER 17.77 (APPLICATIONS), SECTION 17.77.010 ADJUSTMENT – DESIGN STANDARD; PARAGRAPH C. MAKING VARIOUS CLARIFICATIONS OF SETBACKS, HEIGHT AND OTHER REQUIREMENTS

Ms. Skinner did the first reading of ordinance 2023-20.

MOTION:	Motion to Approve First Reading of Ordinance 2023-20/ZOA 2023-03
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Roll Call Vote

4.

Ms. Skinner did the second reading of ordinance 2023-20.

MOTION:	Motion to Approve Second Reading and Adoption of Ordinance 2023-20 / ZOA 2023-03
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Roll Call Vote

K. RESOLUTIONS

None

L. SPECIAL ORDER OF BUSINESS

5. Planning Commission Interview- Jason Corso

MOTION: Motion to Appoint Jason Corso to the Planning Commission for the Term Beginning 9/12/2023, Expiring 12/31/2025
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Casper, Hoagland, Mark, Parsons, Wahlke
RESULT: Passed via Voice Vote

6. Reappointment to the Boards and Committees

MOTION: Motion to Reappoint Krista Eddy to the Public Arts Committee for a “City Resident” position with a three-year term. The term begins 1/1/24 expires 12/31/2026
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Casper, Hoagland, Mark, Parsons, Wahlke
RESULT: Passed via Voice Vote

7.

MOTION: Motion to Reappoint Kim Blackerby to the Planning Commission for a “City Resident” Position with a four-year term. The term begins 1/1/24 expires 12/31/2027
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Casper, Hoagland, Mark, Parsons, Wahlke
RESULT: Passed by Voice Vote

8. OPRD Proposed Changes to OAR 736-024-0025

Jeanne Sprague, Parks and Recreation Director, reviewed the proposed changes to OAR 736-024-0025.

MOTION: Motion to Approve OPRD Proposed Changes to OAR 736-024-0025
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Judy Casper, Councilor Ward 3
AYES: Casper, Hoagland, Mark, Parsons, Wahlke
RESULT: Passed via Voice Vote

9. Interim Contract to provide City Attorney Services for Lincoln City

MOTION: Motion to Approve the Interim City Attorney Services Contract and Authorize the City Manager to Make Minor Changes
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Casper, Hoagland, Mark, Parsons, Wahlke
RESULT: Passed via Voice Vote

10.

MOTION:	Motion to Appoint Jason Corso to the Arts Committee for a Term beginning 1/1/24 Expiring 12/31/26
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Voice Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza gave an update on current events.

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

Jeanne Sprague spoke regarding the Agnes Creek Trail. The Council gave consensus to look into extending the trail at SW 11th Street.

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

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

Jason Corso spoke regarding the Agnes Creek trail extension.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Hoagland spoke regarding lighting at the parks 12.16.010. The Council gave consensus for looking into hours of the parks and lighting.

Councilor Hoagland spoke about 12.16.040 to include other items. The Council gave consensus to check into the ordinance.

Councilor Hoagland also spoke about the ADA parking and Senior Center parking at the Community Center. The Council had a discussion. The Council gave consensus to check into the parking.

Councilor Hoagland said that Meals on Wheels is still looking for volunteers. Councilor Hoagland spoke about the Emergency preparedness event. Councilor Hoagland and Ms. Legarza spoke about the Human Trafficking class at the Casino. Councilor Hoagland gave an update on current events.

Councilor Mark spoke about the public comment regarding the rate increase for North Lincoln Sanitary. Councilor Mark spoke about the water in Lincoln City. Ms. Legarza said that she would speak with the Public Works Director.

Councilor Casper spoke about the Solid Waste Advisory Committee meeting that she attended and the lack of trash. There is a tire clean-up on September 16th. Councilor Casper spoke about the deceased sea lion on the beach in Nelscott and it must decompose naturally. Councilor Casper also spoke about the broadband issues. Councilor Casper spoke about the pilot program for sharps and the station at NW 15th.

Councilor Parsons said the meeting streaming has changed. The Council asked for an announcement to be made.

Mayor Wahlke spoke about the comments made about out-of-the-area employees.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 7:56 PM.

//S//

SUSAN WAHLKE, MAYOR

ATTEST:

//S//

JAMIE YOUNG, CITY RECORDER