

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

December 12, 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: 1/9/2023

**A. CALL TO ORDER**

Mayor Wahlke called the meeting to order at 6:00 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	Absent	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; Chief Broderick, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, Public Works Director; Anne Marie Skinner, Planning and Community Development Director; Debbie Bridges, Finance Director; Tony LaSoya, I.T. Director; Jamie Young, 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>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Sydney Kasner, Councilor Ward 2</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
<b>ABSENT:</b>	Hoagland
<b>RESULT:</b>	<b>Passed</b>

1. Oregon Liquor Control Commission - Request for an Off-Premises Sales License- Starfish Manor Oceanfront Hotel
2. Order 2022-02 Approving Real Property Lease - Newport Pacific Corporation (Mo's)

**E. COUNCIL DELIBERATIONS**

*NONE*

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

*Mr. Baird of Lincoln City Oregon spoke regarding Lincoln City having the highest crime rate in the Country.*

*No public comments were received by email.*

**G. PRESENTATIONS**

3. Centennial Proclamation

*Dr. Karen Gray, Superintendent of Lincoln County School District read the 2023 Centennial Proclamation.*

4. Millennium Health Presentation

*Dr. Kelly Olsen, Kelsey Strong, and Kellie Jenkins from Millennium Health spoke regarding education on Fentanyl. Council had a discussion regarding the presentation. Ms. Jenkins said there will be an educational event coming up as well.*

**H. PUBLIC HEARING / ORDINANCE**

*NONE*

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

*NONE*

**J. ORDINANCES**

- 1.

**MOTION:** Motion to Approve First Reading Ordinance 2022-43 Amend Chapter 10.12 Storage Prohibition  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

*Council and Staff had a discussion regarding the ordinance and adding this as a work session topic.*

2. ORDINANCE NO. 2022-43 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.12 (GENERAL REGULATIONS) SECTION 10.12.040 (PROHIBITED STORAGE ON CITY PROPERTY, CITY STREETS, OR CITY RIGHTS-OF-WAY), TO CREATE A LIMITED EXEMPTION FOR LICENSED, INSURED AND OPERABLE PASSENGER VEHICLES AND TO CLARIFY THE PROHIBITION.

**MOTION:** Motion to Approve Second Reading and Adoption of Ordinance 2022-43 Amend Chapter 10.12 Storage Prohibition  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

- 3.

**MOTION:** Motion to Approve First Reading Ordinance 2022-44 Amending LCMC Chapter 3.04 TRT Increase  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

*Mr. Appicello asked this be moved to after Resolution 2022-44.*

4. ORDINANCE NO. 2022-44 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 3 (REVENUE AND FINANCE), AMENDING CHAPTER 3.04 (TRANSIENT ROOM TAX), AMENDING SECTION 3.04.020 (TAX IMPOSED BY CHARTER), TO IMPLEMENT THE CHARTER AMENDMENT APPROVED BY LINCOLN CITY VOTERS IN BALLOT MEASURE 21-215.

**MOTION:** Motion to Approve Second Reading and Adoption of Ordinance 2022-44 Amending LCMC Chapter 3.04 TRT Increase  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Judy Casper, Councilor Ward 3  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed via Voice Vote

- 5.

**MOTION:** Motion to Approve First Reading Ordinance 2022-45 Amend Building Code  
**MOVER:** Sydney Kasner, Councilor Ward 2  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

*Council and Staff had a discussion regarding the ordinance. Mr. Appicello asked that the first reading be approved and the second reading be postponed until January 23, 2023. Mayor Wahlke asked about the wording in Ordinance 2022-45, page 19, line 17, if the phrase " non-soil surcharge" should be " non-soil surface". Mr. Appicello said that he will bring that up in the review.*

6. ORDINANCE NO. 2022-45 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (CITY OF LINCOLN CITY BUILDING CODE) AMENDING SECTIONS 15.04.020, (PURPOSE), 15.04.030 (SCOPE),15.04.040 (DEFINITIONS), 15.04.050 (ALTERNATIVE MATERIALS AND METHODS), 15.04.060 (MODIFICATIONS), 15.04.070 (TESTS), 15.04.090 (CONSTRUCTION DOCUMENTS AND PERMITS), 15.04.100 (INSPECTIONS), 15.04.115 (OPTIONAL LOCAL AMENDMENTS), 15.04.120 (CONSTRUCTION-RELATED CODES ADOPTED) AND SECTION 15.04.140 (APPEAL PROCEDURES) AND ADDING A NEW SECTION 15.04.045 (SPECIAL APPEAL PROCEDURES), AND AMENDING LCMC CHAPTER 12 (BUILDING BOARD OF APPEALS) TO ADDRESS RECOMMENDED CHANGES FROM THE CONTRACT BUILDING OFFICIAL

**MOTION:** Motion to Continue Second Reading of Ordinance 2022-45- Amend Building Code to January 23, 2023  
**MOVER:** Rick Mark, Councilor Ward 3  
**SECONDER:** Sydney Kasner, Councilor Ward 2  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed via Voice Vote

**K. RESOLUTIONS**

7. Resolution 2022-44: A Resolution Declaring the Official Results of the Canvas of Votes of the Election Held in the City of Lincoln City, Oregon on November 8, 2022.

**MOTION:** Motion to Approve Resolution 2022-44 Canvas of Votes  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Rick Mark, Councilor Ward 3  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

8. RESOLUTION NO. 2022-43 A RESOLUTION OF THE CITY OF LINCOLN CITY AMENDING RESOLUTION 2022-29, TO CHANGE THE COMPOSITION OF THE AD HOC URBAN RENEWAL PLAN ADVISORY COMMITTEE FOR THE NELSCOTT URBAN RENEWAL AREA

**MOTION:** Motion to Approve Resolution 2022-43 Amending Ad Hoc Committee Nelscott Area  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed via Voice Vote

9. RESOLUTION NO. 2022-45 A RESOLUTION OF THE CITY OF LINCOLN CITY AMENDING RESOLUTION 2022-14 PROVIDING FOR EXTENSION OF THE STREET CLOSURE OF A PORTION OF NW 34TH COURT

**MOTION:** Motion to Approve Resolution 2022-45 34th Court  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

*Mr. Appicello said that the Fire Department as well as the Parks Department were contacted with no adverse response. Council had a discussion regarding the resolution.*

10. RESOLUTION NO. 2022 - 46 A RESOLUTION OF THE CITY OF LINCOLN CITY DECLARING AN INTENT TO CONSTRUCT SANITARY SEWER FACILITIES BY ESTABLISHING A LOCAL IMPROVEMENT DISTRICT FOR THE CITY OF LINCOLN CITY, IN THE AREA OF SE OAR, SE PORT, AND SE QUAY, KNOWN AS THE "DELAKE HEIGHTS LID PROJECT"; AND CALLING FOR A PUBLIC HEARING AND DIRECTING THAT NOTICE BE PUBLISHED

**MOTION:** Motion to Approve Resolution 2022-46 Delake Intent to Form Local Improvement  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

*Stephanie Reid, Public Works Director explained the resolution.*

11. RESOLUTION 2022-47 A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2022-2023, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS

**MOTION:** Motion to Approve Resolution 2022-47: Supplemental Budget FY2022-23  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

*Debbie Bridges, Finance Director, reviewed the need for a supplemental budget.*

**L. SPECIAL ORDER OF BUSINESS**

12. Appointment to Arts Committee - Applicant Donna Eddy

<b>MOTION:</b>	<b>Motion to Appoint Donna Eddy to the Arts Committee with a Term Expiring 12/31/25</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, Parsons
<b>ABSENT:</b>	Hoagland
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

13. Reappointment to the Budget Committee Applicant Kevin Hohnbaum

<b>MOTION:</b>	<b>Motion to Reappoint Kevin Hohnbaum to the Budget Committee with a Term Expiring 12/31/25</b>
<b>MOVER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
<b>ABSENT:</b>	Hoagland
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

14. Reappointment to Arts Committee - Applicant Steve Griffiths

<b>MOTION:</b>	<b>Motion to Reappoint Steve Griffiths to the Arts Committee with a Term Expiring 12/31/2025</b>
<b>MOVER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
<b>ABSENT:</b>	Hoagland
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

15. Appointment to the Nelscott URA Ad Hoc Committee - Applicants Shawnn Kehr & Barbara Jenkins-Gibson

<b>MOTION:</b>	<b>Motion to Appoint Shawnn Kehr &amp; Barbara Jenkins-Gibson to the Nelscott URA Ad Hoc Committee</b>
<b>MOVER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
<b>ABSENT:</b>	Hoagland
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

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

*Ms. Legarza gave an update regarding HB4123, the status of the Judge's contract, the Holiday party, the dive-in movie at the Community Center, the Siletz Bay Splash, and the New Year's swim.*

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

16.

**MOTION:** Move to Accept the Final Version of the City Attorney’s Performance Evaluation as Discussed in Executive Session, and Designate the Mayor to Sign and Deliver to him a Copy of the Finalized Form as Part of his Confidential Personnel Record  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Roll Call Vote

17.

**MOTION:** Motion to Direct Staff to Set a Date for a Work Session with Council and the City Attorney Including the City Manager Regarding Work Objective and Priorities  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Voice Vote

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

NONE

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

*Councilor Mark spoke about his graduation from Citizens Academy and the Helping Hands tour on December 15th.*

*Councilor Parsons wished everyone Happy Holidays.*

*Councilor Casper wished everyone a great Holiday Season.*

*Councilor Kasner echoed Councilor Parsons and asked about the STARS work session. Ms. Legarza said that will be scheduled in the future and explained.*

*Mayor Wahlke said there was a Christmas card received from the Lincoln County Board of Commissioners.*

18.

**MOTION:** Motion to Approve the Proclamation as Read by Dr. Gray  
**MOVER:** Rick Mark, Councilor Ward 3  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**ABSENT:** Hoagland  
**RESULT:** Passed by Voice Vote

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 7:33 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

*//S//*

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JAMIE YOUNG, CITY RECORDER