

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

June 14, 2021, 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: 6/28/2021

A. CALL TO ORDER

Council President Casper called the meeting to order. Council President Casper advised the public that there are now three ways to provide public comment.

1. Comments can be made through email to publiccomment@lincolncity.org;
2. Comments can be made via Zoom if a request is emailed to publiccomment@lincolncity.org by noon on the meeting day;
3. Comments can be made in person at the Council Chambers (COVID-19 precautions are taken).

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	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
Anne Marie Skinner	Councilor Ward 2	Present	6:00 PM
Vacant	Councilor Ward 1		

Staff Present: Richard Appicello, City Attorney; Chief Palmer, 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; Sungman "Simon" Kim, Planning and Community Development Director; Kirsten Brodbeck-Kenney, Library Director; Debbie Bridges, Finance Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Skipped due to the meeting being held remotely.

D. CONSENT AGENDA

Councilor Casper changed agenda items K6 Resolution 2021-24 and L10 Oath of Office to be after the Consent Agenda.

Mr. Appicello suggested item D2 be pulled from the Consent Agenda and a motion be made to continue consideration of the McKay's lease until the August 23rd meeting and authorize the Council President to sign an extension from June 16th to Aug 23rd under the same terms and conditions.

MOTION:	Consent Agenda
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed

1. Regular Meeting – Minutes of Regular Meeting – May 24, 2021, 6:00 PM
2. Motion to Continue Consideration to Aug 23rd of the McKay's lease and Authorize the Council President to Sign an Extension of the Existing Lease to August 23rd Under the Same Terms and Conditions to Facilitate Negotiations.
3. Motion to Approve Resolution 2021-24 Canvass of Votes
4. Oath of Office

Mayor Wahlke was sworn into office by the City Recorder and gave a speech.

E. COUNCIL DELIBERATIONS

Ward 1 -Council Vacancy Discussion / Direction

MOTION:	Motion to Declare a Vacancy in the City Council Position of Councilor Ward 1 and Announcing the Vacated Position That Will be Filled by Appointment as Provided in Lincoln City Charter Chapter VIII, Section 8.2, Following a Process of Solicitation of Interested Parties
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Casper, Hoagland
NAYS:	Wahlke, Mark, Parsons, Skinner
RESULT:	Failed by Roll Call Vote

MOTION:	Motion to Direct Staff to Prepare a Resolution for a Future Meeting to Declare a Vacancy in the City Council Position Ward 1 and Call for a Special Election in November 2021 to Fill the Position of Councilor Ward 1 for the Remainder of the Vacated Term
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Mark, Parsons, Skinner
NAYS:	Wahlke, Casper, Hoagland
RESULT:	Failed by Roll Call Vote

MOTION:	Motion to Direct Staff to Prepare a Resolution for a Future Meeting to Declare a Vacancy in the City Council Position Ward 1 and Call for a Special Election in September 2021 to Fill the Position of Councilor Ward 1 for the Remainder of the Vacated Term
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

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

Miles Schlesinger gave public comment regarding the vacancy in Ward 1.

Chief Palmer summarized two comments from Fran Lonnon regarding Oregon House Bill 3115 and Capital Gains Taxes.

The City Recorder summarized a comment from Laura Butler regarding the Lincoln City Chamber and the City looking at biases before engaging in a further relationship with them.

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Public Hearing: Resolution 2021-26 Adopt FY2021-22 Budget

No Citizens present or by Zoom for comment.

Ms. Bridges said the Budget Committee did approve the budget; there was one change with the ELC (Explore Lincoln City) for the fireworks. Ms. Bridges also stated there were two recommendations to the City Council. She said there was a motion to recommend the City Council have a workshop to address the VRD (vacation rental dwelling) compliance issues and funding the enforcement and recommends a full analysis on the cost of tourism on City infrastructure. She said the second recommendation passed by the Budget Committee was to ask City Council to not transfer the \$500,000 from the General Fund to the Parks fund.

Councilor Mark asked about the hours of personnel. Ms. Bridges said that because there is no additional cost to the City, it would not appear in the budget. Ms. Bridges will have the Court Clerk give .25 hours to the City Attorney.

Mayor Wahlke asked about fireworks money. Ms. Bridges said there was a \$10,000 initial payment out of the current budget, the ELC will have sufficient savings to cover that. Mayor Wahlke then asked if there was \$24,000 in the proposed budget, Ms. Bridges confirmed. Mayor Wahlke asked if there is any money budgeted for the 2022 fireworks, Ms. Bridges said there is not. Mr. Dreistadt explained up until Covid, nobody had ever canceled their firework, so no deposit was required. Mr. Dreistadt said the fireworks company is now requiring half upfront and that is why it is a little bit different than it used to be.

MOTION:	Motion to Close Public Hearing: Resolution 2021-26 Adopt Budget
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed via Voice Vote

2. Public Hearing: Resolution 2021-25 State Shared Revenues

No Citizens present or by Zoom for comment.

MOTION:	Motion to Close Public Hearing: Resolution 2021-25 State Shared Revenues
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed via Voice Vote

J. ORDINANCES

3. ORDINANCE NO. 2021-08 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (ADOPTION AND ENFORCEMENT OF CONSTRUCTION AND CONSTRUCTION-RELATED CODES) ADDING ADMINISTRATIVE PROVISIONS TO ADDRESS OREGON BUILDING CODE DIVISION RULE CHANGES AND DELETIONS

MOTION:	Motion to Approve First Reading of Ordinance 2021-08 Amending Title 15, Chapter 15.04
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

MOTION:	Motion to Approve Second Reading of Ordinance 2021-08 Amending Title 15, Chapter 15.04 Second Reading
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

5. ORDINANCE NO. 2021-07 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.16 (SPECIAL EVENTS), AMENDING SECTION 5.16.030 (PERMIT APPLICATIONS); ADDING AN OPTIONAL PRE-APPLICATION PROCESS AND FEES

No public comment was received.

Councilor Skinner suggested the change of pre-application conference to pre-permitting conference to not confuse with a Planning pre-application conference. Mr. Appicello said that was discussed and since it was buried in the special event ordinance that people would understand it's not a Planning application.

MOTION:	Motion to Approve First Reading Ordinance 2021-07 Amends LCMC Chapters 5.16 First Reading
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

MOTION:	Motion to Approve Second Reading and Adopt Ordinance 2021-07 Amends LCMC Chapters 5.16
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

K. RESOLUTIONS

7. RESOLUTION NO. 2021-23 A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING REVISIONS TO PARKS AND RECREATION FEE SCHEDULE

No public comment was received.

Councilor Mark asked if there was any feedback or a reaction from the parents regarding the increase. Ms. Sprague said they did not reach out to the parents but they have heard about the low cost of the program. Ms. Sprague said that right now they are at about \$2.80 per contact hour and it will move to about \$3.00 per hour. Ms. Sprague said that we are still below the rate of Newport, which is \$3.86 per hour.

MOTION:	Motion to Approve Resolution 2021-23 Revisions to City & Parks Fee Schedule
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

8. RESOLUTION NO. 2021-25 A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

MOTION: Motion to Approve Resolution 2021-25 State Shared Revenues
MOVER: Anne Marie Skinner, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Roll Call Vote

9. RESOLUTION NO. 2021-26 ADOPTING THE BUDGET

MOTION: Motion to Approve Resolution 2021-26 Adopt FY2021-22 Budget as Proposed
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Anne Marie Skinner, Councilor Ward 2
AYES: Casper, Hoagland, Mark, Parsons, Skinner
NAYS: Wahlke
RESULT: Passed by Roll Call Vote

10. RESOLUTION 2021-27 A RESOLUTION AUTHORIZING AN INCREASE IN THE CITY'S CAPITALIZATION POLICY FOR FIXED ASSETS IN THE CITY OF LINCOLN CITY, OREGON'S ACCOUNTING RECORDS

MOTION: Motion to Approve Resolution 2021-27: Increase Fixed Asset Capitalization Policy
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

11. Request for Re-Appointment to Driftwood Public Library Board - Susan Zappa

Councilor Casper said that she and Councilor Mark interviewed Ms. Zappa for reappointment and recommend reappointment until June 30, 2025.

MOTION: Motion to Re-Appointment to Library Board - Susan Zappa
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Roll Call Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Appicello suggested an Executive Session on June 24th, 4:30 PM-5 PM. Hoagland objected. Skinner suggested June 23rd, 4:30-5.

Chief Palmer spoke about the fireworks and the coverage for Roads End.

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

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

No citizens present for comment.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Parsons thanked Councilor Casper for being President and running the meetings. Councilor Parsons also said that on the 4th of July there will not be much beach as high tide is between 9 PM and 10 PM, which will push people up into the neighborhoods. Councilor Parsons also said for the 3rd of July fireworks, we have a road closed (NE 14th Street) and may want to look at some traffic control.

Councilor Parson said that on NE Port Lane, there is a roundabout that used to have art on it and it came off and he is asking again to have it reinstalled. Councilor Parsons is also getting a lot of requests for the electronic speed signs to be moved more often and to have a process for them to be put in their neighborhoods. Councilor Parsons also mentioned that some of the businesses across from D' River where the two hotels are housing fire survivors and homeless have reported people being dropped off after being released from jail, hoping to get that looked into.

Councilor Casper said that people have asked what is being done to communicate with the public about the fireworks. Councilor Casper said Mr. Dreistadt mentioned press releases are going out, ELC has done social media posts, PSAs, and flyers are going into all the hotels and VRDs, welcome packets have been put together. The new City website is also being used to communicate messages about fireworks as well. Councilor Casper also talked about SB864 that went before the Senate; the bill is to increase the marijuana tax money from 3% to 10% if passed by voter approval. Councilor Casper said that if it passes the Senate it would go to the House.

Councilor Hoagland thanked Councilor Casper for her time. Councilor Hoagland said there is an electric charger that has a single charger by Ace Hardware South that has not worked in over a year. In addition, there are three chargers and only two painted parking spaces. Mayor Wahlke said she would be interested in an update as well.

Mayor Wahlke thanked Councilor Casper for stepping in and mentioned that she cannot wait for the in-person meetings.

12.

MOTION:	Motion to Transfer \$500,000 Unappropriated to the General Fund
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Wahlke, Casper, Mark, Skinner
NAYS:	Hoagland, Parsons
RESULT:	Passed by Roll Call Vote

Councilor Mark said that his concern is that the Council voted to move the money and the Budget Committee recommends moving it back. Councilor Mark asked about the General Fund and if that is where the money came from. Ms. Bridges said the money came from the General Fund reserves. Councilor Casper asked about the location of the \$500,000. Ms. Bridges said it is in an unappropriated fund, which means it was not budgeted to be spent. Councilor Casper clarified that the money cannot be spent; Ms. Bridges said that a foundation could be established because that is not an expense, it is more like an investment, but it cannot be spent on operating expenses. Councilor Skinner said that it was her recollection the whole reasoning behind the recommendation was the money could not be spent. Councilor Skinner said the money was transferred with the specific purpose of setting up a foundation. Councilor Skinner said the recommendation was to undo that so the money could be spent. Councilor Mark said that he is all in favor of giving the Parks Department money it needs for projects but he does not feel like it is the job of the Council to draw money out of the budget without a staff recommendation. Councilor Mark said his concern is that he has yet to hear from staff what project they

would like to have funded. Councilor Hoagland reminded Councilor Mark about the \$750,000 Helping Hands that was brought up by the Council that was not a staff recommendation nor was it a staff recommendation to add another amount of money to repair the building. Councilor Hoagland said this was not just a way to give the Parks and Recreation department a bunch of free money. Councilor Hoagland said this is a way to help generate revenue. Councilor Parsons said originally he said to set up a foundation or whatever means to stabilize funding, it was never strictly a foundation. Mr. Appicello said the suggestion was to have a work session to talk about funding so we will need to schedule that.

The meeting recessed at 7:34 PM and Resumed at 8:13 PM.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 8:26 PM.

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER