

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

May 9, 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 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: 5/23/2022

A. CALL TO ORDER

Council President Casper called the meeting to order at 6:00 PM.

B. ROLL CALL

Council President Casper made the following changes to the agenda with unanimous consent; pulled item J5 (Ordinance 2022-22) for discussion at a later meeting and change the order of I. Presentations, to have item number two occur before item number one.

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Absent	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; Richard Appicello, City Attorney; Lt. Broderick, Lincoln City Police Department; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Council President Casper led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Starmer, Kasner, Casper, Hoagland, Mark, Parsons
ABSENT:	Wahlke
RESULT:	Passed

1. Regular Meeting – Minutes of Regular Meeting – April 25, 2022, 6:00 PM

Council President Casper made the following changes to the agenda with unanimous consent; pulled item J5 (Ordinance 2022-22) for discussion at a later meeting and change the order of I. Presentations, to have item number two occur before item number one.

E. COUNCIL DELIBERATIONS

NONE

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

No citizens present.

Ms. Legarza summarized two public comments the first from Kevin Koffel of Lincoln City against banning fireworks. The second is Carol Koffel who is against banning fireworks.

G. PRESENTATIONS

2. Salmon Drift Creek Watershed Council

MOTION:	Motion to Continue the Rent Abatement for Salmon Drift Creek Watershed Council During FY 2022-23
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Elaine Starmer, Councilor Ward I
AYES:	Starmer, Kasner, Casper, Hoagland, Mark, Parsons
ABSENT:	Wahlke
RESULT:	Passed via Voice Vote

Paul Katen from the Salmon Drift Creek Watershed Council and JoAnne Daschel, board member of the Salmon Drift Creek Watershed Council gave an update on the Salmon Drift Creek Watershed Council. Mr. Katen asked for continued rent abatement for the upcoming year. Council President Casper thanked Mr. Katen and complimented the brochure. Councilor Mark asked if there was improvement in the water quality of Schooner Creek. Mr. Katen said that they ran out of funds to check. Councilor Hoagland asked who was paying for the electric fence. Mr. Katen said that came from title 2 funding. Councilor Mark asked about the tax abatement. Mr. Appicello said that would be for the Assessor's office.

3. Lincoln City Senior Center

Ann Stevens, President, and Tamara Staples, Secretary for the Lincoln City Senior Center gave an update on the Senior Center. Ms. Stevens ask for a rent abatement. Councilor Hoagland asked if they knew the

amount of the rent abatement. Ms. Stevens did not know the amount. Mr. Hoagland said that amount is \$168,000 and asked if the space is used the entire time. Councilor Mark said that he vaguely remembers questioning the number. Councilor Kasner asked about the specific services provided. Ms. Stevens explained the services. Council President Casper asked for more specific information to be brought back to Council at the first meeting in June. Ms. Stevens asked for a copy of the rent amount. Council President Casper asked that Ms. Sprague provide that information to Ms. Stevens. Council gave unanimous consent to continue the discussion to June 13, 2022.

4. Wastewater Plant of the Year Award

Matt Etzel, PNCWA (Pacific Northwest Clean Water Association) President, presented an award to the Wastewater Treatment Plant for Wastewater Treatment Plant of the Year for 2021. Craig Prosser, Past President of PNCWA, spoke regarding Dan Christian and his previous wastewater treatment plant history. Mr. Prosser also gave kudos to Mr. Christian and his crew. Mr. Christian thanked Mr. Prosser and Mr. Etzel on behalf of him and his crew. Mr. Christian said this is a team award and recognized Mr. Sciarrotta, Mr. Shattuck, Mr. Jones, and Mr. Kisor. Mr. Christian also thank Mr. Rutledge for his years of service before his retirement. Mr. Christian thanked Jeanne Sprague, Monte Demaris, Tony Lewis, Administration, Council, and the Budget Committee.

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. ZOA 2022-06 R1RE Front Setback

6:57 PM Council President Casper opened the public hearing on ZOA 2022-06 R1-RE Front Setback. Councilor Starmer said there is a possible conflict with the outcome of the decision.

Ms. Skinner presented the report for the ZOA 2022-06 R1-RE Front Setback. Ms. Skinner summarized the comments received after the packet was published. Councilor Starmer asked if this amendment would make lots more buildable. Ms. Skinner says this would meet the housing goals and would increase developability. Mr. Hoagland asked if this would make things more inclusive. Ms. Skinner confirmed. Mr. Appicello said if we take items away, this could trigger a measure 49 claim.

Chris Kobeck spoke on behalf of the Westons, who are the homeowners that filed the original zoning ordinance amendment.

Testimony:

Patty Kroen, Lincoln City resident, testified against ZOA 2022-06.

Janet Knipe, President of REIA, testified against ZOA 2022-06.

Annette Guido, Lincoln City resident, testified against ZOA 2022-06.

David Jamieson, Lincoln City resident, testified against ZOA 2022-06.

Council took a break from 8:15-8:24

MOTION:	Motion to Close the Public Hearing and the Record for ZOA 2022-06 R1-RE Front Setback
MOVER:	Elaine Starmer, Councilor Ward I
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Starmer, Kasner, Casper, Hoagland, Mark, Parsons
ABSENT:	Wahlke
RESULT:	Passed via Voice Vote

2. ZOA 2022-05 Code Corrections

8:39 PM Council President Casper opened the public hearing regarding ZOA 2022-05.

Ms. Skinner presented ZOA 2022-05 Code Correction.

No citizens were present for testimony. No written testimony was received.

MOTION:	Motion to Close the Public Hearing and Record for ZOA 2022-05 Code Corrections
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Elaine Starmer, Councilor Ward I
AYES:	Starmer, Kasner, Casper, Hoagland, Mark, Parsons
ABSENT:	Wahlke
RESULT:	Passed via Voice Vote

J. ORDINANCES

3. ORDINANCE NO. 2022-23 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.17 (SINGLE-FAMILY RESIDENTIAL, ROADS END), SECTION 17.17.070 (LOT REQUIREMENTS), PARAGRAPH D, TO REVISE THE LANGUAGE FOR THE FRONT SETBACK

Mr. Appicello explained the staff's recommendation on the ordinance.

Move to postpone to May 23rd by unanimous consent due to a tie vote.

MOTION:	Motion to Approve the First Reading of Ordinance 2022-23 - ZOA 2022-06 -R-1-RE
MOVER:	Elaine Starmer, Councilor Ward I
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Kasner, Casper, Hoagland
NAYS:	Starmer, Mark, Parsons
ABSENT:	Wahlke
RESULT:	Failed

4. ORDINANCE NO. 2022-15 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTERS 17.04 (GENERAL PROVISIONS), 17.08 (DEFINITIONS), 17.16 (R-1), 17.17 (R-1-RE), 17.18 (VR), 17.24 (PC), 17.28 (RC), 17.29 (RCC), 17.32 (GC), 17.36 (PI), 17.40 (RR), 17.42 (P), 17.46 (NR), 17.52 (SUPPLEMENTARY REGULATIONS), 17.64 (NONCONFORMING SITUATIONS), 17.74 (DESIGN STANDARDS), 17.76 (PROCEDURES), 17.77 (APPLICATIONS), 17.80 (PROVISIONS APPLYING TO SPECIAL USES) and TITLE 16 (SUBDIVISIONS), CHAPTER 16.08 (PROCEDURE) TO MAKE CORRECTIONS.

MOTION: Motion to Approve the First Reading of Ordinance 2022-15 - ZOA 2022-05 -Corrections
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Starmer, Kasner, Casper, Hoagland, Mark, Parsons
ABSENT: Wahlke
RESULT: Passed by Roll Call Vote

5.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2022-15 - ZOA 2022-05 -Corrections
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Starmer, Kasner, Casper, Hoagland, Mark, Parsons
ABSENT: Wahlke
RESULT: Passed by Roll Call Vote

6.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2022-20 Expand Park Fireworks Prohibitions to Other City Property
RESULT: Died Without a Second

7.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2022-20 Expand Park Fireworks Prohibitions to Other City Property
MOVER: Sydney Kasner, Councilor Ward 2
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Starmer, Kasner, Casper, Mark
NAYS: Hoagland, Parsons
ABSENT: Wahlke
RESULT: Passed by Roll Call Vote

Councilor Mark said that he thinks the fine should be higher than the changed amount. Mr. Appicello explained the fine amount. Councilor Hoagland asked if we have the previous year's fireworks numbers. Mr. Appicello said we do not currently have a fine amount. Councilor Mark asked when this would take effect. Mr. Appicello said it would take effect in 30 days.

8. ORDINANCE 2022 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), AMENDING CHAPTER 2.66 (COMMUNITY SUSTAINABILITY COMMITTEE), REMOVING SUSTAINABILITY COMMITTEE PROVISIONS FROM THE MUNICIPAL CODE

Council President Casper postponed ordinance 2022-22 for the June 13th meeting. Councilor Hoagland asked if this was being postponed due to the absence of the Mayor. Ms. Skinner explained that Staff was trying to re-work this committee rather than disband and need a little more time.

K. RESOLUTIONS

NONE

L. SPECIAL ORDER OF BUSINESS

8. Villages Wetland Delineation and Survey

MOTION:	Motion to Award a Contract to PBS Engineering in the Amount of \$95,000 Using \$30,000 from Sitka Wood and \$65,000 from the Contingency Fund for the Villages Wetland Delineation and Survey
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Starmer, Kasner, Casper, Hoagland, Mark, Parsons
ABSENT:	Wahlke
RESULT:	Passed by Roll Call Vote

Stephanie Reid, Public Works Director, and Anne Marie Skinner, Planning and Community Development Director spoke about the Villages wetland delineation and survey. Ms. Reid asked that a contract be awarded to PBS Engineering in the amount of \$95,000. Councilor Starmer asked if there was a timeline. Ms. Reid said the work should be complete in about six months. Ms. Reid said this money would need to be taken out of the Villages fund. Councilor Mark asked if PBS was on the approved list. Ms. Reid confirmed and said the PBS is our go-to for anything environmental.

9. SW 63rd and SW Inlet Overlay Construction Award

MOTION:	Motion to Award the SW 69th and SW Inlet Overlay Construction Award to Road and Driveway in the Amount of \$226,484.80
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Starmer, Kasner, Casper, Hoagland, Mark, Parsons
ABSENT:	Wahlke
RESULT:	Passed by Roll Call Vote

Stephanie Reid, Public Works Director, spoke about the SW 69th (corrected) and SW Inlet overlay construction award. Ms. Reid would like to award this project to Road & Driveway in the amount of \$226,484.80. Councilor Mark asked about the speed bumps. Ms. Reid said those would remain. Council President Casper asked when this would be done. Ms. Reid said it depends on their schedule.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza said the next work session is May 25th and she is working on topics.

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

NONE

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

NONE

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Mr. Hoagland said he said National Treatment Court Month celebration would be held, Tuesday, May 24th, at 9 AM in Newport, OR at the Performing Arts Center. Mr. Hoagland said under the sustainability; the street sweeper has plastic bristles and asked if the paint used was toxic. Councilor Hoagland also mentioned the amount of paper used and asked if it's purchased from sustainable sources, as well as the composting program. Councilor Hoagland said he spoke with the Parks and Recreation Director about Scotch Broom being an invasive species as he is very sensitive to it. Councilor Hoagland said it is all over

town and does not see any enforcement. Councilor Hoagland spoke regarding the redaction opportunities including going back in time and going forward. Councilor Hoagland said there are opportunities for internships.

Councilor Mark spoke about the gas-powered leaf blowers. Mr. Hoagland said the leaf blower (2-cycle engine running) is the equivalent of driving a thousand miles. Councilor Mark spoke about his tour of the wastewater treatment plant. Councilor Mark was on a Zoom conference for a Statewide Emergency Council and he invited the Council's Executive Director to put together a presentation for the 3rd or 4th quarter of this year.

Councilor Kasner said that she appreciated the involvement of the community on the ZOA and any topic. Councilor Kasner said she was looking at the exclusionary aspect and thinking about it more generally. Councilor Kasner said that she has heard the comments and will continue to ponder.

Councilor Starmer asked for her wastewater treatment plant tour with Kasner.

Councilor Parsons asked staff to look into the Forest Fairies and adding items to the Styrofoam ban. Councilor Parsons reminded everyone to vote in the Primary election.

Council President Casper announced the broadband advisory team is located in Salem and the policy is being put together for how to get broadband to your area. Councilor Casper spoke about the funding being put together by President Biden for low-income assistance with broadband. Councilor Casper said the wastewater treatment plant is wonderful, she spent her birthday there.

Q. ADJOURNMENT

Council President Casper adjourned the meeting at 9:32 PM.

//S//

JUDY CASPER, COUNCIL PRESIDENT

ATTEST:

//S//

JAMIE YOUNG, CITY RECORDER