

**CITY OF LINCOLN CITY  
CITY COUNCIL AGENDA**

**MONDAY APRIL 22, 2024, 6:00 PM**

**6:00 PM** - The Lincoln City Council will hold a regular meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

Public comments can be submitted to [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org), by attending the City Council meeting, or by telephone. Public comments submitted by email will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online agenda packet. **PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL.**

Citizens requesting to give public comment via telephone must email [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org) no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons giving public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at [541-996-1013](tel:541-996-1013) or [kmattias@lincolncity.org](mailto:kmattias@lincolncity.org). Visit the [ADA Accessibility | City of Lincoln City, OR](#) webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Agenda materials for this meeting are available at [www.lincolncity.org](http://www.lincolncity.org) under "Government", then select "Public Meeting Agendas, Packets & Videos". To stream the meeting in HD, please visit [www.lincolncity.org/government/streaming](http://www.lincolncity.org/government/streaming). This meeting will be televised live on Channel 4, and rebroadcast on Channel 4 multiple times a day.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

1. Regular Meeting – Minutes of Regular Meeting – April 8, 2024 6:00 PM

**E. COUNCIL DELIBERATIONS**

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

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

**G. PRESENTATIONS**

2. Lincoln City Senior Center Presentation
3. Oregon Coast Community College Presentation

**H. PUBLIC HEARING / ORDINANCE**

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

**J. ORDINANCES**

1. Ordinance 2024-01 Public Contracting Procurement Thresholds
2. Ordinance 2024-03 Disabled Facilities

**K. RESOLUTIONS**

3. Resolution No. 2024-07 Park Naming
4. Resolution No. 2024-08 North Lincoln Fire and Rescue Annexation of Properties
5. Resolution No. 2024-09 Helping Hands Annual Payment Waiver

**L. SPECIAL ORDER OF BUSINESS**

6. Planning Commission Interview- Richards
7. Bay Walk Sidewalk Additional Funds for Phase 2
8. Sanitary Sewer Pipeline and Manhole Rehab project
9. Advance Meter Service Phase 2B Contract
10. Reappointment to the Boards and Committees

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

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

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

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

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

**Q. ADJOURNMENT**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

April 8, 2024, 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:**

**A. CALL TO ORDER**

*Mayor Wahlke called the meeting to order at 6:01 PM.*

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Marci Baker	City Councilor	Present	
Todd Barker	City Councilor	Present	
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Present	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Present	
Susan Wahlke	Mayor	Present	

*Staff Present: Daphnee Legarza, City Manager; LT. Winn, Lincoln City Police Department; Jeanne Sprague, Parks and Recreation 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.*

*Mayor Wahlke changed the order of the agenda to move Special Order of Business before Presentations.*

**D. CONSENT AGENDA WITH MINOR ADDITIONS**

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Mitch Parsons, Councilor Ward 1
<b>SECONDER:</b>	Rick Mark, Councilor Ward 3
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke

1. Regular Meeting – Minutes of Regular Meeting – March 25, 2024, 6:00 PM

<b>MOTION:</b>	<b>City Council - Regular Meeting - Mar 25, 2024 6:00 PM</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>RESULT:</b>	<b>Passed</b>

**E. COUNCIL DELIBERATIONS**

NONE

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

*Erik Albretsen spoke inviting his Oceanlake neighbors to a meeting at Zest Garden Cafe to discuss the neighborhood.*

**G. SPECIAL ORDER OF BUSINESS**

2. Proclamation: Día de los Niños 2024

*Mayor Wahlke read the English version of the proclamation and Councilor Hoagland read the Spanish version.*

**H. PRESENTATIONS**

3. Lincoln City Parks & Recreation Advisory Board Presentation

*Jane Mulholland of the Lincoln City Parks and Recreation Board presented information regarding renaming the Taft Park. Ms. Mulholland presented three new names for the park: Schooner Creek Discovery Park, Schooner Creek Park, and Discovery Park.*

4. Lincoln County Shelter Update

*Jane Romero and Chantelle Estess gave a report of the year-end numbers and milestones for the Lincoln County Shelter and provided a hand-out. Ms. Estess asked the City to continue funding and donate \$100,000 this year for the emergency shelter. The Council asked questions of the presenters and made suggestions.*

**I. PUBLIC HEARING / ORDINANCE**

NONE

**J. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. Ordinance 2024-03 re: Disabled Facilities

**MOTION:** Motion to Close the Hearing and the Record for Ordinance 2024-03 Disabled Facilities  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke  
**RESULT:** Passed via Voice Vote

*Mayor Wahlke opened the hearing at 7:06 PM. Ms. Legarza presented the ordinance to the Council. Councilor Hoagland asked to have the title changed on the ordinance. Andrea Riner from the Planning Department said they would look through the document and make the changes. The Council and Staff had a discussion. No Citizens were present for comment.*

2.

**MOTION:** Motion to Approve First Reading of Ordinance 2024-03 Disabled Facilities Using Alternative Language for "Disabled"  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Rick Mark, Councilor Ward 3  
**AYES:** Casper, Mark, Parsons, Wahlke  
**NAYS:** Baker, Barker, Hoagland  
**RESULT:** Passed by Roll Call Vote

*Ms. Legarza read the ordinance by title only. The Council gave consensus for staff to look at alternatives for wording.*

3. Ordinance 2024-04

**MOTION:** Motion to Close the Public Hearing and the Record for Ordinance 2024-04 Public Facilities  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke  
**RESULT:** Passed via Voice Vote

*Mayor Wahlke opened the hearing at 7:17 PM. Ms. Legarza presented the ordinance to the Council. No Citizens were present for comment.*

4.

**MOTION:** Motion to Approve First Reading of Ordinance 2024-04 Public Facilities  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Judy Casper, Councilor Ward 3  
**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke  
**RESULT:** Passed by Roll Call Vote

5.

<b>MOTION:</b>	<b>Motion to Approve Second Reading and the Adoption of Ordinance 2024-04 Public Facilities</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

**K. ORDINANCES**

NONE

**L. RESOLUTIONS**

NONE

**M. CITY MANAGER/CITY ATTORNEY REPORTS***Ms. Legarza gave an update on current events.***N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR PUBLIC COMMENT**

6.

<b>MOTION:</b>	<b>Motion to Exercise Options 1B, 2 A-E, and 3A of the Confidential Personnel Memo Related to the Executive Session Held on April 1, 2024</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Todd Barker, Councilor Ward 1</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

7.

<b>MOTION:</b>	<b>Motion to Vote on a Park Name Tonight so we Can Have an Ordinance at Our Next Council Meeting</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

8.

<b>MOTION:</b>	<b>Motion to Direct Staff to Come Forward with an Ordinance at the Next City Council Meeting Naming the New Community Park, Schooner Creek Discovery Park</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Todd Barker, Councilor Ward 1</b>
<b>AYES:</b>	Baker, Barker, Casper, Mark, Parsons, Wahlke
<b>NAYS:</b>	Hoagland
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*The Councilors voted for the park name as follows: Schooner Creek Discovery Park, Baker, Barker, Parsons, Wahlke; Schooner Creek Park, Mark; Discovery Park, Casper. Councilor Hoagland abstained.*

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

*None*

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

*Councilor Hoagland gave an update on current events. The Council gave consensus for staff to provide the total amount the City has contributed to the homelessness/houseless services in monetary form as well as waiving fees.*

*Councilor Baker spoke about an LOC training attended in Newport for Community Visioning and Strategic Planning.*

*Councilor Casper spoke about the Sanitary Waste Advisory Committee and the 2025 Recycling Modernization Act. Each city in the state is preparing to roll out new ideas for contamination reduction.*

*Councilor Barker asked about the work sessions for traffic control and pedestrian crossings at the new apartment complexes and traffic control devices during power outages.*

*Councilor Parsons spoke about the passing of ordinances and the processes.*

*Mayor Wahlke gave an update on current events. Mayor Wahlke thanked the City's Emergency Preparedness Coordinator and North Lincoln Fire & Rescue for the open house last Saturday. Mayor Wahlke asked the Council to take a look at the Council rules. Mayor Wahlke asked about neighborhood association criteria. Councilor Casper said she would share the information that she has.*

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 7:49 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

## Council Communication

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### Lincoln City Senior Center Presentation

Meeting Date:	April 22, 2024	Primary Staff Contact:	Jeanne Sprague
Department:	Parks and Recreation	E-Mail:	JSprague@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 min

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Senior Center President Antonio Porras will give a presentation regarding Senior Center activities, in request for Council approval of waived fees for FY24-25 City facility usage.

## Council Communication

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### Oregon Coast Community College Presentation

Meeting Date:	April 22, 2024	Primary Staff Contact:	Daphnee Legarza
Department:	City Council	E-Mail:	DLegarza@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 min

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David Price, Vice President of Engagement, for Oregon Coast Community College, will be give a presentation regarding the proposed ballot measure that will appear on the May ballot.

# Council Communication

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## Ordinance 2024-01 - Public Contracting Procurement Thresholds

Meeting Date:	April 22, 2024	Primary Staff Contact:	Daphnee Legarza
Department:	City Council	E-Mail:	DLegarza@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

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### Question:

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2024-01?

### ORDINANCE NO. 2024-01

#### AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE CHAPTER 2.05 TO INCREASE PUBLIC CONTRACTING PROCUREMENT THRESHOLDS TO MATCH STATE PROCUREMENT THRESHOLDS

### Staff Recommendation:

Staff recommends the Council conduct and approve First and Second Reading and adopt Ordinance 2024-01.

### Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

### Council Options:

1. Conduct and approve First and Second Reading and adopt the ordinance.

2. Continue Second Reading to the next available meeting.
3. Do not proceed with proposed ordinance.

**Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**ORDINANCE NO. 2024-01**

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE CHAPTER 2.05 TO INCREASE PUBLIC CONTRACTING PROCUREMENT THRESHOLDS TO MATCH STATE PROCUREMENT THRESHOLDS**

*Council:* Motion to approve First Reading of Ordinance 2024-01.

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**ORDINANCE NO. 2024-01**

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE CHAPTER 2.05 TO INCREASE PUBLIC CONTRACTING PROCUREMENT THRESHOLDS TO MATCH STATE PROCUREMENT THRESHOLDS**

*Council:* Motion to approve Second Reading and adopt Ordinance 2024-01.

**Attachments:**

Ord 2024-01 Procurement Threshold (DOCX)



1 engineering, photogrammetric mapping, transportation planning, land surveying, or related  
2 services as defined by ORS 279C.100(8) shall be selected in accordance with the qualification  
based selection (QBS) process at ORS 279C.110.

3 **Section 4:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance,  
4 together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in  
5 the whole record of this legislative proceeding are incorporated into this section by reference as  
if fully set forth herein, and are adopted in support of this legislative action.

6 **Section 5:** Severability. The sections, subsections, paragraphs and clauses of this ordinance are  
7 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
8 validity of the remaining sections, subsections, paragraphs and clauses.

9 **Section 6:** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes  
effect 30 days after the date of its adoption.

10 **Section 7:** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln  
11 City Municipal Code and the word “ordinance” may be changed to “code”, “article”, “section”,  
12 “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered,  
13 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be  
14 codified and the City Recorder is authorized to correct any cross-references and any  
typographical errors.

15 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
16 9.2 of the City of Lincoln City Charter on the 25<sup>th</sup> day of March, 2024. The Council suggested  
17 revisions during the March 25<sup>th</sup> meeting. This ordinance now revised was distinctly read by title  
only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on April 22,  
2024.

18 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 22<sup>nd</sup> day of April  
19 2024.

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SUSAN WAHLKE, MAYOR

22 ATTEST:

23  
24 \_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER

25  
26 APPROVED AS TO FORM:

27  
28 \_\_\_\_\_  
David Robinson, CITY ATTORNEY

## Council Communication

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### Ordinance 2024-03 Disabled Facilities

Meeting Date:	April 22, 2024	Primary Staff Contact:	Daphnee Legarza
Department:	City Council	E-Mail:	DLegarza@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

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#### Question:

Should the City Council approve the amendment to Lincoln City Municipal Code (LCMC) Title 17 to broaden the types of disabled access facilities allowed in required setback areas when added to an existing dwelling and to exclude such facilities when determining the amount of lot coverage?

#### Staff Recommendation:

Staff recommends that City Council approve the second reading of the ordinance amendment adopting the proposed change in terminology, replacing "disabled" with "Enhanced" as written.

#### Authority:

17.76.060.G. Public Hearing Procedure. The planning commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in LCMC 17.76.160. In addition to the public hearing held by the planning commission, the city council shall also conduct a public hearing on Type IV applications.

17.76.060.H. Recommendation Authority.

1. Following receipt of testimony and deliberation at the public hearing held before the planning commission, the planning commission shall provide a recommendation to the City council for all Type IV applications. The planning commission shall recommend that the city council approve or deny the proposed amendments, with or without changes. The planning commission's recommendation shall be issued as a final recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.
2. Decision Authority. Upon receiving the planning commission's final recommendation, the city council shall hold a public hearing on the Type IV application.

### **Background:**

Currently, the zoning code presents several obstacles to property owners wishing to retrofit existing residences to provide improved access for people with disabilities. Facilities such as ramps are already allowed within required setback areas. However, other facilities, such as elevators, wheelchair lifts, and stairway chair lifts are prohibited. In addition, these facilities are calculated as part of the maximum lot coverage. This amendment proposes to remove eliminate both of these barriers to access.

The prior instance when this ordinance came before Council, there was debate about the use of the word "disabled." "Disabled Access Facility" is a term that appears in our code as it exists presently. The term does not show up as a legally defined term in ORS/OAR. Therefore, the city can change the term locally in our code. The city attorney recommends replacing "disabled" with "enhanced."

In addition, the city attorney advises that the Council can choose to treat this ordinance as a first reading or a second reading. According to the code, the Planning Commission recommendation is not binding on the Council. The Council holds its own hearing. (LCMC 17.76.020 B (4) and 17.76.060 G and H).

After conducting a duly noticed public hearing on March 19, 2024 the Planning Commission voted unanimously to recommend that the City Council adopt the proposed ordinance.

### **Council Options**

1. Conduct and approve First and Second Reading and adopt the ordinance.
2. Continue Second Reading to the next available meeting.
3. Do not proceed with proposed ordinance.

### **Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.160 (REQUIRED SETBACKS - EXCEPTIONS) AND ADDING A NEW SECTION 17.52.061 (MAXIMUM LOT COVERAGE – EXCEPTIONS).**

*Council:* Motion to approve First Reading of Ordinance 2024-03.

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING),  
AMENDING CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS),  
AMENDING SECTION 17.52.160 (REQUIRED SETBACKS - EXCEPTIONS) AND ADDING A  
NEW SECTION 17.52.061 (MAXIMUM LOT COVERAGE – EXCEPTIONS)**

*Council:* Motion to approve Second Reading and adopt Ordinance 2024-03.

**Attachments:**

Ord 2024-03 Required Setbacks (PDF)

Ord 2024-03 (DOCX)

LINCOLN CITY  
PLANNING COMMISSION

IN THE MATTER OF

Amendment to Title 17, Zoning, ) Final Recommendation  
regarding disabled facilities ) 2024-01

NATURE OF THE APPLICATION

An ordinance amending the Lincoln City Municipal Code, Title 17, (Zoning), amending Chapter 17.52 Supplementary Regulations and Exceptions, amending Section 17.52.160 Required Setbacks—Exceptions, and adding Section 17.52.061 Maximum Lot Coverage—Exceptions.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on March 19, 2024, including the staff report, the Planning Commission recommends on a 4-0 vote that the City Council approve the draft language (Exhibit A Findings follow). No written comments were received. No oral testimony was given.

APPROVED THIS 19<sup>th</sup> day of March, 2024



\_\_\_\_\_  
Kim Blackerby  
Planning Commission Chair

ATTEST:



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Richard Townsend  
Planning & Community Development Director

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**ORDINANCE NO. 2024-03**

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.160 (REQUIRED SETBACKS - EXCEPTIONS) AND ADDING A NEW SECTION 17.52.061 (MAXIMUM LOT COVERAGE – EXCEPTIONS).**

*Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined-through** and additions are **bold underlined**.*

**The City Council finds:**

- A. The amendment to the Lincoln City Municipal Code is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and
- B. The amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and
- C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment on February 13, 2024; City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and
- D. The Planning Commission, on March 19, 2024, held a public hearing and considered the amendment contained within this ordinance. On March 19, 2024, the Planning Commission voted to transmit the amendment to the City Council with a recommendation that the ordinance be adopted; and
- E. The City Council conducted the public hearing on April 8, 2024, closed the hearing, closed the record, and deliberated on the proposed amendment and directed that the ordinance be returned to Council for approval; and
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendment.

**THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

**SECTION 1.** Chapter 17.52 (Supplementary Regulations and Exceptions), Section 17.52.160 (Required Setbacks – Exceptions), Subsection 17.52.160.E. (~~Disabled~~Enhanced Access Facilities) is hereby amended to read as follows:

1 E. ~~DisabledEnhanced~~ Access Facilities. ~~DisabledEnhanced~~ access facilities may be constructed in  
 2 required setback areas as additions to existing buildings if they do not conflict with the clear  
 3 vision requirements of LCMC 17.52.060. For purposes of this section ~~disabledenhanced~~ access  
 4 facilities include ramps, **elevators, wheelchair lifts, stairway chair lifts,** sidewalks, curbing  
 5 and entrances constructed for the purpose of making a building accessible to a disabled  
 6 person. ~~DisabledEnhanced~~ access facilities must be constructed in accordance with any  
 7 applicable requirements of the building code in effect at the time of their construction.  
 8 ~~DisabledEnhanced~~ access facilities constructed as additions to a nonconforming structure shall  
 9 not be considered an alteration or extension of the nonconforming structure.

10  
 11 **SECTION 2.** Chapter 17.52 (Supplementary Regulations and Exceptions) is hereby amended by  
 12 adding Section 17.52.161 (Maximum Lot Coverage – Exceptions) to read as follows:

13  
 14 **17.52.161 Maximum Lot Coverage – Exceptions**

15  
 16 **A. ~~DisabledEnhanced~~ Access Facilities. ~~DisabledEnhanced~~ access facilities may be**  
 17 **constructed as additions to existing buildings without regard to maximum lot coverage**  
 18 **restrictions if they do not conflict with the clear vision requirements of LCMC 17.52.060.**  
 19 **For purposes of this section ~~disabledenhanced~~ access facilities include ramps, elevators,**  
 20 **wheelchair lifts, stairway chair lifts, sidewalks, curbing and entrances constructed for**  
 21 **the purpose of making a building accessible to a disabled person. ~~DisabledEnhanced~~**  
 22 **access facilities must be constructed in accordance with any applicable requirements of**  
 23 **the building code in effect at the time of their construction. ~~DisabledEnhanced~~ access**  
 24 **facilities constructed as additions to a nonconforming structure shall not be considered**  
 25 **an alteration or extension of the nonconforming structure.**

26  
 27  
 28 **SECTION 3. Findings Adopted.** The findings contained in the Whereas Clauses of this  
 29 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial  
 30 evidence in the whole record of this legislative proceeding are incorporated into this section by  
 31 reference as if fully set forth herein, and are adopted in support of this legislative action.

32  
 33 **SECTION 4. Severability.** The sections, subsections, paragraphs and clauses of this ordinance  
 34 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
 35 validity of the remaining sections, subsections, paragraphs and clauses.

36  
 37 **SECTION 5. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance  
 38 takes effect 30 days after the date of its adoption.

39  
 40 **SECTION 6. Codification.** Provisions of this Ordinance shall be incorporated in the City of  
 41 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",  
 42 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or  
 43 re-lettered, provided that any Whereas clauses and boilerplate provisions need not be codified  
 44 and the City Recorder is authorized to correct any cross-references and any typographical errors.

1  
2 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
3 9.2 of the City of Lincoln City Charter on the 8<sup>th</sup> of April 2024 (First Reading and Second  
4 Reading).

5  
6 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_\_ day of  
7 \_\_\_\_\_, 2024.

8  
9 \_\_\_\_\_  
10 SUSAN WAHLKE, MAYOR

11 ATTEST:  
12  
13 \_\_\_\_\_  
14 JAMIE YOUNG, CITY RECORDER

15 APPROVED AS TO FORM:  
16  
17 \_\_\_\_\_  
18

19  
20

## Resolution No. 2024-07 Park Naming

Meeting Date: April 22, 2024                      Primary Staff Contact: Jeanne Sprague  
 Department: Parks and Recreation              E-Mail: JSprague@lincolncity.org

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### Question(s):

Should the City Council approve the attached Resolution 2024-07 authorizing City of Lincoln City City Council to name the new community park located at 4815 SE 51<sup>st</sup> St. as 'Schooner Creek Discovery Park'.

### Staff Recommendation:

Staff recommends Council approve Resolution 2024-07.

### Authority:

See attached 'Naming of Parks' City policy for the authority process on 'assessing and approving naming/renaming requests'.

### Background:

The naming or renaming of parks and recreational facilities is complex and sometimes emotionally evocative since assigning a name is a powerful and permanent identity for a public place and/or facility.

It is the policy of Lincoln City Parks and Recreation to reserve the name or renaming of parks and/or recreational facilities for circumstances that will best serve the interests of the city and ensure a worthy and enduring legacy for the City's park and recreation system.

In considering proposals for the naming or renaming of a park and/or recreational facility, the following general principles were considered either collectively or individually.

When naming a new park and/or recreational facility, the proposed name will:

- Engender a strong positive image
- Be appropriate having regard to the parks/recreational facility's location and/or history
- Have historical, cultural or social significance for future generations
- Commemorate places, people or events that are of continued importance to the city, region, state, and/or nation

- Have symbolic value that transcends its ordinary meaning or use and enhances the character and identity of the park and/or recreational facility
- Have broad public support
- Shall not result in the undue commercialization of the park and/or recreational facility if it accompanies a corporate gift

This new park is located at 4815 SE 51 St, Lincoln City OR 97367.

History on new park development found here:

<https://www.lincolncity.org/departments/parks-recreation/new-community-park-development>

Naming Process background for this new park:

Upon receipt of a naming request by Lincoln City Parks and Recreation, each proposal was considered by the Director of Lincoln City Parks and Recreation or his/her representative, members of the Lincoln City Parks and Recreation Board (a recommending body), City Manager or his/her representative, with final approval to be conducted by City Council.

- The start date for public open submittal was 8/29/23.
- The end date for public open submittal was 11/30/23.
- Extensive marketing via emails, social media, press releases, signage, website alerts, etc notified the public of this process.
- Applicants submitted the 'Name the Park' application.
- Total of 190 public entries for names were submitted.
- City Council work session with LCP&R Director re: park name decision, including the LCP&R Advisory Committee recommendations, on 1/22/24.
- City Council meeting with Motion passed to name the new park 'Memorial Park' on 2/12/24.
- City Council received public comments re: the name 'Memorial Park', including from the LCP&R Advisory Board, on 3/11/24. Council directed staff to work with the LCP&R Advisory Board to give final recommendation on park name process and selection.
- Top 3 names selected by LCP&R Advisory Board for Council consideration, presented to Council on 4/8/24. Council motion passed to name the new park 'Schooner Creek Discovery Park'. Council directed staff to complete naming process with a resolution.

**Financial Impact:** Staff time for implementing public process, marketing public process, compiling public input, coordinating LCP&R Board and Council decisions, and adding new name on signs, maps, literature, and marketing.

**Council Options:**

1. Approve Resolution 2024-07
2. Do not approve Resolution.

**Potential Motions:**

Motion to approve Resolution 2024-07

## **POLICY NAME: Naming/Renaming of Parks, Recreational Facilities and/or Features**

**Policy Category:** Parks & Recreation/ Planning/Development

**Date Reviewed:**

**Date Adopted:**

**Contact Person:** Jeanne Sprague

**Position:** Parks & Recreation Director

**Authorized By:**

**Position:**

### **Introduction**

The naming or renaming of parks and recreational facilities is complex and sometimes emotionally evocative since assigning a name is a powerful and permanent identity for a public place and/or facility. The naming and renaming of parks and/or recreational facilities often requires significant resources in terms of changing names on signs, maps, and literature. In addition, excessive and constant name changing can be the source of confusion to the public. The purpose of this policy is to provide guidance to those that have an interest in the naming and or renaming of the City's parks and/or recreational facilities.

### **Policy Statement**

It is the policy of Lincoln City Parks and Recreation to reserve the name or renaming of parks and/or recreational facilities for circumstances that will best serve the interests of the city and ensure a worthy and enduring legacy for the City's park and recreation system.

To this end, Lincoln City Parks and Recreation supports consideration of naming requests within the following broad categories:

#### **Historic Events, People, and Places**

The history of a major event, place or person may play an important role in the naming or renaming of a park as communities often wish to preserve and honor the history of a city, its founders, other historical figures, its Native American heritage, local landmarks and prominent geographical locations, and natural and geological features through the naming of parks.

#### **Outstanding Individuals**

The City has benefited, through its evolution, from the contributions made by many outstanding individuals. This category is designed to acknowledge the sustained contribution that has been made by such individuals to the City and the development and management of the City's park and recreation system.

#### **Major Gifts**

Over the years, Lincoln City and the Lincoln City Parks and Recreation have benefited from the generosity of some of its residents, businesses, and foundations. On occasion, the significance of such donations may warrant consideration being given to requests from either the donor or another party to acknowledge such a gift by naming.

### **RELATED POLICIES**

- Policy for Commemorative Items
- 2.06.090 Gifts Ordinance

### **Definitions**

**Naming:** the permanent name assigned by City Council via an ordinance to a given park or recreational facility.

**Parks:** all traditionally designed parks, gardens, natural open spaces, and specialized parks under the stewardship of Lincoln City Parks and Recreation.

**Recreational facilities:** major structures such as community centers, swimming pools, pavilions, tennis courts, sports fields, and fountains located within lands under the stewardship of Lincoln City Parks and Recreation.

**Donations:** a donation of property, goods or cash generally with no expectation of return. If the gift is contingent upon a special request, it is made subject to “condition.”

## **Guiding Principles**

### **General Principles**

In considering proposals for the naming or renaming of a park and/or recreational facility, the following general principles will be taken into account either collectively or individually.

When naming a new park and/or recreational facility, the proposed name will:

- Engender a strong positive image
- Be appropriate having regard to the parks/recreational facility’s location and/or history
- Have historical, cultural or social significance for future generations
- Commemorate places, people or events that are of continued importance to the city, region, state, and/or nation
- Have symbolic value that transcends its ordinary meaning or use and enhances the character and identity of the park and/or recreational facility
- Have broad public support
- Shall not result in the undue commercialization of the park and/or recreational facility if it accompanies a corporate gift

### **Renaming a park and/or recreational facility**

Proposals to rename parks and/or recreational facilities whether for a major gift or community request are not encouraged. Likewise, names that have become widely accepted by the community will not be abandoned unless there are compelling reasons and strong public sentiment from the broader community for doing so. Historical or commonly used place names will be preserved wherever possible.

### **Naming/renaming parks and/or recreational facilities for Outstanding Individuals**

Naming or renaming a park and/or recreational facility for an outstanding individual is encouraged only for those who have been deceased for at least three years (this provision can be waived at Council’s directive) and where that person’s significance and good reputation have been accepted in the City’s, State’s and/or Nation’s history.

In considering the naming/renaming of a park and/or recreational facility after a deceased person, priority will be given to those who made a sustained and lasting contribution to

- Lincoln City’s park and recreation system
- The City of Lincoln City
- The State of Oregon
- The Nation

The naming of a park and/or recreational facility after people who may have lost their lives due to war or a tragic event will be considered only after the shock of such event has lessened within the community.

### **Naming/renaming for Historic Events, People, and Places**

When a park and/or recreational facility is associated with or located near events, people, and places of historic, cultural or social significance, consideration will be given to naming that park and/or recreational facility after such events, people, and places. In considering such proposals, the relationship of the event, person or place to the park and/or recreational facility must be demonstrated through research and documentation.

### **Naming for Major Donations**

From time to time, a significant donation may be made to the City that will add considerable value to the City’s park and recreation system. On such occasions, recognition of this donation by naming a new park and/or recreation facility in honor of or at the request of the donor will be considered.

As a guideline, the threshold for considering the naming of a park and/or recreational facility will include one or more of the following:

- Land for the majority of the park was deeded to the city.
- Contribution of a minimum of 60% of the capital construction costs associated with developing the park/recreational facility.
- Provision of a minimum 20-year endowment for the continued maintenance and/or programming of the park/recreational facility.

Donors seeking naming rights for major donations with respect to an individual will be encouraged to follow the principles that apply to naming a park for an outstanding person. Exceptions to this will be considered on their own merits. Lincoln City Parks and Recreation reserves the right to rename any park and/or recreational facility if the person for whom it is named turns out to be disreputable or subsequently acts in a disreputable way. Naming parks and/or recreational facilities with a company name is prohibited. Corporate logos, insignias, brands or direct advertising text shall not be used in park and/or recreational facility naming text.

### **Other Considerations**

To minimize confusion, parks will not be subdivided for the purpose of naming unless there are readily identifiable physical divisions such as roads or waterways. However, naming of specific major recreational facilities within parks will be permitted; under these circumstances such names should be different to the park name to avoid user confusion.

All signs that indicate the name of a park and/or recreational facility shall comply with Lincoln City's graphic and design standards. Specialized naming signage will not be permitted.

### **Naming Text**

As Lincoln City Parks and Recreation operates a large and diverse park system, it is important that the naming text assist in communicating the type of development and use. Therefore, the following terms will be applied as part of the naming process:

- **“Park”** applies to all parks that have been or will be developed primarily for recreational purposes. Such parks usually involve a high degree of landscape and recreational facility development.
- **“Open Space”** applies to all parks where the primary purpose is the conservation of the natural environment. Such parks generally will have little or no development.

### **REVIEW PROCESS: Procedures & Guidelines**

These procedures and guidelines have been established to ensure that the naming or renaming of parks and/or recreational facilities is approached in a consistent manner.

### **Requests for naming/renaming of parks and/or recreational facilities**

All requests for the naming or renaming of a park and/or recreational facility shall be made in writing to the Director of Lincoln City Parks and Recreation.

Requests should contain the following minimum information:

- The proposed name
- Reasons for the proposed name
- Written documentation indicating community support for the proposed name
- Description/map showing location and boundaries of the park
- If proposing to name a facility within a park, include a description/map showing the location of the facility.
- If proposing to rename a park or facility, include justification for changing an established name
- If proposing to name a park or facility after an outstanding person, include documentation of that person's significance and good reputation in the City's, State's or Nation's history.

### **Assessing and approving naming/renaming requests**

Upon receipt of a naming request by Lincoln City Parks and Recreation, each proposal will then be considered by the Director of Lincoln City Parks and Recreation or his/her representative, members of the Lincoln City Parks and Recreation Board (a recommending body), City Manager or his/her representative, and final approval by City Council. Assessment includes:

- Review of the proposed request for its adherence to the policies of Lincoln City Parks and Recreation.
- Ensure that supporting information has been authenticated, particularly when an individual's name is proposed.
- Take into consideration the comments of the relevant neighborhood association(s) or wards.
- The Parks and Recreation Director, Board and City Manager will then present a recommendation to the City Council who may either accept or reject any proposal.

**RESOLUTION NO. 2024-07**

**A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING THE NEW NAME FOR THE NEW COMMUNITY PARK LOCATED AT 4815 SE 51<sup>ST</sup> ST**

**WHEREAS**, the City of Lincoln City City Council has completed a review of the City Policy of Naming/Renaming of Parks, Recreational Facilities and/or Features; and

**WHEREAS**, the City of Lincoln City has followed the policy consistently via a public naming and review process, with proposals being considered by Lincoln City Parks & Recreation Director, all members of the Lincoln City Parks and Recreation Advisory Board, City Manager, and final approval by City Council; and

**WHEREAS**, the City of Lincoln City City Council asked for final recommendation on name process and selection from the Lincoln City Parks & Recreation Advisory Board.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:**

**Section 1:** The City of Lincoln City hereby supports the naming of the new community park located at 4815 SE 51<sup>st</sup> St. as 'Schooner Creek Discovery Park'.

**Section 2:** The City of Lincoln City grants authority for the City of Lincoln City to market, sign, and promote the park under the new name of 'Schooner Creek Discovery Park'.

**Section 3: Effective Date:** This resolution is effective as of the date of its adoption.

PASSED AND APPROVED by the City Council of the City of Lincoln City this \_\_\_\_ day of \_\_\_\_\_ 2024.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
David Robinson, CITY ATTORNEY

## Resolution No. 2024-08 North Lincoln Fire and Rescue Annexation of Properties

Meeting Date: April 22, 2024  
Department: City Council

Primary Staff Contact: Daphnee Legarza  
E-Mail: DLegarza@lincolncity.org

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### Question(s):

Should the City Council approve Resolution 2024-08 approving NLFD annexation of properties?

### Staff Recommendation:

Staff recommends that City Council approve Resolution 2024-08 approving NLFD annexation of properties.

### Authority:

Under SB1068 (2023), the annexation is subject to ORS 478.010 which states that a district may not annex territory within a city unless otherwise authorized by law. The law that authorizes the annexation is ORS 198.720 and 198.835.

### Background:

There are properties inside the territorial boundaries on Lincoln City that are not currently part of the NLFD. The annexation approved in North Lincoln Fire District #1 Resolution 2024-03 extends fire protection services to those properties.

**Financial Impact:** None

### Council Options:

1. Approve Resolution 2024-08
2. Do not approve Resolution 2024-08

### Potential Motions:

Motion to approve Resolution 2024-08



## North Lincoln Fire & Rescue District #1

### RESOLUTION #2024-03

#### Resolution to Establish the Fire District Coverage Area

WHEREAS, The Oregon legislature passed SB-1068 (Chapter 208, 2023 Laws) allowing Rural Fire Protection Districts to annex lands within a defined "coverage area" and;

WHEREAS, North Lincoln Fire & Rescue District #1 has identified the lands listed as being within an area that can be annexed and provided fire protection;

WHEREAS, North Lincoln Fire & Rescue District #1 makes the following Findings:

- 1) The lands listed are not within any other Fire District, nor within 7 road miles of any other Fire District's stations;
- 2) All the lands listed are within 7 road miles of a North Lincoln Fire & Rescue Station;
- 3) North Lincoln Fire & Rescue District #1 current coverage area completely surrounds all of the listed lands;
- 4) All of the lands listed are with the city limits of the City of Lincoln City; and
- 5) If a fire were to occur on any of these listed lands, that fire could extend to properties covered by North Lincoln Fire & Rescue District #1 should the fire not be extinguished.

NOW, THEREFORE, BE IT RESOLVED by the North Lincoln Fire & Rescue District #1 that a coverage area as defined in Section 2, Chapter 208, 2023 Laws, is established to include the following lands identified below by address, Lincoln County Map number, Legal Description, and attached map:

6533 NE Port Ln.	06-11-35-BB-10600-00	SAL-LA-SEA, BLOCK 1, LOT 6, DOC202113267
6537 NE Port Ln	06-11-35-BB-10500-00	SAL-LA-SEA, BLOCK 1, LOT 5, DOC202115694
6540 NE Port Ln	06-11-35-BB-10800-00	SAL-LA-SEA, BLOCK 2, LOT 2, MF280-0190
6545 NE Port Ln	06-11-35-BB-10400-00	SAL-LA-SEA, BLOCK 1, LOT 4, DOC201210841
6550 NE Port Ln	06-11-35-BB-10700-00	SAL-LA-SEA, BLOCK 2, LOT 1, DOC201806578
6611 NE Port Ln	06-11-35-BB-10300-00	SAL-LA-SEA, BLOCK 1, LOT 3, DOC202305298
6645 NE Port Ln	06-11-35-BB-10200-00	SAL-LA-SEA, BLOCK 1, LOT 2, DOC201203156
6695 NE Port Ln	06-11-35-BB-11400-00	TWNSHP 06, RNG 11, ACRES 0.25, DOC201009762
6695 NE Port Ln	06-11-35-BB-10100-00	SAL-LA-SEA, BLOCK 1, LOT 1, DOC201609835
6495 NE Sal-La-Sea Dr	06-11-35-BB-11100-00	SAL-LA-SEA, BLOCK 2, LOT 5, DOC200418622
Sal-La-Sea, Block 2, Lot 4	06-11-35-BB-11000-00	SAL-LA-SEA, BLOCK 2, LOT 4, MF288-1830
Sal-La-Sea, Block 2, Lot 3	06-11-35-BB-10900-00	SAL-LA-SEA, BLOCK 2, LOT 3, DOC201808639
Sal-La-Sea, Block 2, Lot 6	06-11-35-BB-11200-00	SAL-LA-SEA, BLOCK 2, LOT 6, MF210-2066
Sal-La-Sea, Block 2, Lot 7	06-11-35-BB-11300-00	SAL-LA-SEA, BLOCK 2, LOT 7, DOC201702663

#### Resolution #2024-03

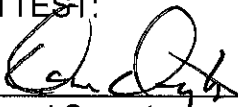
#### Resolution to Establish the Fire District Coverage Area

North Lincoln Fire & Rescue District #1  
PO Box 200, Lincoln City, OR 97367

FURTHER RESOLVED, that the Fire Chief shall send notice to any owners of lands within the coverage area as provided by statute; shall seek consent from the City Council of Lincoln City to annex such lands; shall file all documents necessary with the county assessor and Oregon Department of Revenue for tax assessment purposes; and take such additional steps as necessary to accomplish the purposes herein.

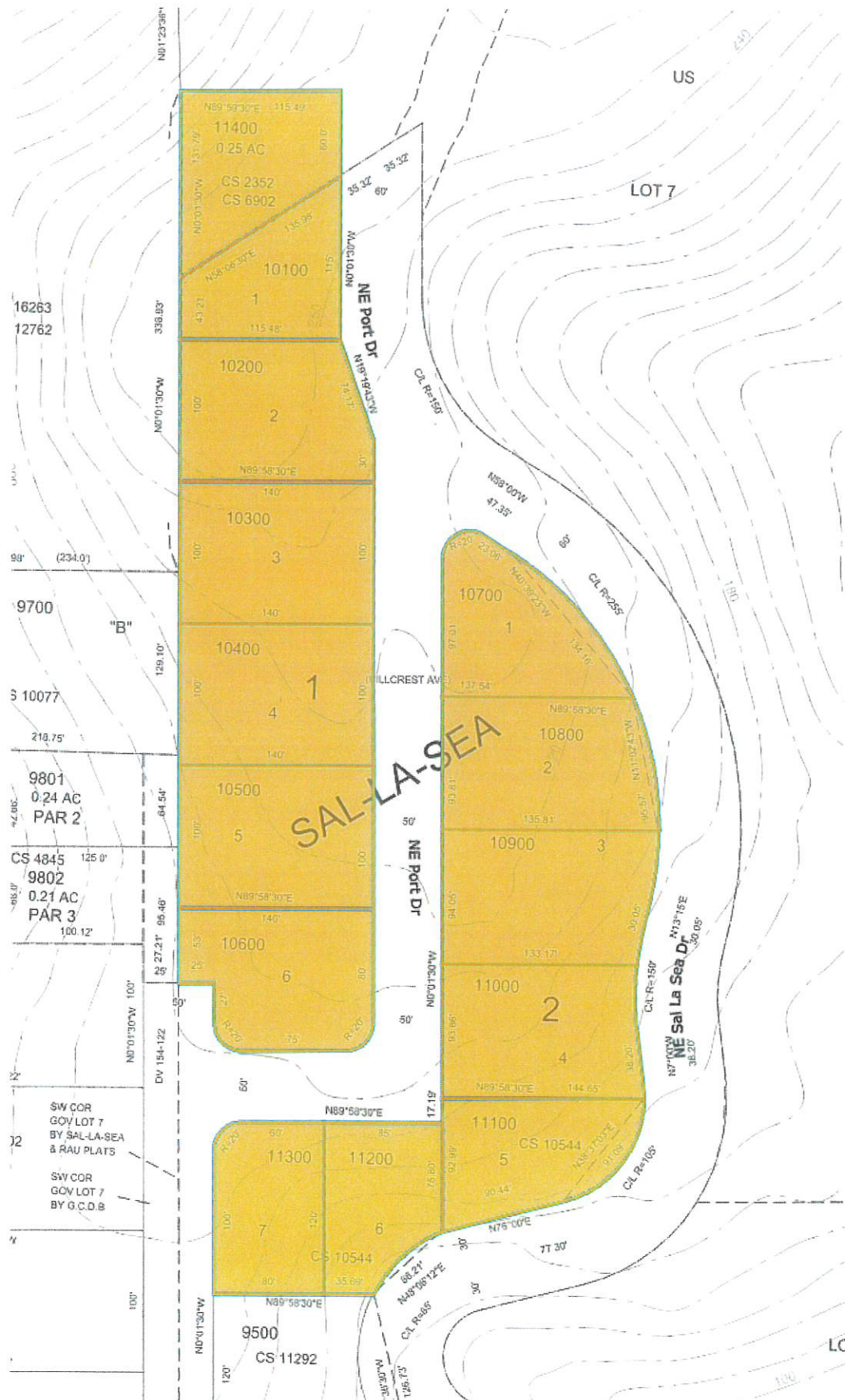
PASSED and ADOPTED by the Board of Directors of North Lincoln Fire & Rescue District #1 this 13th day of March 2024.

  
Board President

ATTEST:  
  
Board Secretary

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**Resolution #2024-03**  
Resolution to Establish the Fire District Coverage Area  
North Lincoln Fire & Rescue District #1  
PO Box 200, Lincoln City, OR 97367



**RESOLUTION NO. 2024-08**

**A RESOLUTION OF THE CITY OF LINCOLN CITY, APPROVING NORTH LINCOLN FIRE DISTRICT ANNEXATION OF LAND INSIDE CITY**

**WHEREAS**, Pursuant to LCMC 15.40.030, the city of Lincoln City delegates to North Lincoln Fire and Rescue District (NLFD) the enforcement of the 2022 Oregon Fire Code as adopted and amended by the Oregon Office of the State Fire Marshal in OAR 837, Division 40 and that such delegation shall include, but shall not be limited to, fire prevention, fire suppression, fire safety, fire storage, fire escapes, and fire investigation; and

**WHEREAS**, certain properties in Roads End are within the territorial boundaries of the City of Lincoln City but are not within the boundaries served by the NLFD; and

**WHEREAS**, the NLFD passed the NLFD #1 Resolution 2024-03 to establish fire district coverage for the properties not presently within the fire district; and

**WHEREAS**, Under SB1068 (2023), the annexation is subject to ORS 478.010 which states that a district may not annex territory within a city unless otherwise authorized by law; and

**WHEREAS**, the law that authorizes the annexation is ORS 198.720 and 198.835.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:**

**Section 1:**

North Lincoln Fire and Rescue District #1 Resolution 2024-03 is incorporated by reference hereto.

**Section 2:**

The City of Lincoln City approves the NLFD annexation of property as follows:

**Section 3: Effective Date:** This resolution is effective as of the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of January 2024.

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

ATTEST:

\_\_\_\_\_

1 JAMIE YOUNG, CITY RECORDER

2

3 APPROVED AS TO FORM:

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5 \_\_\_\_\_  
David Robinson, CITY ATTORNEY

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## Council Communication

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### Resolution No. 2024-09 Helping Hands Annual Payment Waiver

Meeting Date:	April 22, 2024	Primary Staff Contact:	Daphnee Legarza
Department:	City Council	E-Mail:	DLegarza@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

---

#### Question:

Should the City Council grant the installment payment relief requested under the terms of the March 2020 Promissory Note?

#### Staff Recommendation:

Due to the applicant meeting all the requirements specified in the March 2020 Promissory Note, staff recommends that Council grant the relief requested.

#### Authority: (*emphasis added*)

See January 13, 2020 Resolution 2020-02

#### Background:

In March 2020, the City (Lender) and Helping Hands (Debtor) signed a Note and Trust Deed for the \$400,000.00, representing the purchase price for the Helping Hands property located at 3454 NE Hwy 101, Lincoln City, OR 97367 & 2201 NE 34th Street, Lincoln City, OR 97367. Under the terms of the note, Paragraph 1(b) provides for waiver application to be filed in January for relief from the March installment payment requirement. Council has previously approved waiver [for 2021] based on demonstrated compliance with the requirements of the Note.

In the pertinent part, the Note provides:

DATE: March 13, 2020 (Closing Date)  
 PARTIES: The City of Lincoln City, Oregon (hereafter "LENDER")  
 Helping Hands Re-Entry Outreach Centers (hereafter "DEBTOR")  
 FOR VALUE RECEIVED LENDER and DEBTOR hereby agree as follows:

(1)(a) Subject to Paragraph 1(b) below, Helping Hands Re-Entry Outreach Centers promises to pay to the order of LENDER located at 801 SW Highway 101, Lincoln City, Oregon 97367, the sum of Four Hundred Thousand Dollars, (\$400,000.00), with interest thereon at the rate of 0.0%

per annum from the date of disbursement (closing) of such loan – (purchase price of Subject Property) until fully paid, payable in yearly installments for a total annual payment of \$13,333.33; said installment payment shall be paid once per year; the first payment to be made on the first (1st) day of the month (March) of the one year anniversary month of this Note (closing date); like payments on the first (1st) day of the month (March) of each anniversary date thereafter, until either the whole sum, principal and interest has been paid or the maturity date has been reached; if any of said installments is not so paid, all principal and interest to become immediately due and collectible at the option of the holder of this note. \*Annual payment shall be made to City of Lincoln City, [Attn: Finance Department] 801 SW Highway 101, [P.O. Box 50] Lincoln City, Oregon 97367.

(1)(b) An annual installment payment due on March 1 of each year as detailed in Paragraph 1(a) above, may be waived by the City Council upon prior approval of a yearly waiver application made to the City Council in January of each year that an installment payment is due and payable. The waiver application shall demonstrate continuous operation of the Helping Hands Transitional Housing program at the subject property, said program serving the homeless population of Lincoln City, as more particularly detailed and approved by the Lincoln City Planning Commission in CUP 2019-04. In addition, the following conditions must be demonstrated as part of the January waiver application: (1) Helping Hands Re-Entry Outreach Centers must maintain 501(c)(3) nonprofit status; (2) Helping Hands Re-Entry Outreach Centers must not be delinquent on repayment of any other City/URA loans (e.g. Debtor is in process of applying for \$350,000.00 rehabilitation loan); (3) Helping Hands Re-Entry Outreach Centers must substantially complete improvements and commence the use per the conditional use approval timetable; any extensions of the conditional use timetable shall only be as provided under the Municipal Code; (4) Helping Hands Re-Entry Outreach Centers shall actively provide Transitional Housing services at the Subject Property to homeless in this community within one year of closing; however, it is agreed and understood that the one year timetable contemplates the subject property will be under construction (rehabilitation) and that construction extensions may be authorized per the Code to facilitate the approved (CUP 2019-04) use of the property; and (4) Helping Hands Re-Entry Outreach Centers will obey all laws and not be cited for any Lincoln City Municipal Code violations. The Subject Property is located at 3454 NE Hwy 101, Lincoln City, Oregon and 2201 NE 34th Street, Lincoln City, Oregon said property being identified as 07-11-02CC Tax Lots 300 and 500. Upon review of the application and demonstration of continuous Transitional Housing operation, together with satisfaction of the other conditions noted herein, the Council shall waive the required installment payment for that year. Such annual application and Council determination shall also be the annual determination of compliance with the fee simple determinable deed condition.

*The attached correspondence from the Applicant's legal counsel demonstrates compliance with the terms of the Note. The applicant's 501(c)(3) status has been maintained. The applicant is not in default of any city loans. The applicant has obtained a time extension (COVID extension) from the Planning Director, so the time for completion of construction and remodeling has been lawfully extended. The approval contemplates operations cannot commence until all construction is complete. The applicant has not been cited for violation of any laws.*

- Council Options:**
1. Find the request meets the requirements /waive installment payment.
  2. Specify noncompliance with requirements as \_\_\_\_\_ and do not approve the request.

**Council Motion:**

Motion to approve waiver of the 2024 installment payment per the terms of Paragraph 1.b. of the March 2020 Promissory Note.

**Attachments:**

- Helping Hands Annual Payment Waiver Letter 2024 (PDF)  
Resolution 2020-02\_HelpingHands (PDF)  
Res. No. 2024-09 waiving payment Helping Hands (PDF)



January 5, 2024

**A. RICHARD VIAL**  
 503.684.4111 x400035  
 DIRECT 503.210.3106  
 FAX 503.598.7758  
[ARV@vf-law.com](mailto:ARV@vf-law.com)  
*Admitted to practice in:*  
 Oregon

*Via first-class mail and email*

P19012-001

David J. Robinson  
 City Attorney  
 City of Lincoln City  
 PO Box 50  
 Lincoln City, OR 97367  
[DRobinson@lincolncity.org](mailto:DRobinson@lincolncity.org)

RE: 3454 NE Highway 101 and 2201 NE 34th Street

Dear Mr. Robinson:

May this letter serve as Helping Hands Re-entry Outreach Centers' application to the Lincoln City City Council for a waiver of Helping Hands' 2024 note installment payment of \$13,333.33.

Regarding Note Paragraph (1)(b):

- (1) Helping Hands Re-Entry Outreach Centers has maintained its 501 (c)(3) nonprofit status.
- (2) Helping Hands Re-Entry Outreach Centers has a construction loan. Interest on the loan balance presently accrues. Soon HH will submit its final draw request. Thereafter, it will make monthly payments to the lender. HH is not delinquent or in default of its debt obligations.
- (3) Helping Hands Re-Entry Outreach Centers is actively providing services, as approved in CUP 2019-04, at the subject property to homeless in this community.
- (4) Helping Hands Re-Entry Outreach Centers has obeyed all laws and not be cited for any Lincoln City Municipal Code violations.

Best wishes,

**VIAL FOTHERINGHAM LLP**

A. Richard Vial  
*Attorney at Law*

ARV:kkno  
 cc: Helping Hands Re-Entry Outreach Center



1 required for economic development or rehabilitation loans. A standard real  
2 estate purchase and sale agreement may also be required.

3

4 E. The December 9, 2019 City Council Public Hearing and Resolution staff reports  
5 are incorporated herein by this reference. It is understood and agreed that the  
6 use approved in CUP 2019-04 is the use described in the application and  
7 approved by the Planning Commission and despite the "label" or unfortunate  
8 "branding" of the use as "Transitional Housing;" the use is not "Transitional  
9 Housing" as described in ORS 446.265. All evidence of market value (in addition  
10 to the purchase price paid by the City) was fully disclosed and entered into the  
11 record at the public hearing on December 9, 2019.

12

13 F. Pursuant to ORS 221.725, any resident of the City was provided with an  
14 opportunity to present oral or written testimony on the subject of the sale to the  
15 City Council at the public hearing.

16

17 G. After hearing the staff report and public input, Council closed the hearing and  
18 record and continued deliberations of the proposed Resolution to January 13,  
19 2020. The primary reason for the continuation was to facilitate final resolution of  
20 the pending land use application [CUP 2019-04] before the Planning Commission.  
21 No appeal of the Planning Commission decision was filed.

22

23 H. On January 13, 2020, after due deliberation, Council made the findings of fact set  
24 forth herein and directed the sale / conveyance of the real property with the  
25 conditions identified in the staff report and this Resolution.

26

27 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**  
28 **LINCOLN CITY, AS FOLLOWS:**

29

30 **SECTION 1. RECITALS.** The above recitals are true and correct and are  
31 incorporated herein by this reference.

32

33 **SECTION 2. FINDINGS.**

34

35 The Council finds and determines that the relevant statutory criteria for disposition  
36 of City real property are found in or referenced in ORS Chapter 271 (specifically ORS  
37 271.310 and ORS 271.330) as well as ORS 221.725.

38

**ORS 271.310. Transfer or lease of real property owned or controlled by political subdivision; Procedure in case of qualified title.**

(1) Except as provided in subsection (2) of this section, whenever any political subdivision possesses or controls real property not needed for public use, or whenever the public interest may be furthered, a political subdivision may sell, exchange, convey or lease for any period not exceeding 99 years all or any part of their interest in the property to a governmental body or private individual or corporation. The consideration for the transfer or lease may be cash or real property, or both.

\*\*\*

(4) Unless the governing body of a political subdivision determines under subsection (1) of this section that the public interest may be furthered, real property needed for public use by any political subdivision owning or controlling the property shall not be sold, exchanged, leased or conveyed under the authority of ORS 271.300 to 271.360, except that it may be exchanged for property which is of equal or superior useful value for public use. Any such property not immediately needed for public use may be leased if, in the discretion of the governing body having control of the property, it will not be needed for public use within the period of the lease.

**271.330 Relinquishing title of property not needed for public use.**

\* \* \*

(2)(a) Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property to a qualifying nonprofit corporation or a municipal corporation for the purpose of providing any of the following:

- (A) Low income housing;
  - (B) Social services; or
  - (C) Child care services.
- (b) As used in this subsection:

(A) "Qualifying nonprofit corporation" means a corporation that is a public benefit corporation as defined in ORS 65.001 (35) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation

1 is exempt from federal income taxes under section 501(c)(3) of the Internal  
2 Revenue Code.

3 (B) "Social services" and "child care services" include but are not limited to  
4 education, training, counseling, health and mental health services and the  
5 provision of facilities and administrative services to support social services and  
6 child care services.

7  
8 **221.725 Sale of city real property; publication of notice; public hearing.**

9  
10 (1) Except as provided in ORS 221.727, when a city council considers it  
11 necessary or convenient to sell real property or any interest therein, the city  
12 council shall publish a notice of the proposed sale in a newspaper of general  
13 circulation in the city, and shall hold a public hearing concerning the sale prior  
14 to the sale.

15 (2) The notice required by subsection (1) of this section shall be published  
16 at least once during the week prior to the public hearing required under this  
17 section. The notice shall state the time and place of the public hearing, a  
18 description of the property or interest to be sold, the proposed uses for the  
19 property and the reasons why the city council considers it necessary or  
20 convenient to sell the property. Proof of publication of the notice may be  
21 made as provided by ORS 193.070.

22 (3) Not earlier than five days after publication of the notice, the public  
23 hearing concerning the sale shall be held at the time and place stated in the  
24 notice. Nothing in this section prevents a city council from holding the hearing  
25 at any regular or special meeting of the city council as part of its regular  
26 agenda.

27 (4) The nature of the proposed sale and the general terms thereof,  
28 including an appraisal or other evidence of the market value of the property,  
29 shall be fully disclosed by the city council at the public hearing. Any resident of  
30 the city shall be given an opportunity to present written or oral testimony at  
31 the hearing.

32 (5) As used in this section and ORS 221.727, "sale" includes a lease-option  
33 agreement under which the lessee has the right to buy the leased real property  
34 in accordance with the terms specified in the agreement.

35  
36 The Council finds that it has received all information necessary to make a decision based  
37 on the Staff Report, public hearing testimony and the exhibits and evidence received.  
38 The Staff Report and the findings therein are specifically incorporated herein by this  
39 reference.

1 The Council finds and determines that this proposal to sell / convey the subject property  
2 to "Helping Hands Re-Entry Outreach Centers," a "Qualifying non-profit corporation"  
3 meets all applicable statutory minimum criteria for eligibility to sell real property, as  
4 more fully set forth herein. Further the City Council finds and determines that the  
5 proposed disposition of real property is deemed "necessary or convenient" to the City,  
6 and "furthers the public interest" as the sale will further the City Council's desire to  
7 provide the services described in approved CUP 2019-04 to the City of Lincoln City's  
8 homeless population. The Council further finds and determines that the property  
9 identified herein is not necessary for City use. The findings herein are supported by  
10 competent substantial evidence in the whole record, incorporated herein by this  
11 reference.

12  
13 **SECTION 3. ORDER.** Based on the above Findings set forth or incorporated herein  
14 and based upon the evidence in the whole record, the City Council hereby  
15 approves and directs the sale / conveyance of the subject property to Helping Hands  
16 Re-Entry Outreach Centers, subject to all identified conditions, included or  
17 referenced (e.g. Staff Report conditions) herein. The real property sale /  
18 conveyance is delegated to the City Manager and City Attorney who are  
19 authorized to execute such purchase and sale agreements, contracts, security  
20 instruments (trust deed, guaranty and note), deeds and other documents necessary  
21 to complete the sale / conveyance. The City Attorney must approve all documents as  
22 to form. The Manager is expressly delegated the authority to sign documents for the  
23 City. The Manager and Attorney are authorized to expend funds necessary to  
24 effectuate the sale/conveyance, including but not limited to purchase of real estate  
25 and title company services and products. When not specifically allocated to a party,  
26 closing costs are split between the parties. Closing shall occur within 60 days or this  
27 authorization of this Resolution shall be null and void. The sale/conveyance is  
28 subject to final land use approval, including all appeals. The real property sale is, as  
29 is, and subject to all encumbrances of record.

30  
31 **SECTION 4. EFFECTIVE DATE.** This resolution is effective as of the date of its  
32 adoption and signature by the Mayor.

33  
34 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13th day of  
35 January, 2020.

36  
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39 DICK ANDERSON, MAYOR  
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ATTEST:

  
CATHY STEERE, CITY RECORDER

EXHIBIT A

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**R247720 & R252290 and 7-11-02CC Tax Lots 300 and 500**  
**PARCEL 1: 3454 NE Hwy 101, Lincoln City, OR 97367**  
**PARCEL 2: 2201 NE 34<sup>th</sup> Street, Lincoln City, OR 97367**

PARCEL I:

That part of Section 2, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a point on the North line of Government Lot 25 that is North 89° 39' East 450.19 feet from the Northwest corner of said Lot 25, said point being the Northeast corner of the premises conveyed by Woodrow C. Sax, et ux, to John R. Fuller and Anna L. Fuller, husband and wife, by deed recorded April 15, 1940 in Book 84, page 76, Deed Records for Lincoln County; thence South 0° 07' West 131 feet to the North line of N.E. 34th Street (formerly known as Lohkamp Lane); thence North 89° 39' East along the North line of said N.E. 34th Street 159 feet; thence North 0° 07' East 130.75 feet to the North line of said Government Lot 25; thence South 89° 39' West 159 feet along the North line of said lot to the point of beginning.

PARCEL II:

A tract of land situated in Government Lot 25 in Section 2, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the Northwest corner of said Government Lot 25; thence East along the North line of said lot to the Easterly line of the Oregon Coast Highway, said point being the Northwest corner of the John R. Fuller tract described in deed recorded April 15, 1940 in Book 84, page 76, Deed Records; thence East along the North line of said Fuller tract 130 feet; thence South along the East line of said Fuller tract 50 feet to the Southeast corner thereof and the true point of beginning of the premises herein described; thence South 80 feet; thence West, parallel with the North line of said Government Lot 25 to the Easterly line of the aforementioned highway; thence Northwesterly along the Easterly line of said highway to the Southwest corner of aforementioned Fuller tract; thence East along the South line of said Fuller tract to the true point of beginning.

**RESOLUTION NO. 2024-09**

**A RESOLUTION OF THE CITY OF LINCOLN CITY WAIVING ANNUAL REPAYMENT OBLIGATION PURSUANT TO COUNCIL RESOLUTION 2020-02**

**WHEREAS**, in March 2020, the City (Lender) and Helping Hands Re-Entry Outreach Centers, Inc. (Debtor) signed a Note and Trust Deed for the \$400,000.00, representing the purchase price for the Helping Hands property located at 3454 NE Hwy 101, Lincoln City, OR 97367 & 2201 NE 34th Street, Lincoln City, OR; and

**WHEREAS**, the purpose of this project is for Helping Hands to operate a transitional living facility for unhoused individuals; and

**WHEREAS**, pursuant to Council Resolution 2020-02 the City “may [as an additional option] retain a note, guaranty and trust deed for the purchase price of \$400,000 and require an annual payment of + /- \$13,333.33 per year which payment shall be waived annually if the non-profit entity operates the facility approved in CUP 2019-04 on the subject property meeting certain minimum thresholds as described in the note and the operator is not delinquent in any City economic development or Urban Renewal rehabilitation loan payments.

**WHEREAS**, Helping Hands appears to be operating in substantial compliance with the March 2020 Promissory Note.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:**

**Section 1:**

The annual payment obligation of debtor Helping Hands in the amount of \$13,333.33 shall be waived for the current fiscal year.

**Section 2: Effective Date:** This resolution is effective as of the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 22<sup>nd</sup> day of April 2024.

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

ATTEST:

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

1 APPROVED AS TO FORM:

2

3 David Robinson, CITY ATTORNEY

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# Council Communication

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## Planning Commission Interviews- Richards

Meeting Date:	April 22, 2024	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

---

### Background:

One application has been received for an appointment for the one City Resident position. The position is a partial 4-year term expiring 12/31/25.

The application is attached. Also attached, please find the questions to be used for Planning Commission interview with the City Council. A copy of these questions has been sent to the candidate.

The Lincoln City Code, 2.06.015 (C) (5) requires that Planning Commission applicants be interviewed at a City Council meeting.

The Planning Commission currently has one (1) vacant position. The vacant position was noticed to the media, [Lincolncity.org](http://Lincolncity.org), and the Facebook page; and was also advertised at City Hall and the Driftwood Public Library.

The applicants have successfully completed the interview/background process and are a City Resident.

### Question:

Should the City Council approve the appointment of Pamela Richards for a position on the Planning Commission?

### Staff Recommendation:

Following interviews, make an appointment as desired.

### Council Options:

Interview, review, and discuss the possible appointment of Pamela Richards to a City Resident position on the Planning Commission, with the terms beginning 4/23/2024 expiring 12/31/2025.

**Potential Motion:**

- 1. I move to appoint Pamela Richards to the Planning Commission for the terms beginning 4/23/2024 and expiring 12/31/2025.**

**Attachments:**

Reference check\_Pamela Richards\_ Planning Commission applicant (PDF)

Richards, Pamela\_Application\_Redacted (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-Pamela Richards docx (PDF)

NEW Planning Commissioner questions FINAL (PDF)

**From:** [Deanna Everett](#)  
**To:** [Nina Graham](#)  
**Subject:** RE: Reference check-Pamela Richards Planning Commission applicant  
**Date:** Monday, April 8, 2024 4:55:43 PM  
**Attachments:** [image001.png](#)

---

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Nina,

My apologies for this being late. I volunteer for the AARP tax program doing taxes for the Elderly and low income and it is the last two weeks!!! BUSY

I am honored to recommend Pamela Richards, for the Planning Commission. I have known Pamela for four years in various positions. In that time I have found her to be of stellar character and an incredible human. She sincerely wants what is best for her community and world and is willing to step forward and work to see that happen.

We served on a non profit together in various positions. Her work is efficient, concise and seldom with error. She is thoughtful and considerate in her answers and actions pertaining to the subject at hand and with the people it affects. Her interpersonal skills are excellent.

On a personal note Pamela has raised four great children, all contributing adults, that she can be proud of.

Pamela looks to the future, while preserving the past and would be an excellent addition to the Planning Commission.

Regards,

Deanna Everett, MS, CLS  
1090 Austin Ave  
Idaho Falls, Idaho 83404

208-559-8843

Sent from [Mail](#) for Windows

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**From:** [Nina Graham](#)  
**Sent:** Monday, April 8, 2024 1:46 PM  
**To:** [Deanna Everett](#)  
**Subject:** RE: Reference check-Pamela Richards Planning Commission applicant

Hello,

I'm just following up with you on the reference check. I appreciate it.



# CITY OF LINCOLN CITY Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- Arts Committee
- \*Budget Committee
- Community Sustainability Committee
- URA Ad Hoc Committee
- Parks and Recreation Board
- Planning Commission
- Library Board

\* If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.

<b>NAME:</b>	<i>(Lee)</i> <i>Pamela Richards</i>	<b>DATE:</b>	<i>2/28/24</i>
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	<i>same</i>		
<b>CITY, STATE, ZIP:</b>	<i>Lincoln City, OR 97367</i>		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	[REDACTED]	<b>CELL PHONE:</b>	<i>same</i>

### RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits:  Yes Length of Time *9 months*
  - Do you reside within the Urban Growth Boundary?  Yes Length of Time \_\_\_\_\_
  - Do you reside within the Lincoln County School District North:  Yes  No
  - Are you a registered voter in Lincoln County?  Yes  No
  - Are you a Lincoln City business owner or Manager?  Yes  No
- If yes, please indicate which business you own/manage? \_\_\_\_\_



**QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)**

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

BA - Political Science UVM  
M. Ed. Law School U of Idaho  
People person, committed, organized

List names of volunteer/work supervisors:

Scot Anderson - PCA  
Deanna Everett - TOPS

Please provide any previous experience with committees, boards or commissions and positions held:

Membership Chair - Porsage Club of America  
President - Take Off Pounds Sensibly

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

Susan Wable - Mayor - Friend  
Erick Albrechtson - Planning Comm. - Neighbor  
Riley Hoagland - Realtor - City Council

Explain why you would like to serve on this board, commission, or committee:

I have time to volunteer and serve in Lincoln City, the city I love!

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Scot Anderson Phone: [Redacted]  
Name: Deanna Everett Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[Redacted Signature] DATE 3/28/24



**COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM**

FULL NAME:	<i>Pamela Richards</i>
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	<i>3/28/24</i>
VOLUNTEER SIGNATURE:	[REDACTED]

**ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL**

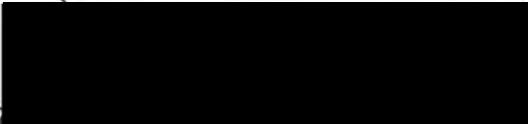


**FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY**

**PLEASE READ CAREFULLY BEFORE SIGNING!**

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; [www.pinnacleprof.com](http://www.pinnacleprof.com)** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.



**SIGNATURE**

3/28/24

**DATE**



## MEMORANDUM

---

**To: City of Lincoln City Mayor and Council**

**From: Human Resources Department**

**Date: April 15, 2024**

**Re: Council Volunteer Appointment—Background Report and References**

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have *passed* the background check.

Name: Pamela Richards

Position Applied For: Planning Commission

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

*Niña Graham*

Niña Graham

Human Resources Supervisor

1. Why do you want to serve on the Planning Commission?
2. How would you prepare for a Planning Commission meeting?
3. Some issues that the commission hears may be controversial and draw large audiences. At public hearings, planning commissioners must discuss openly among themselves any given matter before a decision is made, and they must do so before sometimes large and sometimes unfriendly audiences. Do you think you work well in group situations under such circumstances? Please tell us about a time when you had to do this.
4. What do you think is the most important skill for a Planning Commissioner to have?
5. This position requires that you listen to the public and your fellow commissioners. Importantly, it requires that you separate relevant comments from irrelevant and prejudicial comments. Do you consider yourself a good listener? Can you separate and dispassionately reject prejudicial and irrelevant comments?
6. Are you able to make a decision on a case based on the applicable criteria, even if it is at odds with your personal preferences and opinions? Please give us an example of a time when you had to make a criteria-based decision, without using your personal preferences and opinions as part of that decision.
7. Assume a controversial land use issue is before the Commission. How would you reconcile your personal opinions and emotions should they be in conflict with the goals of the Lincoln City Comprehensive Plan or applicable criteria set forth in the Lincoln City Municipal Code?

# Council Communication

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## Sanitary Sewer Pipeline and Manhole Rehab project

Meeting Date:	April 22, 2024	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

---

### Question:

Should the City Council award the Sanitary Sewer Pipeline and Manhole Rehab project to West Cost CIPP Supply?

### Staff Recommendation:

Staff recommends the Council award the Sanitary Sewer Pipeline and Manhole Rehab project to West Cost CIPP Supply.

### Authority:

LCMC 2.05.060 (Procurement of goods and services shall be awarded as provided in the Public Contracting Code, ORS Chapter [279B](#), the Model Rules). This project follows the rule for bids awarded by competitive bid.

### Background

The City has infiltration and inflow (I&I) issues with the City's old sanitary sewer system meaning the pipes are leaking and allowing ground water to enter. The Holmes Pump Station sewer system has caused overflow problems at the Holmes Pump Station during major storm events in the past. Most of the sewer system was constructed in 1963 and the pipe is asbestos concrete (AC) pipe. We upgraded the pump station last year and rehabbed two of the lines flowing to the pump station, the pipeline we are rehabilitating with this project contributes a substantial amount of ground water to the pump station, as well as 6 leaking manholes and a leak in the wet well at West Devils Lake Road Pump Station.

### Project Description

This project includes installing a liner in 460 feet of 8-inch sanitary sewer, apply an epoxy coating on 6 Manholes, sealing a leak in a pump station wet well, and sealing a leak in a valve vault.

### Bids

Public Works Department advertised the project for bid on March 25, 2024. The City Public Works Department opened bids for the project on April 11, 2024. Three bids were received:

<b>Bidder</b>	<b>Bid Amount</b>
West Coast CIPP Supply	\$193,365.00
Insituform	\$217,191.00
Iron Horse LLC	\$278,409.00

The lowest responsive and responsible bidder was West Coast CIPP Supply in the amount of \$193,365.00.

### **Financial Impact**

This project will be funded out of the Sewer Utility Operations, Infiltration & Inflow Maintenance Fund (241-000-6210025). There is \$270,000 remaining this year for I&I projects.

<b>Item</b>	<b>Estimated Cost to Complete</b>
Bid Advertise	\$263.78
Bureau of Labor and Industries	\$966.82
Construction Bid	\$193,365.00
Construction Contingency	\$19,336.50
<b>Total</b>	<b>\$213,932.10</b>

### **Recommendation**

Staff recommends the construction contract be awarded to West Coast CIPP Supply in the amount of \$193,365.00 with a construction contingency of \$19,336.50 (10 percent of bid amount) for a total award of \$212,701.50.

### **Potential Motions:**

Move to award the construction contract for the Sanitary Sewer Pipeline and Manhole Rehab project to West Cost CIPP Supply in the amount of \$212,701.50.

### **Attachments:**

Bid Tab

**Attachments:**

Bid Tab (PDF)

2024 Sanitary Sewer Lining & Manhole Rehabilitation				West Coast CIPP Supply		Insituform		Iron Horse LLC	
	ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL	Unit Price	Total	Unit Price	Total
GENERAL BID ITEMS									
1	00210 Mobilization	1	LS	\$12,000.00	\$12,000.00	\$9,358.00	\$9,358.00	\$20,000.00	\$20,000.00
2	00225 Temporary Work Zone Traffic Control, Complete	1	LS	\$4,000.00	\$4,000.00	\$30,656.00	\$30,656.00	\$10,000.00	\$10,000.00
3	00280 By-Pass Pumping	1	LS	\$4,000.00	\$4,000.00	593	\$593.00	15000	\$15,000.00
4	00412 Lining 8-inch AC Pipe in Streets	1460	FT	\$71.00	\$103,660.00	66	\$96,360.00	84	\$122,640.00
5	00412 Lining 8-inch AC Pipe Across Ravine	259	LS	\$95.00	\$24,605.00	\$117.00	\$30,303.00	\$95.00	\$24,605.00
6	Specials Wet Well - Seal Leaks on upper 3 fe of wall and apply epoxy coating	1	LS	\$12,400.00	\$12,400.00	\$5,619.00	\$5,619.00	\$20,136.00	\$20,136.00
7	Specials Valve Vault - Seal Leaks on Pipe Penetrations & appy epoxy coating on floor and up 6 feet of wall	1	LS	\$12,500.00	\$12,500.00	\$6,267.00	\$6,267.00	\$15,450.00	\$15,450.00
8	Specials Apply Epoxy Coating to Manholes	5	EA	\$3,000.00	\$15,000.00	\$5,619.00	\$28,095.00	\$7,255.00	\$36,275.00
9	Specials Apply Cementitious Coating to MH and Apply Epoxy Coating (MH WEC-1412)	1	LS	\$5,200.00	\$5,200.00	\$9,940.00	\$9,940.00	\$14,303.00	\$14,303.00
					<b>\$193,365.00</b>		<b>\$217,191.00</b>		<b>\$278,409.00</b>

## Council Communication

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### Advance Meter Service Phase 2B Contract

Meeting Date:	April 22, 2024	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

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#### Question:

Should City Council approve purchasing the Sensus water meter equipment for the Advance Metering Infrastructure (AMI) system project, Phase 2B, from Ferguson Waterworks?

#### Staff Recommendation:

City Council should approve purchasing the Sensus water meter equipment for the Advance Metering Infrastructure (AMI) system project, Phase 2B, from Ferguson Waterworks.

#### Authority:

LCMC 205.060 (Public improvement contracts shall be awarded by competitive bid or as provided by the Public Contracting Code or these rules) in this case, the Council approved an exemption and approved a Progressive Design Build procurement process.

The Public Works Department advertised the invitation to submit Proposals on August 20, 2020. On January 10, 2022 Council approved the award to Ferguson Waterworks to provide the AMI System.

The project is divided into Phase 1, 2, 3 and 4 and sub phases as needed to implement. Each Phase has been and will be brought before Council for award approval. This is Phase 2B which will complete Phase 2.

#### Background:

The AMI systems allow water meters usage to be read by radio signal rather than a person entering the read from the meter location. The information from the radio read is sent to a Meter Data Management System where the information is process and stored and sent to the City's Caselle Software for billing. This system is available to office staff and field operations, alerting when the system detects leaks on the service lines.

In Phase 1, 378 meters were installed. In Phase 2A, 1410 meters were installed (large meters still in delivery status). In Phase 2A, we plan to complete installation of the remaining 725 meters.

City Council approved staff recommendation to advertise the installation of the meters in Phase 2B through a Request for Proposal process, rather than allowing Ferguson to sub contract with the lowest bidder to install. This award will purchase the meters and software integration assistance from Ferguson Water Works for Phase 2B.

**Financial Impacts:**

The project is funded through the Water Capital Fund for \$1 million for fiscal year 2023-2024. After we complete 2B, \$630,000 is remaining in the budget to implement Phase 2B.

**Council Options:**

City Council may decide not to continue with the AMI System.

City Council may approve implementing Phase 2B of the system and authorize the purchase of Sensus Equipment in the amount of \$225,000.00.

**Potential Motions:**

Move to not continue with the AMI System.

Move to authorize the purchase of Sensus water meter equipment for the Advance Metering Infrastructure (AMI) system project, Phase 2B, from Ferguson Waterworks in the amount of \$225,000.00.

# Council Communication

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## Library Board Reappointment

Meeting Date:	April 22, 2024	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

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### Background:

At the March 25, 2024 meeting Council made a motion to direct the City Recorder to use the abbreviated reappointment process pending a new background and schedule the Committee members for reappoint at the next Council meeting.

### Question:

Should the City Council reappoint Richard Townsend and Holly Laspa to the committees they are currently serving on?

### Staff Recommendation:

Staff recommends that Council reappoint Richard Townsend and Holly Laspa to the committees they are currently serving on for a full term.

### Authority:

Reappointment to the Lincoln City Budget Committee is authorized under LCMC Chapters 2.06.015 Recruitment and appointment process.

G. Reappointment. Requests for reappointment of appointive public officers (only for those who have previously completed the interview, reference and background check) may be processed using this abbreviated procedure. The council, by motion, may direct the city recorder to place appointive officers on the agenda for reappointment, subject only to an update of the background investigation (pursuant to a current release). Unless council by motion directs the use of the abbreviated procedure, all reappointments shall follow the procedure identified herein for original applicants. (Ord. 2021-20 § 1; Ord. 2017-05 § 1)

### Council Options:

Review and discuss the recommendation for reappointment of Richard Townsend and Holly Laspa to the committees they are currently serving on.

**Potential Motions:**

- 1. I move to reappoint Richard Townsend and/or Holly Laspa to the Library Board for a "City Resident" position with a four-year term. The term begins 7/01/24 expires 6/30/2028.**

**Attachments:**

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-Townsend.Richard (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-2024.4Holly Laspa (PDF)



## MEMORANDUM

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**To: City of Lincoln City Mayor and Council**  
**From: Human Resources Department**  
**Date: April 4, 2024**  
**Re: Council Volunteer Reappointment—Background Report**

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have *passed* the background check.

Name: Richard Townsend  
Position Applied For: Planning Commission

Respectfully,

*Niña Graham*

Niña Graham  
Human Resources Supervisor



## MEMORANDUM

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**To: City of Lincoln City Mayor and Council**  
**From: Human Resources Department**  
**Date: April 4, 2024**  
**Re: Council Volunteer Reappointment—Background Report**

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have *passed* the background check.

Name: Holly Laspa  
Position Applied For: Library Board

Respectfully,

*Niña Graham*

Niña Graham  
Human Resources Supervisor

# Council Communication

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## BayWalk Sidewalk Additional Funds for Phase 2

Meeting Date: April 22, 2024  
 Department: City Council  
 Secondary Dept:  
 Approval: Jamie Young

Primary Staff Contact: Stephanie Reid  
 E-Mail: SReid@lincolncity.org  
 Secondary Contacts:  
 Estimated Time: 10 minutes

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### Question

Should the Council increase the US 101: Lincoln City BayWalk to Schooner Point (Phase 2) Sidewalk project contract amount?

### Staff Recommendation

Staff recommends the Council increase the US 101: Lincoln City BayWalk to Schooner Point (Phase 2) Sidewalk contract to the full state funding amount of \$555,000.00.

### Background

Lincoln City Urban Renewal previously worked with ODOT to design a connection of the remaining sidewalk gap from the Schooner Creek Bridge to the BayWalk pullout, adjacent to Pelican Brewing. An amount of \$540,000.00 was previously negotiated with ODOT to fund a portion of the remaining sidewalk section, of this amount, only \$449,881.96 was needed. Lincoln City Public Works worked with ODOT staff to allocate the remaining funds to fill in the last remaining sidewalk gap adjacent to the new sidewalk project.

### Project Description

This extension of the Baywalk Phase 2 project would install and additional 200 feet of sidewalk, from the Schooner Creek Bridge to the existing Schooner Creek Pullout, and connect this to the recently completed sidewalk.

The existing contractor, CG Contractors, has agreed on expanding the current contract and completing this additional work by the end of budget year, July 1, 2024.

### Project Budget and Costs

This project is funded by ODOT funds, up to \$540,000.00. An advance deposit of \$270,000 of city funds was made in February of 2023 to meet the Intergovernmental agreement. Funds for the project are to come from Street Capital, Sidewalk Construction (211-000-6340208), which was funded by deposits to 4301900 ODOT Grant/Reimbursement. The total construction cost is outlined below.

Additional design was completed in house by Lincoln City Public Works. Roughly \$90,000.00 of the original ODOT funds will remain for completing this construction, with an additional \$15,000.00 put forward by ODOT for miscellaneous maintenance items. Cost beyond the ODOT funded \$105,000.00 may be requested from Lincoln City, but costs exceeding this are highly unlikely. A final construction cost is currently pending from the contractor.

Item	Estimated Cost to Complete FY23/24 and 24/25
Bureau of Labor and Industries	\$442.83
Construction Bid	\$442,825.00
Art (1/2 of one percent of the construction bid)	\$2,214.13
Estimated Construction Contingency Used	\$4,400.00
Total	\$449,881.96
Remaining ODOT Grant funding (\$540,000 – Total)	\$90,000.00
Additional ODOT maintenance funds (if needed)	\$15,000.00

**Recommendation**

Staff recommends the existing BayWalk Phase 2 contract approval be increased to a new total of up \$550,000.00 for the additionally proposed sidewalk construction with available ODOT funding.

**Potential Motions:**

Move to increase the US 101 Lincoln City BayWalk to Schooner Point Sidewalk contract in the amount of \$105,000.00.

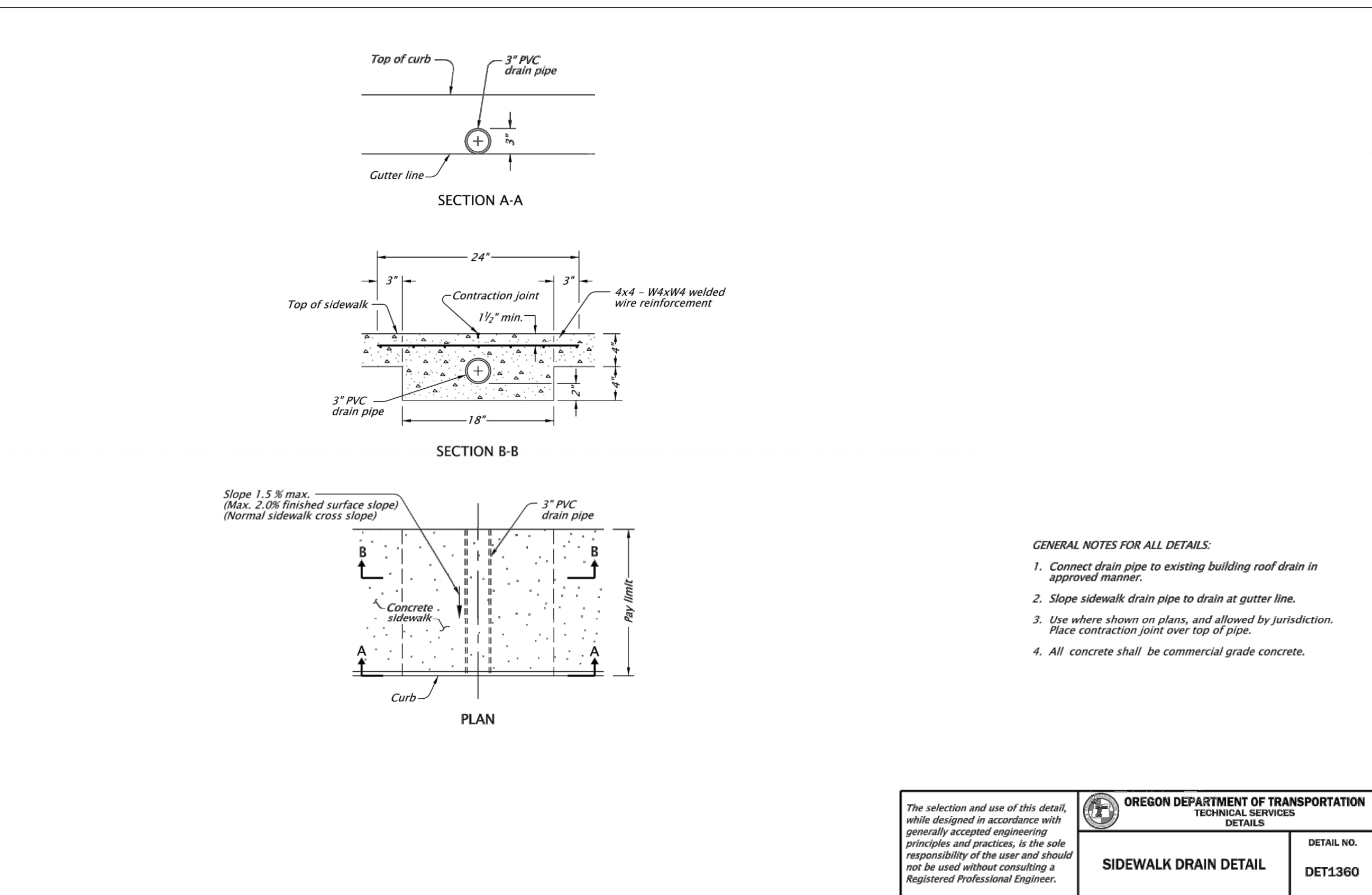
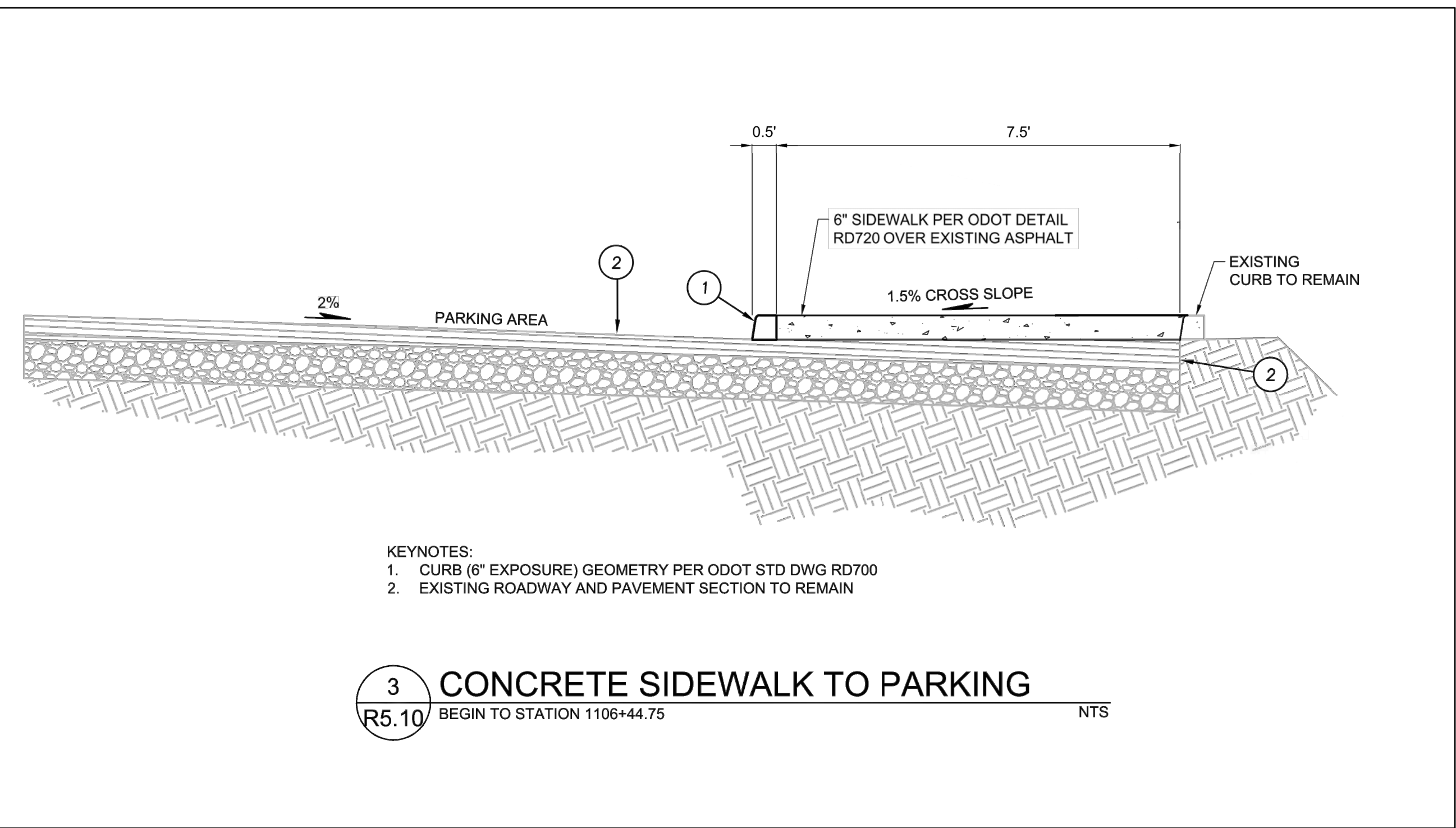
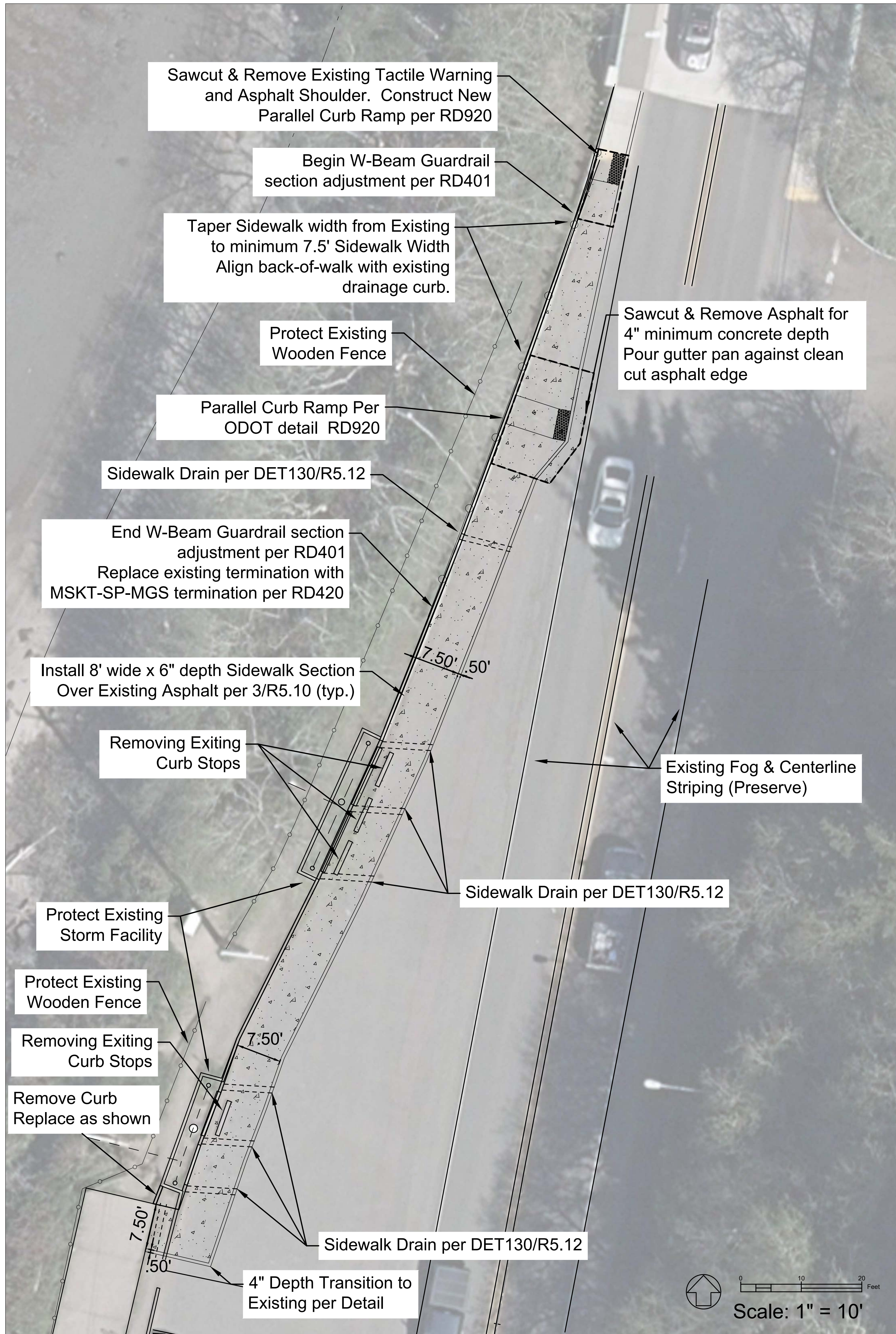
**Attachments:**

- Expanded Sidewalk Design
- Engineer’s Estimate for Sidewalk Addition

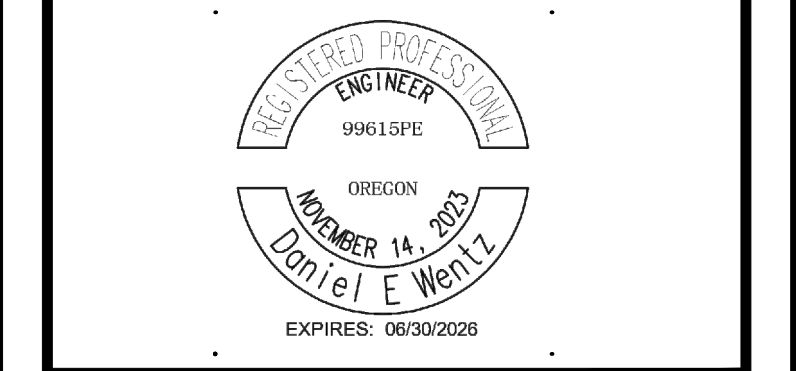
**Attachments:**

- Bay walk Page 1 (PDF)
- Bay walk Page 2 (PDF)
- Bay walk Page 3 (PDF)
- Bay walk Est (PDF)

# Baywalk, Schooner Point - NORTH CONSTRUCTION NOTES



**General Notes**  
 OWNER: LINCOLN CITY  
 CITY OF LINCOLN CITY  
 801 SW HIGHWAY 101  
 P.O. BOX 50  
 LINCOLN CITY, OREGON 97367  
 CONTACT: TERRY CHAMBERLIN, P.E.  
 PHONE: 541.996.1292



No.	Revision/Issue	Date

LINCOLN CITY PUBLIC WORKS  
 801 S.W. HWY 101  
 P.O. BOX 50  
 LINCOLN CITY, OREGON 97367  
 PHONE: (541) 996-2154  
 FAX: (541) 994-4881  
 www.lincolncity.org

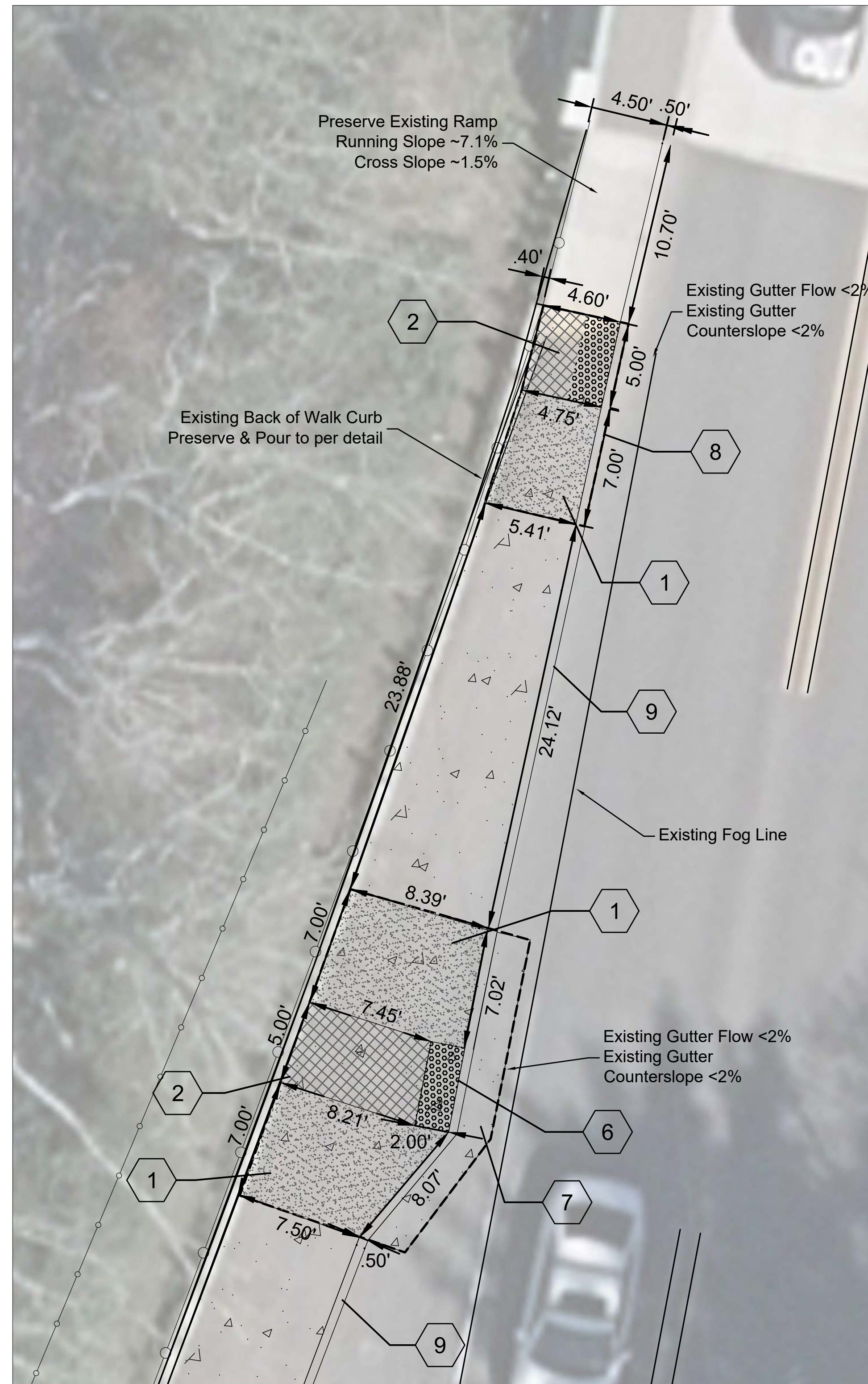
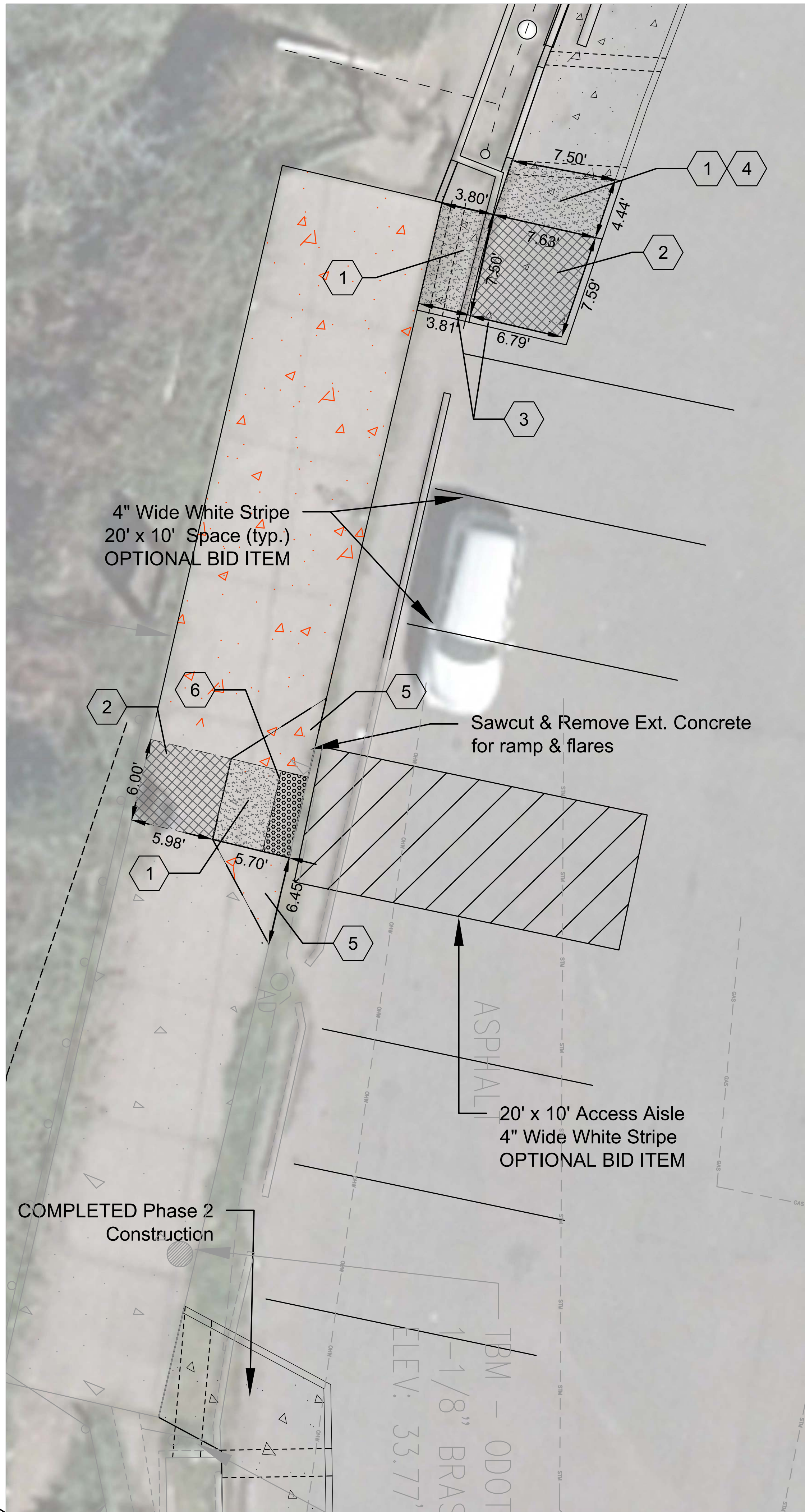
Project Name and Sheet Name  
**NORTH CONSTRUCTION NOTES**  
 Baywalk, Schooner Point PH2b  
 C101

DESIGNED BY: DW  
 PREPARED BY: DW

Project No.: 22013.2	Sheet No.:
Date: 3/13/2024	<b>1</b> OF <b>3</b>
Scale: As Noted IF LESS THAN FULL SIZE, NTS	



# Baywalk, Schooner Point - NORTH ADA NOTES



Scale: 1" = 5'

ADA Grade Annotation	
1	Maximum Running Slope 1:12 (8.33%) Maximum Cross Slope 1:48 (2.0%)
2	Maximum Slope All Directions 1:48 (2.0%)
3	4" Depth Concrete over existing Asphalt
4	Transition panel from 4" depth to 6" Depth Concrete
5	Maximum Flare Slope of 1:10 (10%)
6	Truncated Dome Installation per ODOT 2024 Standard Detail RD905
7	Install Curb & Gutter per ODOT 2024 Standard Detail RD700 Meet cross slope(<2%) & counterslope (4%) requirements at ADA landing Ensure <math>\frac{1}{8}</math>" Lip across landing transition
8	Install Standard Curb per ODOT 2024 Standard Detail RD700
9	6" Slab over existing AC per detail 3-R5.10 (typ.) Match running slope of roadway

General Notes

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801 SW HIGHWAY 101  
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CONTACT: TERRY CHAMBERLIN, P.E.  
PHONE: 541.996.1292



No.	Revision/Issue	Date

LINCOLN CITY PUBLIC WORKS  
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FAX: (541) 994-4881  
www.lincolncity.org

Project Name and Sheet Name  
NORTH ADA NOTES  
Baywalk, Schooner Point PH2b  
C102  
  
DESIGNED BY: DW  
PREPARED BY: DW

Project No. 22013.2	Sheet No. 2 OF 3
Date 3/13/2024	
Scale As Noted <small>IF LESS THAN FULL SIZE: NTS</small>	



NE 21st Sidewalk					Engineer's Estimate	
Existing #	SPEC	GENERAL BID ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL
	00210	Additional Mobilization	1	LS	\$5,000.00	\$5,000.00
	00220	Pedestrian Management Plan	1	LS	\$1,500.00	\$1,500.00
	0025	Temporary Work Zone Traffic Control	1	LS	\$1,000.00	\$1,000.00
	00310	Sawcutting & Demolition	1	LS	\$1,000.00	\$1,000.00
10	00446	Sidewalk Drain (SCH80 Pipe)	8	EA	\$1,000.00	\$8,000.00
14	00641	Sidewalk Aggregate Base Rock	25	CY	\$31.00	\$775.00
16	00759	Standard Curb, 6" Reveal	220	LF	\$40.00	\$8,800.00
18	00759	Concrete Sidewalk & Ramp (4" Thick)	340	SF	\$13.00	\$4,420.00
20	00759	Concrete Sidewalk & Ramp (6" Thick)	1160	SF	\$15.00	\$17,400.00
		Construction Staking / Layout	1	LS	\$2,000.00	\$2,000.00
		Major Manhole Adjustment	1	EA	\$1,800.00	\$1,800.00
		<b>TOTAL BID ITEMS</b>				<b>\$51,695.00</b>

ADDITIONAL BID ITEMS