

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

November 8, 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: 12/13/2021

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM. Mayor Wahlke 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
Elaine Starmer	Councilor Ward 1	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
Sydney Kasner	Councilor Ward 2	Present	7:55 PM

Staff Present: Abigail Edwards, HR Director/Interim City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; 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. Support Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Skipped due to the meeting being held remotely.

Council removed item L10 with unanimous consent. Council gave unanimous consent to interview the third candidate for City Council Ward II.

D. CONSENT AGENDA WITH CORRECTIONS

RESULT:	PASSED [UNANIMOUS]
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons

1. Minutes for October 11th, 2021, 6:00 PM
2. Regular Meeting – Minutes of Work Session – October 25, 2021, 3:00 PM
3. Regular Meeting – Minutes of Regular Meeting – October 25, 2021, 6:00 PM

E. COUNCIL DELIBERATIONS

4. Council Deliberations: Final Assessment - review of objections, if any, submitted to City Recorder by November 2, 2021.

Mr. Appicello said there is one objection filed, but he was not sure there were grounds to change anything.

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

Ms. Edwards said there were several comments made for naming the 51st Street Park after Griff Ford. Ms. Edwards said it would move to the Parks Board. Council gave unanimous consent to move the comments forward.

Rachel Vanderthorne spoke in regards to ODFW for feeding large animals and birds. Ms. Vanderthorne also spoke in favor of adopting a frequency recorder, speed sign at NE Oar, window tint removed from windows of City vehicles.

G. PRESENTATIONS

5. Report on the NE 14th Street Sidewalk Improvement Project

Ms. Reid gave a presentation on the 14th Street sidewalk improvement project. Mayor Wahlke said it was nice to not have the street closed and the flaggers were very entertaining.

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

- 1.

MOTION: Motion to Withdraw ZOA 2021-22, 17.32 GC as Presented and Cancel the Public Hearing
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

Mr. Appicello said the Planning Director would like to withdraw this ordinance.

2.

MOTION: Motion to Withdraw the Initiation of ZOA 2021-21 as Presented and Cancel the Public Hearing
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

Mr. Appicello said the Planning Director would like to withdraw this ordinance.

J. ORDINANCES

3. ORDINANCE NO. 2021-19 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), ADDING A NEW CHAPTER 15.14, ADOPTING THE 2019 OREGON FIRE CODE, AS AMENDED BY THE OREGON OFFICE OF THE STATE FIRE MARSHAL IN OAR 837-040-0010, AS THE FIRE CODE OF THE CITY OF LINCOLN CITY

MOTION: Motion to Approve First Reading of Ordinance 2021-19 Fire Code
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

4.

MOTION: Motion to Approve Second Reading and Adopt Ordinance 2021-19 Fire Code
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

5. ORDINANCE NO. 2021-21 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.150, (EXTERIOR LIGHTING), TO CLARIFY REQUIREMENTS.

MOTION: Ordinance 2021-21 Exterior Lighting
RESULT: Withdrawn

6. ORDINANCE NO. 2021-23 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.08 (WARD BOUNDARIES), SECTION 1.08.010 (DESIGNATED) TO ACCORD EQUAL PROTECTION OF THE LAWS BY REDEFINING BOUNDARIES OF CITY WARDS BASED ON THE MOST RECENT CENSUS DATA

MOTION: Motion to Adopt First Reading of Ordinance 2021-23 Ward Boundaries as Corrected in Option One
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

Mr. Appicello read line 30, page 83 to correct the description listed in the agenda. Mr. Appicello corrected paragraph "B" on the following page 84. Mayor Wahlke clarified the change of the wording does not change the map.

7.

MOTION: Motion to Adopt Second Reading and Adoption of Ordinance 2021-23 Ward Boundaries as Corrected in Option One
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

8. ORDINANCE 2021-24 AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE NE 14TH SANITARY SEWER LID FORMED BY RESOLUTION 2021-15; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST PROPERTIES WITHIN THE DISTRICT

MOTION: Motion to Adopt First Reading of Ordinance 2021-24 14th Street LID Final Assessment
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

9.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2021-24 14th Street LID Final Assessment
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

K. RESOLUTIONS

None

L. SPECIAL ORDER OF BUSINESS

10. Budget Committee Interview-Petersen

MOTION:	Interview for Budget Committee- Petersen
RESULT:	Withdrawn

Council removed the item with unanimous consent.

11. Public Interview for City Council Ward II

Mayor Wahlke said we have three applicants interested in applying for the City Council Ward II seat. Councilor Hoagland pointed out with this appointment the Council will now be a female-forward Council for the first time in Council history.

Ms. Nguyen and Ms. Oksenholt appeared in the Council Chambers for an interview. Ms. Kasner appeared via Zoom. Each Candidate answered interview questions. Once the interview process was completed, Council voted by secret ballot (direct message) to the City Recorder. The votes were as follows: Mayor Wahlke voted for Ms. Oksenholt, Councilor Casper voted for Ms. Kasner, Councilor Hoagland voted for Ms. Kasner, Councilor Mark voted for Ms. Oksenholt, Councilor Parsons voted for Ms. Kasner, Councilor Starmer voted for Ms. Kasner. The vote total was Ms. Kasner with 4 votes, Ms. Oksenholt with 2 votes, and Ms. Nguyen with 0 votes. The City Recorder swore Ms. Kasner into office at 7:55 PM.

MOTION:	Motion to Appoint Ms. Kasner for City Council Ward II with a Term Ending December 31, 2022
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Elaine Starmer, Councilor Ward I
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

12. Report on Emergency Declaration due to water main break

Ms. Edwards spoke about the water main break located at SW 35th Street causing a sinkhole. Ms. Edwards said the Public Works Department worked quickly to stabilize until the Contractor could start. Ms. Edwards said the cost of the project is \$30,000. Ms. Edwards said this occurred on November 1st and there was an additional break on November 3rd at 14th Street. Ms. Edwards said that the crews were phenomenal and the water was only out for 4 hours. Ms. Reid said the second break was actually located at NW Inlet and 6th, which is where the sinkhole developed. Ms. Reid said the same Contractor would be repairing both breaks.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Edwards said thank you to all of the staff for their support. Ms. Edwards said the Finance Director position is still open and the audit is in progress. Councilor Parson asked if the compensation is on par with other Cities for the Finance Director position. Ms. Edwards said she would check on that. Ms. Edwards said that Department Heads are gearing up for budget, union negotiations and the full wage analysis has started but is not finished yet. Ms. Edwards said that the City has been invited to participate in the time capsule for the Oregon Coast Aquarium; we have contributed float number 100, of 100 floats made from the ash of the Echo Mountain Complex Fire. Ms. Edwards said the capsule would be opened in 2076, if anyone has ideas for content email her.

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

Councilor Hoagland spoke about new legislation that has been worked on since 2020, a historic timber agreement with the Oregon Forest Practices Act (FPA). Councilor Hoagland said that both members of

timber conservation groups and the timber industry will be working together to develop a plan for future forest service protection. Councilor Hoagland said he was contacted by a member of the Lincoln City Audubon Society. Councilor Hoagland wanted to make a motion to direct staff to gather more information from both sides. Councilor Hoagland said this is a topic being discussed by the legislature and will be coming up in February. Councilor Casper asked if this could be postponed until January with the holiday. Councilor Hoagland said there would be an initial meeting and he would retract his motion. Councilor Parsons asked for clarification from Councilor Hoagland. Councilor Hoagland said that he is looking to ask staff for information on this matter due to our dependence on surface water for drinking water, which is directly tied to the forest. Then Council can come back and decide on their stance.

13.

MOTION:	Motion to Ask Staff to Proceed with Recommended Negotiated Resolution of Threatened Encroachment Litigation
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
ABSTAIN:	Kasner
RESULT:	Passed by Roll Call Vote

14.

MOTION:	Motion to Set the Deadline for Returning of Judge’s Evaluation by December 17, 2021
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
ABSTAIN:	Kasner
RESULT:	Passed by Voice Vote

Mr. Appicello said that Council has not used "actions if any based on work session" to make a motion to initiate any of the revenue options, such as food and beverage tax or fuel tax. Mr. Appicello said maybe during the December 13th meeting we start moving forward with the recommendations. Mr. Appicello said the reason he is bringing this up is that several similar items failed in Newport. Mayor Wahlke asked if there should be another work session to include Councilor Starmer and Councilor Kasner. Mr. Appicello said they might want to wait until there is a new Finance Director. Councilor Casper asked if there could be a discussion of licenses without a Finance Director. Ms. Edwards asked if it could wait until after the audit. Mayor Wahlke asked for licenses and the fee schedule to be discussed at the December 13th work session. Councilor Mark asked about training for the new Councilors. Mayor Wahlke said that is probably available through the League of Oregon Cities.

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

Rachel Vanderthorne spoke regarding the Police department responding to false alarms at VRDs and Les Schwab. Ms. Vanderthorne also spoke about the Villages property and holding on to it. Ms. Vanderthorne asked about the 14th Street sidewalks extending to Oar. Ms. Vanderthorne also stated the old growth in the City needs to be protected.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Hoagland asked about the camera at D River. Councilor Parsons said that is the trip check camera.

Councilor Hoagland said that he received an email after the work session from the LOC (League of Oregon Cities) about the 2022 legislative session. Councilor Hoagland said they are going to be appropriating 5 million dollars to support five Counties to do the following three things; develop a 5-year strategic plan to streamline and increase services and resources for people at risk or experiencing homelessness within the County and partnering Cities, decrease homelessness in the County and partnering Cities and eliminate racial disparities within the homeless services, and support state, regional and partners in planning and developing houses for households with 0-30% AMI. Each pilot would receive one million dollars in a one-time funding for two years. Councilor Casper said Council is attending the small cities conference and maybe this could be asked for more information. Mayor Wahlke said that would be a good avenue to ask more questions at the conference. Council gave unanimous consent to direct staff to call the LOC for deadline information.

Councilor Casper said she is curious and delighted to see the population climb to 9,800 people.

Councilor Parsons welcomed Councilor Kasner to Council.

Councilor Kasner said she is grateful to be here. Councilor Kasner said that Monday at 3:00 pm is tricky for her schedule. Ms. Edwards made a note to talk to Ms. Bradley and the Mayor.

Mayor Wahlke wanted to address Ms. Vanderthorne's concerns and asked to add the items to the work session.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 8:45 PM

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SUSAN WAHLKE, MAYOR

ATTEST:

//S//

JAMIE YOUNG, CITY RECORDER