

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

April 25, 2022, 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: 5/9/2022

**A. CALL TO ORDER**

Mayor Wahlke called the meeting to order at 6:04 PM

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	Councilor Ward 1	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff Present: Daphnee Legarza, City Manager; Lila Bradley, Contract Employee; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Lt. Broderick, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Alison Robertson, Economic Development and Urban Renewal Director; Ed Dreistadt, ELC Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; Kirsten Brodbeck-Kenney, Library Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

**C. PLEDGE OF ALLEGIANCE**

Mayor Wahlke led The Pledge of Allegiance.

**D. CONSENT AGENDA 1, 2, 3, & 5**

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons

1. Regular Meeting – Minutes of Regular Meeting – April 11, 2022, 6:00 PM

**MOTION:** City Council - Regular Meeting - Apr 11, 2022, 6:00 PM  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**RESULT:** Passed

2. Economic Development Programs: City Council Loan Committee Members

**MOTION:** Economic Development Programs: City Council Loan Committee Members  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed

3. Designation of Financial Signature Authority

**MOTION:** Designation of Financial Signature Authority  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed

5. Adopting Juneteenth Day of Observance

**MOTION:** Adopting Juneteenth Day of Observance  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed

*Councilor Hoagland pulled item four for discussion.*

*Councilor Hoagland asked Mayor Wahlke if she would be reading item number five. Mayor Wahlke said she would not be reading the entire thing and Councilor Hoagland could read it at the end of the meeting.*

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 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>Riley Hoagland, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

*Councilor Hoagland said it was brought to his attention there is significant damage to the Northwest seawall at the D River Wayside. Councilor Hoagland asked with maintenance and upkeep if we were required to bring it up to a standard. Councilor Hoagland also said that is an area of significant cultural heritage with the Siletz Tribe and would like to make sure that is included. Mr. Appicello said the City is taking the park as is; the State will be responsible for the park and the City will be responsible for the building. Ms. Bradley said there was a Geotech that came out and gave a good report.*

**E. COUNCIL DELIBERATIONS**

*NONE*

*Mayor Wahlke changed the agenda with unanimous consent. The Planning Commission interview (L6) to be before Ordinances J1.*

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

*Austin Emami, Lincoln City resident, spoke against the ban of fireworks.*

*Janet Knipe, Roads End Improvement Association, spoke in support of the fireworks ban.*

*David Jamieson, Lincoln City resident, spoke in support of the fireworks ban.*

Public Comment received via email:

*Elaine Walsh, Lincoln City resident, encouraged a "yes" vote on ordinance 2022-21.*

*Ed Forsythe of Sanger, CA, is against the ban of fireworks. Mr. Forsythe's email included notes from Dwight Stockton of Roseburg, Oregon; Kristy Taylor, no location listed; Matt Moorhead of Clovis, CA all against the ban of fireworks.*

*Gae Linfoot, Lincoln City resident, for the ban of fireworks.*

*Fran Lonnon, Lincoln City resident, regarding the transitional housing on NE 31st Street.*

*Brenda Scotton, Lincoln City resident, regarding NW 35th St beach access and removable steel bollards.*

*Brenda Scotton, Lincoln City resident, regarding NW 35th St beach access and removable steel bollards. This email appears to be a duplicate of the previous.*

*Mona Martin, Lincoln City resident, supports the ban of fireworks.*

*Jacob Bustamante of Dallas, Oregon is against the ban of fireworks.*

*Laury Girt, Lincoln City resident, supports ordinance 2022-21.*

*Annette Guido, Lincoln City resident, supports ordinance 2022-21.*

*Amber Wishoff, Executive Director of My Sister's Place, regarding Sexual Assault Awareness Month.*

*Nancy Cable, regarding the location of the new animal shelter.*

*Patty Kroen, Lincoln City resident, supports the ban of fireworks.*

*Bill and Judy Flynn, Lincoln City residents, support the ban of fireworks*

*Shannon Loch supports ordinance 2022-21.*

*Cindy Thompson & Elaine Walsh, Lincoln City residents, support the ban of fireworks.*

*Jeanne and David Jordan, Lincoln City residents, support the ban of fireworks.*

By Phone:

*Elaine Walsh, Lincoln City resident, spoke in favor of banning fireworks.*

*Jason Trout, TNT Fireworks, spoke against the ban of fireworks.*

## **G. PRESENTATIONS**

### **6. Presentation by Presiding Judge Bachart, Lincoln County Opioid and Fentanyl Issues**

*Lincoln County Judge Bachart gave a presentation regarding opioid and fentanyl issues. Judge Bachart asked Council to commit one detective position to drug enforcement. Councilor Mark asked if anything could be done about ballot measure 110. Councilor Mark also asked for suggestions from the Police Department on what they might need from Council. Nicole Dickerson spoke regarding her drug use and getting in trouble. Ms. Dickerson said that she was in jail for five months and then entered into the drug court program. Ms. Dickerson said that the drug court program is what saved her.*

## **H. PUBLIC HEARING / ORDINANCE**

*NONE*

## **I. PUBLIC HEARINGS / PUBLIC COMMENTS**

*NONE*

*Council had Mr. Forsythe speak, as he missed his public comment due to technical difficulties. Mr. Forsythe spoke against the ban of fireworks.*

**J. ORDINANCES**

1. ORDINANCE NO. 2022-19 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 5. (BUSINESS TAXES, LICENSES, AND REGULATIONS), CHAPTER 5.04 (OCCUPATION TAXES), SECTION 5.04.150 (PERMIT FOR TEMPORARY DISPLAY OF MERCHANDISE OUTSIDE), PARAGRAPH B. (SEASONAL PERMITS), TO DISCONTINUE THE ISSUANCE OF SUMMER SEASONAL PERMITS

<b>MOTION:</b>	<b>Motion to Approve First Reading of Ordinance 2022-19 Remove Summer Season Outdoor Sales</b>
<b>MOVER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Councilor Mark asked if any applications have been submitted. Mr. Appicello said that applications submitted within 30 days would be grandfathered in. Councilor Mark asked if this would include Farmers Markets. Mr. Appicello said these are not included. Councilor Starmer asked how long it takes to approve the application. Mr. Appicello was not sure. Councilor Hoagland said that we allow in the wintertime and does not seem equitable.*

2.

<b>MOTION:</b>	<b>Motion to Approve Second Reading and Adoption of Ordinance 2022-19 Remove Summer Season Outdoor Sales</b>
<b>MOVER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>AYES:</b>	Starmer, Kasner, Casper, Mark, Parsons
<b>NAYS:</b>	Wahlke, Hoagland
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

3. ORDINANCE NO. 2022-20 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 12. (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 12.16 PARKS USE REGULATIONS AND EXCLUSIVE USE PERMITS), CHAPTER 12.18 EXCLUSIONS AND CRIMINAL TRESPASS, AND CHAPTER 12.02 CONTROL OF PUBLIC RIGHT-OF-WAY), TO INCREASE PENALTIES FOR USE OF ANY TYPE OF FIREWORK IN CITY PARKS / OPEN SPACE AND TO PROHIBIT ANY TYPE OF FIREWORK ON ALL CITY PROPERTY, CITY STREETS, AND RIGHT-OF-WAY

<b>MOTION:</b>	<b>Motion to Approve First Reading of Ordinance 2022-20 Expand Park Fireworks Prohibitions to Other City Property with Changes as Read</b>
<b>MOVER:</b>	<b>Sydney Kasner, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Mark
<b>NAYS:</b>	Hoagland, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Councilor Hoagland asked about the fine for the fireworks and if it was greater than the fine for being caught with drugs. Mr. Appicello confirmed.*

4. ORDINANCE NO. 2022-21 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 8. (HEALTH AND SAFETY), ADDING A NEW CHAPTER 8.06 (FIREWORKS), TO PROHIBIT THE SALE AND USE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF LINCOLN CITY

**MOTION:** Motion to Approve First Reading of Ordinance 2022-21 Fireworks Prohibiting Sales and Use in City with a Change to Section 4 to Reflect the Date of July 7th as the Effective Date  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

*Councilor Starmer asked if this ordinance would ban all except exempt fireworks. Mr. Appicello confirmed. Councilor Starmer asked what the Fire Marshall's opinion was on the exempt fireworks. Mr. Appicello said he believes they think they are safe and that is why they are exempt. Mayor Wahlke asked what impact this has on our professional fireworks. Mr. Appicello said they are exempt. Councilor Hoagland asked if that applies to all state-permitted displays. Mr. Appicello confirmed. Councilor Parsons asked about a commercial firework display in Cutler City that has a permit from the State Fire Marshall. Mr. Appicello confirmed the exemption.*

5.

**MOTION:** Motion to Approve Second Reading and Adoption of Ordinance 2022-21 Fireworks Prohibiting Sales and Use in City with a Change to Section 4 to Reflect the Date of July 7th as the Effective Date  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Rick Mark, Councilor Ward 3  
**AYES:** Starmer, Kasner, Casper, Mark, Parsons  
**NAYS:** Wahlke, Hoagland  
**RESULT:** Passed by Roll Call Vote

**K. RESOLUTIONS**

*NONE*

**L. SPECIAL ORDER OF BUSINESS**

6. Planning Commission Interview - Affuso

*Council interviewed Ms. Affuso for the Planning Commission.*

7.

**MOTION:** Motion to Appoint Charlsy Affuso to the Planning Commission  
**RESULT:** Died Without a Second

8.

<b>MOTION:</b>	<b>Motion to Leave Planning Commission Vacancy Open for 30 days.</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Elaine Starmer, Councilor Ward 1</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
<b>NAYS:</b>	Hoagland
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

9. Outside Agency Requests for Funding 2022-2023

<b>MOTION:</b>	<b>Motion to Approve Outside Agency Requests for Funding 2022-2023</b>
<b>MOVER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Sydney Kasner, Councilor Ward 2</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Councilor Casper said there was over \$500,000 in request with \$50,000 to give. Councilor Casper went over the amount given. Councilor Hoagland asked what the process was for selection and the amount of money given. Councilor Casper said they read the needs, what the money was being used for, the profit statement, and how many people would be served. Councilor Mark said it is never an easy process.*

10. Heating, Ventilation, and Air Conditioning (HVAC) Rooftop Unit Replacement Contract

<b>MOTION:</b>	<b>Motion to Approve HVAC Rooftop Unit Replacement Contract in the Amount of \$52,833.00 to Stewart Mechanical</b>
<b>MOVER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Stephanie Reid, Public Works Director, explained the project. Councilor Hoagland asked how the units would be disposed of and if they were recyclable. Ms. Reid was not certain. Councilor Hoagland asked about having a green approach to disposal in the future.*

11. Kirtsis Park Parking Lot Construction Award

<b>MOTION:</b>	<b>Motion to Approve Kirtsis Park Parking Lot Construction Award to RK Concrete Construction in the Amount of \$ 436,225.35</b>
<b>MOVER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Sydney Kasner, Councilor Ward 2</b>
<b>AYES:</b>	Starmer, Kasner, Casper, Hoagland, Mark, Parsons
<b>RECUSED:</b>	Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Mayor Wahlke recused herself due to a conflict. Stephanie Reid explained the project. Councilor Hoagland inquired about the native build requirements. Ms. Skinner gave input on the landscape.*

## 12. Consultant Services Approval

<b>MOTION:</b>	<b>Motion to Approve Consultant Services Approval</b>
<b>MOVER:</b>	<b>Elaine Starmer, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Sydney Kasner, Councilor Ward 2</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Stephanie Reid presented the consultant list. Councilor Hoagland asked what the method for rating and ranking was. Ms. Reid said the criteria included their qualifications and experience. Councilor Hoagland asked if DEI (diversity, equity, and inclusion) was included in this selection. Ms. Reid said it was not but they are all rated with the Better Business Bureau and equal opportunity employers.*

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

*Ms. Bradley said that a work session would be scheduled for May 4th for Parks and Recreation discussion at 3:30 PM for an hour and a half. Ms. Bradley said a work session would be scheduled for May 25th at 3:30 PM for an hour and a half to discuss fees. Councilor Starmer asked if TRT fees could be addressed. Mayor Wahlke said she would be addressing those.*

*City Attorney has no comment.*

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

*NONE*

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

*Amber Wishoff, Executive Director at My Sister's Place/My Safe Place, spoke about Sexual Assault Awareness Month and a proclamation. Mayor Wahlke read the sexual assault proclamation.*

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

*Councilor Hoagland read the proclamation for Juneteenth. Council previously adopted the proclamation earlier in the meeting. Councilor Hoagland also explained the process of the new BottleDrop process and said it would be a great opportunity to donate to different organizations.*

*Councilor Mark said he is hoping by adding to the snowball with the fireworks maybe everyone will follow suit. Councilor Mark said there was a terrific fundraiser for the Siletz Bay Music Festival on Saturday and he also had his first pickleball lesson. Councilor Mark also spoke about his trip to B'nai Brith on Thursday and all of the wonderful things they do for the community.*

*Councilor Casper thanked the staff person for the succulent plants left for Council. Councilor Casper also explained where Helping Hands is at with the project. Councilor Mark said there was also an inquiry about their loan payment. Councilor Casper said that is being paid. Councilor Casper also brought up e-bikes and whether they will be allowed on the beach.*

*Councilor Kasner said it is nice to be back in person. Councilor Kasner also asked if the DEI would be included in a work session. Ms. Bradley said she would get that scheduled.*

*Mayor Wahlke thanked Ms. Bradley and spoke about the LOC conference in Hermiston.*

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 8:56 PM*

*//S//*

\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

ATTEST:

*//S//*

\_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER