

**CITY OF LINCOLN CITY
LINCOLN CITY COUNCIL AGENDA
MONDAY JANUARY 24, 2022 6:00 PM**

6:00 PM - The Lincoln City Council meeting for January 24, 2022, will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by attending through Zoom invitation.

Public comments submitted by email to publiccomment@lincolncity.org 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.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. Citizens present in the Council Chambers will be required wear a face covering and must observe social distancing. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

Citizens requesting to give public comment via Zoom must email 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 Zoom screen name the person intends to use for the meeting. A Zoom invitation will be sent to the person requesting prior to the meeting. Persons who will give public comment via Zoom will need to leave the video off and 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 the City Recorder, 541-996-1203.

The Lincoln 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.

All information for this meeting is available at www.lincolncity.org under "Public Meeting Calendar". This meeting will be televised on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**
- D. CONSENT AGENDA**

1. Regular Meeting – Minutes of Special Meeting – January 5, 2022 4:00 PM

2. Regular Meeting – Minutes of Work Session – January 10, 2022 3:00 PM
3. Regular Meeting – Minutes of Regular Meeting – January 10, 2022 6:00 PM
4. Request for Waiver under terms of Promissory Note
5. Transfer and Sale of K9 Nix and Surplus Vehicle to Lincoln City

E. COUNCIL DELIBERATIONS

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

G. PRESENTATIONS

6. Lincoln City Parks and Recreation Updates
7. Explore Lincoln City Update

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

J. ORDINANCES

1. ORDINANCE 2022-03 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 13 (PUBLIC SERVICES), CHAPTER 13.12 (WATER AND SEWER SYSTEM RATES AND CHARGES), SECTION 13.12.050 (WATER SERVICE EXTENSIONS, CONNECTIONS AND EQUIPMENT), PARAGRAPH B. (SERVICE OUTSIDE CITY LIMITS), NUMBERED PARAGRAPH 6. (LIMITATION ON PROPERTIES TO WHICH SERVICE WILL BE PROVIDED) TO RESTRICT, CONSISTENT WITH STATE LAW, SERVICE TO PROPERTIES OUTSIDE THE URBAN GROWTH BOUNDARY.

K. RESOLUTIONS

2. RESOLUTION NO. 2022-03 A RESOLUTION IMPLEMENTING PUBLIC CONTRACTING DELEGATION AUTHORIZED IN LINCOLN CITY MUNICIPAL CODE CHAPTER 2.05 FOR THE 2022 CALENDAR YEAR AND THEREAFTER; REPLACING RESOLUTION 2019-02

L. SPECIAL ORDER OF BUSINESS

3. Outside City Committee and City Committee Appointments
4. Choosing New Name for Wildlife Art Sculpture (corner of NE West Devils Lake Rd and Hwy 101)
5. Request for Appointment to Driftwood Public Library Board - Student Position

M. CITY MANAGER/CITY ATTORNEY REPORTS

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

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

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

CITY OF LINCOLN CITY

CITY COUNCIL

MINUTES OF SPECIAL MEETING

January 5, 2022, 4:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 4:04 PM. Mayor Wahlke advised the public that there are now three ways to provide public comment.

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

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	4:00 PM
Elaine Starmer	Councilor Ward 1	Present	4:00 PM
Sydney Kasner	Councilor Ward 2	Present	4:00 PM
Judy Casper	Councilor Ward 3	Present	4:00 PM
Riley Hoagland	Councilor Ward 2	Present	4:00 PM
Rick Mark	Councilor Ward 3	Present	4:00 PM
Mitch Parsons	Councilor Ward 1	Present	4:00 PM

C. PLEDGE OF ALLEGIANCE

Skipped due to the meeting being held remotely.

D. CONSENT AGENDA - NONE**E. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS-NONE****F. PUBLIC HEARINGS/PUBLIC COMMENT-NONE****G. ORDINANCES - NONE****H. RESOLUTIONS - NONE****I. SPECIAL ORDER OF BUSINESS-NONE****J. CITY MANAGER/CITY ATTORNEY REPORTS-NONE****K. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION**

1.

MOTION:	Motion to Authorize Staff to Make the Settlement Offer as Discussed in Executive Session with the Suggested Letter of Recommendation Pending Possible Changes
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Wyman, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

L. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS-NONE**M. ANNOUNCEMENTS FROM COUNCIL-NONE****N. ADJOURNMENT**

Mayor Wahlke adjourned the meeting at 4:08 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

January 10, 2022, 3:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE:

1. CALL TO ORDER

Mayor Wahlke called the meeting to order at 3:00 PM.

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	3:00 PM
Elaine Starmer	Councilor Ward 1	Present	3:00 PM
Sydney Kasner	Councilor Ward 2	Absent	3:00 PM
Judy Casper	Councilor Ward 3	Present	3:00 PM
Riley Hoagland	Councilor Ward 2	Present	3:00 PM
Rick Mark	Councilor Ward 3	Present	3:00 PM
Mitch Parsons	Councilor Ward 1	Present	3:00 PM

Staff Present: Lila Bradley, Interim City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Anne Marie Skinner, Planning and Community Development Director; Abigail Edwards, Human Resources Director; Alison Robertson, Economic Development and Urban Renewal Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.

2. DISCUSSION ITEMS

A. Manager Reports

NONE

B. Neighborhood Associations Regarding Staff Involvement

Ms. Bradley said that she wants to make sure that all groups get the same information. Mr. Appicello spoke regarding fair and equal treatment of all organizations. Councilor Casper said that she agrees and we should protect our staff time. Councilor Casper said that she supports equal information. Councilor Starmer said that she was on the REIA (Roads End Improvement Association) meeting Saturday with Ms. Reid and wonders if any of that was inappropriate. Mr. Appicello says the meeting should include all groups in one meeting centralized at City Hall. Councilor Parsons asked if it was staff only or Councilors as well. Mr. Appicello said at this point he is speaking of staff. Councilor Mark asked if we should be thinking in terms of a Public Information Officer. Ms. Bradley said that the updates are done on the web page and more information can be placed on the web page as needed for outreach. Councilor Hoagland said that the information needs to be distributed equally to everyone. Mayor Wahlke said that she is very troubled with this; there should be more outreach and not less. Mayor Wahlke said it should not be limited to the website. Councilor Starmer suggested REIA could share the meeting minutes with staff to see if there is anything that would be appropriate to be shared Citywide. Councilor Parsons read a text comment from Councilor Hoagland that he disagrees with the way it is being perceived as shutting out and limiting access to the staff and/or Councilors. Mr. Appicello said this is not an issue that came from him. Mr. Appicello said that he believes the issue is not doing away with community outreach but making it available on a fair and equal basis to all those that might be interested. Councilor Parsons said there are two different aspects of equal treatment, opportunity, and outcome. Councilor Parsons said that we are equal in our opportunity as we allow our staff to attend any of the homeowner association meetings. Councilor Parsons if we are looking for equality in outcome, taking the minutes and making them centralized would be helpful. Mayor Wahlke said if we make information available to one group, we should make it available to any group. Ms. Bradley said there is no issue with staff doing things on the weekends.

3:27 PM Mayor Wahlke mentioned Councilor Hoagland has lost connection and left the meeting.

3:51 PM Mr. Hoagland returned to the meeting.

C. Villages of Cascade Head Homeowners Association

Ms. Bradley said that we need to speak about adding another Councilor since Councilor Hinton has resigned. Mr. Appicello said that he believes Marge Boyd was the third board member. Councilor Parsons said that when Councilor Hinton resigned he was appointed as President. Councilor Parsons said that at the previous meeting there was a question about Marge Boyd and interest from some of the other residents being in her spot. Mayor Wahlke asked if the appointment should be made at the next board meeting and if so when is the meeting. Mr. Appicello said the City controls the appointments and would make the appointment to the board of the association. Mayor Wahlke said the decision should be made at the Council meeting two weeks from now.

D. Local Regulation of Vehicles for Hire

Mr. Appicello said he has provided a copy of the Bend ordinance and it seems to be shorter and simply requires the company to do an investigation and make the results available upon request. Mr. Appicello said where our ordinance goes further; it requires the Police to do an investigation of ORS Chapter 811, which are rules of the road. Mr. Appicello said the insurance requirements are similar except there is less than the tort claim limit when the drivers do not have a passenger. Councilor Mark said he also noticed the Bend ordinance did not reference vehicle inspections, which is a very good idea. Councilor Mark said that we do not have Uber or Lyft in this town and asked if that was the City's fault or if there is no interest. Mr. Appicello said that Uber or Lyft has not

contacted the City at this time. Councilor Parsons said it shows on their app they will be coming here soon. Councilor Mark said this would be something a Public Information Officer could put out that it was discussed. Councilor Parsons says there are small differences that the ordinance says you have to have to be a taxi that the rideshare do not traditionally have or use. Ms. Skinner said that is not so much that we prohibit it but the ordinance currently on the books requires things that Uber and Lyft do not have and that would preclude them from ever being here unless we change the ordinance. Chief Palmer said that Councilor Parsons and Ms. Skinner are right on with this.

E. Council Questions of Agenda Items for Regular Meeting

Mayor Wahlke asked about the lease agreement expiration date. Mr. Appicello said he was originally told 6 months then the end of April and the memo was not updated. Councilor Casper asked about the hours of the lease agreement. Mr. Appicello said they have been asked to be consistent with the security protocols. Councilor Casper asked if there were possible plans for further use after the end of the contract. Mr. Appicello confirmed the contract had a three-month term with an option for three additional months and they had asked the three-month option be changed to a month-to-month. Mr. Appicello said he went ahead and made that change to the lease agreement. Mr. Appicello said the RFEI (request for expressions of interest) would go forward. Councilor asked about the \$50,000 grant for a year. Mr. Appicello said when we did the last DDA (disposition and development agreement), we sold some URA property to them and they included in the offer to give the City \$50,000 towards a boardwalk project along the Siletz Bay. Mr. Appicello said the deadline for that payment was December 1, 2021. Mr. Appicello said as part of the consideration for the lease the statute talks about cash or real property; the City asked them to extend their offer to give the City \$50,000 for another year.

Councilor Parsons asked about the consent agenda item, initiation of amendments. Mr. Appicello said it was a correction of the words maximum and average. Councilor Casper asked how many feet from the ocean is the setback with the calculation. Ms. Skinner said it is site-specific and depends on soil type and erosion rate. Councilor Mark asked if they are voting a process to change the amendments or voting on actual amendments. Mr. Appicello said they would be voting on the initiation of amendments. Mayor Wahlke asked about the change in the fire code and when that happened. Mr. Appicello said he included the appeal process and then it was sent to the Fire District.

Councilor Casper asked about voting for multiple applicants with more than one vacancy and if all the positions have to be filled. Mr. Appicello said that you are not required to fill all the positions. Councilor Parson asked if they are allowed to do a straw poll before the motion. Mr. Appicello said it is possible but the ballots are not secret. Councilor Starmer asked about the interview process. Mr. Appicello explained the process of interviewing and moving forward to give the Council the recommendations.

F. Other Questions From Council

Councilor Casper asked about the bi-weekly notice sent out and letters from juvenile offenders. Ms. Sprague said there was a juvenile arrested from out of the area and not able to travel for community service, this is a great idea for Lincoln County.

Councilor Casper thanked Councilor Hoagland for the Forest Accord information and asked for a date and time. Councilor Hoagland said the date is January 27, 2022, at 6:30 pm.

Councilor Casper said that she spoke with Mr. Evans from Helping Hands, they will be getting staff in January. Councilor Casper said there is a new law for those doing childcare, requiring a sprinkler

system, so he is working with the Fire Marshall. Councilor Casper said they ran into trouble undergrounding and Pacific Power will be installing a pole for undergrounding. Councilor Casper also stated they applied for \$400,000 in grants and were awarded the grants for this project. Mr. Evans hopes to be open at the end of February. Mayor Wahlke asked if the mess in front of the building is a code violation. Ms. Bradley said they would look into that. Mr. Appicello said that they did meet the terms of their note of submitting in January.

3. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 4:18 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

January 10, 2022, 6:00 PM

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APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:01 PM. Mayor Wahlke advised the public that there are now three ways to provide public comment.

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

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	Councilor Ward 1	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff Present: Lila Bradley, Interim City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Alison Robertson, Economic Development and Urban Renewal Director; Ed Dreistadt, ELC Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; Kirsten Brodbeck-Kenney, Library Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Skipped due to the meeting being held remotely.

D. MOTION TO APPROVE CONSENT AGENDA ITEMS 1, 2, 3, 4, & 6

RESULT:	PASSED [UNANIMOUS]
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons

- 1. Regular Meeting – Minutes of Work Session – December 13, 2021, 3:00 PM
- 2. Regular Meeting – Minutes of Regular Meeting – December 13, 2021, 6:00 PM
- 3. Regular Meeting – Minutes of Special Meeting – December 15, 2021, 11:45 AM
- 4. Initiation of Amendments
- 6. Oregon Liquor Control Commission - Request for Limited On-Premises Sales License- The Hilltop Inn

- 5. Order to Approve and Execute Short Term Lease of Culinary Center to Pelican Brewing Company

MOTION:	Move to Approve the Short Term Lease for Use of the Culinary Center to Pelican Brewing for a Three Months Lease with Option of Month-to-Month at \$14,346 Per Month
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Elaine Starmer, Councilor Ward I
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

Mr. Appicello said as found in the lease this will be creating jobs and the facility will be used for recruiting and training. Mr. Appicello said there are options; this is a month-to-month lease and not a three-month as listed in the packet.

- 7. Personnel Appointment for Council Consent

MOTION:	Motion to Accept Personnel Appointment Consent
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Wyman, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed via Voice Vote

Ms. Edwards spoke about the new hires.

E. COUNCIL DELIBERATIONS

NONE

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

Stacy Baird made a public comment regarding a zoning issue in the Roads End area regarding cemeteries being allowed. Mr. Baird also spoke about the parking in Roads End that he would like to see a change to no parking on Logan Road.

Ms. Bradley received public comment from Mr. Baird via email.

G. PRESENTATIONS**8. LC Parks & Recreation Board: Taft Park presentation**

David Jamieson, Parks Board Chair, and Jane Mulholland, Parks Board Member gave a presentation and recommendation regarding the Taft Park. Councilor Parsons spoke about the Parks and Recreation booklet and asked what priority the Taft Park would be. Mr. Jamieson spoke regarding the deferred maintenance and having a conversation at a later date. Councilor Hoagland thanked the presenters and asked about the dog park and parking. Councilor Mark asked about a dog park and event space. Councilor Hoagland asked about a sport for roller-skating. Mr. Jamieson thanked Councilor Mark for bringing up municipal bonds. Councilor Starmer said that she has looked up what other Cities have done and thinks that we need more discussion before we say no.

H. PUBLIC HEARING / ORDINANCE

NONE

I. PUBLIC HEARINGS / PUBLIC COMMENTS**1. Public Comment: Resolution 2022-01 Parking Fee**

NONE

2. Public Comment on City Manager Recruitment Information

NONE

J. ORDINANCES

3. ORDINANCE 2022-01 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.16 (VIOLATIONS), AMENDING SECTION 1.16.070 (FINE AND ASSESSMENT AMOUNTS), PARAGRAPH D., TO ADD FLEXIBILITY FOR FEES IN NEGOTIATED PLEA AGREEMENTS

MOTION:	Motion to Approve First Reading of Ordinance 2022-01 Code Enforcement Fee
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

4.

MOTION:	Motion to Approve Second Reading and Adoption of Ordinance 2022-01 Code Enforcement Fee
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

5. ORDINANCE NO. 2022-02 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.14, ADDING A NEW SECTION 15.14.090 (APPEALS) TO THE ADOPTED FIRE CODE OF THE CITY OF LINCOLN CITY

MOTION: Motion to Approve First Reading of Ordinance 2022-02 Amendment to Fire Code
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

6.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2022-02 Amendment to Fire Code
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

K. RESOLUTIONS

7. RESOLUTION NO. 2022-01 A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING THE CITY MANAGER TO DESIGNATE A LIMITED NUMBER OF METERED OVERNIGHT PARKING SPACES IN SOME CITY AND URBAN RENEWAL PARKING LOTS

Councilor Hoagland asked why there needs to be 48 hours instead of 24 hours. Councilor Hoagland said he still has many questions including payments. Mr. Appicello said this is a resolution giving the City Manager authority to set the parking spaces and payment would be made by visiting the Finance Department. Mr. Appicello said this does not preclude the City Manager and the Finance Department from visiting other payment options. Mr. Appicello said when the space was created it was to possibly take cars parked illegally over the weekends in neighborhoods to a legal space and you would not be able to visit the Finance Department on the weekend. Councilor Hoagland asked why the City is not enforcing the illegal "no parking" signs placed by citizens. Mr. Appicello said it is a Code Enforcement issue. Councilor Mark said that he understands Councilor Hoagland's concerns and agrees with the "no parking" signs. Councilor Mark said that he downloaded an app to park at the City of Portland and that might be a solution for needing a meter. Councilor Parson asked if anything was standing in the way allowing people to park in parking lots as they do the street and mark them to make sure they do not stay longer than 72 hours. Mr. Appicello said this could be continued and talked about at a later meeting.

MOTION: Motion to Approve Resolution 2022-01 Traffic and Parking Control Resolution - Overnight Parking as Stated in the Packet
MOVER: Elaine Starmer, Councilor Ward I
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
NAYS: Hoagland
RESULT: Passed by Roll Call Vote

8. RESOLUTION NO. 2022-02 A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING THE CITY MANAGER TO DESIGNATE A LIMITED NUMBER OF OVERNIGHT CAMPING / RESTING IN-VEHICLE SPACES IN SOME CITY AND URBAN RENEWAL PARKING LOTS

MOTION: Motion to Approve Resolution 2022-02 Traffic and Parking Control Resolution - Emergency Overnight Resting
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

9. Outside City Committee and City Committee Appointments

MOTION: Outside City Committee and City Committee Appointments
RESULT: Tabled

Postponed to the January 24, 2022 meeting.

10. Re-Appointment & Appointment to the Budget Committee - Multiple Applicants

MOTION: Motion to Appoint Mr. Folz to the Budget Committee
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

11.

MOTION: Motion to Appoint Mr. Smith to the Budget Committee
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Mark, Parsons
NAYS: Wahlke, Starmer, Kasner, Casper, Hoagland
RESULT: Failed by Roll Call Vote

12.

MOTION: Motion to Appoint Mr. Michelson to the Budget Committee
MOVER: Sydney Kasner, Councilor Ward 2
SECONDER: Elaine Starmer, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Hoagland, Mark, Parsons
NAYS: Casper
RESULT: Passed by Roll Call Vote

13. Request for Appointment to Driftwood Public Library Board - Brittany Anderson & Lenny Folino

MOTION: Motion to Appoint Ms. Anderson to the Library Board
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

14. Re-Appointment & Appointment to Parks and Recreation Board - Multiple Applicants

MOTION: Motion to Appoint Mr. Petersen to the Parks and Recreation Board- City Resident Position
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

15.

MOTION: Motion to Re-Appoint Ms. Eddy to Parks and Recreation Board - Outside Resident Position
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Starmer, Kasner, Casper, Hoagland, Mark, Parsons
NAYS: Wahlke
RESULT: Passed by Voice Vote

16. Re-Appointment/Appointment to the Planning Commission - Multiple Applicants

MOTION: Motion to Appoint Mr. Johnson to Planning Commission
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

17. Proposed Joint Annual Meeting Dates

MOTION: Motion to Approve Proposed Joint Annual Meeting Date of July 13, 2022, at 5 PM
MOVER: Elaine Starmer, Councilor Ward I
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

The Confederated Tribes of the Siletz Indians proposed a meeting date of July 25th. That falls on the same date as our City Council Meeting.

18. City Economic Development Toolbox: Childcare Business Assistance Tool

MOTION: Motion to Approve the City Economic Development Toolbox: Childcare Business Assistance Tool
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

Alison Robertson, Economic Development Director, presented the childcare business assistance tool. Councilor Casper said that she has spoken with Senator Anderson who hopes to reduce some of the hurdles involved with opening a daycare.

19. Contract Award for Advanced Metering Infrastructure

Stephanie Reid, Public Works Director, presented the contract for Ferguson Waterworks. Councilor Hoagland expressed concern over the radiation that would be transmitted and the cost-benefit. Councilor Kasner said she works as an X-ray Tech and there is no academic literature that says it is a health risk. Ms. Bradley stated that other utilities are using the same method. Ms. Reid stated the rate of return was discussed with the Budget Committee. Councilor Mark said that he sprung a leak below his kitchen sink and it would have been very nice to be notified earlier.

MOTION:	Motion to Approve Contract Award for Advanced Metering Infrastructure in the Amount of \$294,983 to Ferguson Waterworks for Phase One
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
NAYS:	Hoagland
RESULT:	Passed by Roll Call Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

No report from City Manager.

Mr. Appicello asked for unanimous consent to correct resolutions to Mayor from Council President on the signature line, Council granted.

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

20.

MOTION:	Motion to Discontinue Negotiations and Proceed with Code Enforcement on the Drainage Issue
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Elaine Starmer, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Voice Vote

21.

MOTION:	Motion to Direct Revision to the Taxi Ordinance/Vehicle for Hire to Address TNC (Transportation Network Companies) using the City of Bend Ordinance as a Guide
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Voice Vote

Councilor Mark asked that we retain the vehicle inspection that the City of Bend does not have.

22.

MOTION:	Motion to Approve the Postpone the Meet and Great to an Unknown Future Date and Submit Topics to the HR Director
MOVER:	Elaine Starmer, Councilor Ward 1
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Voice Vote

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

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Kasner gave a reminder that Coastal Support Services is looking for volunteers for the warming shelter.

Councilor Starmer spoke about the full committees.

Councilor Hoagland spoke about 2-stroke engines and air emissions. Council gave unanimous consent to direct staff to notify citizens of illegal "no parking" signs.

Councilor Casper agreed with the "no parking" signs. Councilor Casper spoke about the stolen viewfinders.

Councilor Parsons said he has watched quite a few Planning meetings and items keep coming up with trees, traffic, and emergency ingress/egress. Councilor Parsons said we need to keep that on the radar. Councilor Parsons announced that he is running County Commissioner.

Mayor Wahlke asked about the email sent with Budget dates. Ms. Bradley said it's on the website but she will resend it.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 9:13 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Request for waiver under terms of Promissory Note

Meeting Date:	January 24, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	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 2020 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 2022 installment payment per the terms of Paragraph 1.b. of the March 2020 Promissory Note.

Attachments:

McKeown letter Jan 7 2022 (PDF)

Scott A. McKeown, P.C.
Attorney at Law
8700 SW Barbur Court, Suite S
Portland, Oregon 97219
(503) 224-1937 scottmckeown@comcast.net

January 7, 2022

Mr. Richard Appicello
City Attorney
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

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

Dear Mr. Appicello:

May this letter serve as Helping Hands Re-Entry Outreach Centers' application to the Lincoln City City Council for a waiver of Helping Hands' 2022 installment payment. Regarding its March 13, 2020 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 accrues. The loan does not require monthly payments. The debtor is not in default of its construction loan.
- (3) The COVID pandemic delayed Helping Hands' construction and remodel. I read CUP 2019-04 as contemplating delays and allowing construction extensions. My client's construction permits are valid through July 5, 2023. See enclosure. Once construction and remodeling are complete Helping Hands Re-Entry Outreach Centers will continuously provide transitional housing services on the premises.
- (4) Helping Hands Re-Entry Outreach Centers has obeyed all laws and not be cited for any Lincoln City Municipal Code violations.

Please call me with any questions you may have.

Very truly yours,



Scott A. McKeown

Enclosure

cc: Helping Hands Re-Entry Outreach Centers

COVID TIMETABLE EXTENSION

(Per LCMC 17.76.155, effective on August 11, 2021)

Upon application and payment of the \$50.00 application fee, the Director shall grant an eighteen (18) month timetable extension for any eligible existing land use permit or planning action as defined below. To meet the eligibility requirement for an extension, the following must be demonstrated:

1. The permit or planning action must have been finally approved by a City decision-maker prior to April 1, 2020; and
2. The permit or planning action must have been current and unexpired as of June 28, 2021; and
3. The permit or planning action must be the type of approval, (Type II or Type III) that is eligible for a time table extension under Title 17; and

This extension is a ministerial decision and is in addition to any other time extension previously granted or that may be granted under LCMC 17.76.150 or other applicable provision of the municipal code. The Director is authorized to make the time table adjustment regardless of the original approval authority.

THE TITLE OF THE PROJECT

Helping Hands Transitional Housing (CUP 2019-04)

DATE OF APPROVAL

December 17, 2019

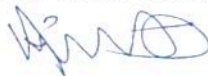
EXPIRATION DATE

Original December 17, 2020; extended to January 5, 2021 via EXT 2020-01

THE TYPE OF APPROVAL

Type II _____ Type III CUP 2019-04 -Type III

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR



October 18, 2021

Signature

Date

The timetable of the upper-stated project is hereby extended to:

July 5, 2023 (18 month from January 5, 2021)



Council Communication

Transfer and Sale of K9 Nix and Vehicle to Lincoln City

Meeting Date:	January 24, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Police	Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	

Question:

Should the City Council approve the transfer and sale of Lincoln County K-9 Nix and surplus vehicle to Lincoln City?

Staff Recommendation:

Staff recommends that Council approve the transfer agreement, as modified, for K-9 Nix, approve the contract exemption and acquisition of the surplus K-9 vehicle from the County.

Authority: (*emphasis added*)

LCMC Chapter 2.05

Background:

Staff recommends a slight adjustment to the transfer for agreement for Nix:

In accepting this transfer of ownership, custody and responsibility of K-9 Nix, the City recognizes that K-9 Nix has received training in police procedures and tactics. By acceptance of K-9 Nix, the City agrees to hold harmless the County, the Lincoln County Sheriff's Office and its officers, employees and agents from any and all liability whatsoever that might arise from acts engaged in by K-9 Nix after such transfer resulting from specialized training or experience received during service with the County.

The vehicle has been declared surplus by the County. Generally, the acquisition of used equipment is deemed exempt from competitive bidding. In addition, under LCMC 2.05.080 Exemptions) paragraph (L), the Contract Review Board can exempt:

L. Any other contract in which the local contract review board makes a determination that the public interest would be promoted by exempting the contract from the competitive bidding process, provided the exemption is adopted pursuant to the Public Contracting Code and these rules.

The Council finds and determines that the acquisition of the surplus K-9 vehicle from the County furthers the public interest (public interest would be promoted).

Council Options:

- 1) Approve the requested transfer, exemption and purchase.
- 2) Do not Approve the request.
- 3) Continue to February 14, 2022.

Council Motion:

Motion to approve the transfer agreement as modified for K-9 Nix, and approve the contract exemption and acquisition of the surplus K-9 vehicle from the County.

Attachments:

K9 Nix and Vehicle Surplus Resolution and Exhibits (PDF)
Transfer K-9 agreement modified (PDF)

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BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

In the Matter of:)
)
DECLARING CERTAIN PROPERTY) **RESOLUTION #**
TO BE SURPLUS, AND AUTHORIZING)
SALE, DISPOSAL OR TRANSFER)

WHEREAS the Lincoln County Sheriff’s Office (LCSO) has a K-9 Unit Nix, but no longer has a handler counterpart, creating a situation where K-9 Nix is not able to be utilized by LCSO and is currently surplus and LCSO would like to transfer to the Lincoln City Police Department (LCPD) (see Exhibit “1” attached to this Resolution) for the further benefit of K-9 Nix and for the continued service to the citizens of Lincoln County; and

WHEREAS LCSO has a 2020 Dodge Durango vehicle specially built for K-9 transportation and deployment (See Exhibit “2” attached to this Resolution) which is not able to be utilized at this time by LCSO and is currently surplus and LCSO and Lincoln County Fleet Services would like to sell to the LCPD to facilitate the utilization of K-9 Nix for the continued service to the citizens of Lincoln County; and

WHEREAS the Board is willing to permit transfer and sale of that property as provided in this resolution in accordance with LCC 7.085 and ORS 279A.070; therefore,

BE IT RESOLVED THAT:

- (1) K-9 Nix is declared surplus, and may be sold, transferred, or donated by the Lincoln County Sheriff’s Office in accordance with LCC 7.085 and ORS 279A.070;

1 (2) The 2020 Dodge Durango specially built K-9 vehicle, as described in Exhibit "2"
2 of this resolution is declared surplus, and may be sold, transferred, or donated by
3 Fleet Services in accordance with LCC 7.085 and ORS 279A.070;

4 (3) Copies of this Resolution shall be sent to Lisa Combs, Support Services Director
5 to Sheriff Curtis Landers; Mark Malnack, Fleet Manager; and Kristin H. Yuille,
6 County Counsel.

7 DATED this ____th day of _____, 2022.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Claire Hall, Chair Doug Hunt, Commissioner Kaety Jacobson Commissioner

**OFFICE OF THE SHERIFF****Sheriff Curtis L. Landers**

251 W. Olive Street
Newport, Oregon 97365
Records (541) 265-4912
Civil (541) 265-4915
General (541) 265-4277
Fax (541) 265-4917

M E M O R A N D U M

DATE: January 6, 2022

TO: Curtis Landers, Sheriff

FROM: Karl Vertner, Patrol Lieutenant

RE: Transfer of K9 Nix and K9 Equipped Patrol Vehicle

Summary:

After 1.5 months of consideration, it has been determined transferring of K9 Nix to the Lincoln City Police Department is best for our agency and the health and skillset of K9 Nix. To accompany Nix and assure her a most speedy implementation back in service with the Lincoln City Police Department the transfer/sell of our 2020 Dodge Durango specifically built for K9 transportation and deployment should be sold in conjunction with K9 Nix.

Factual Considerations:

In late November 2021 K9 Nix left active service as her certified and trained handler notified the Lincoln County Sheriff's Office he was taking employment with another agency. Staffing levels of certified personnel are at an all time low within our Office as well as law enforcement across the nation. To properly select, train and certify another K9 handler it would take approximately two months of dedicated training in which the selected personnel would be away from standard patrol duties only exacerbating our low staffing. The fact the member would be away from patrol duties for such a period would create an extreme hardship for our agency and create further burnout amongst the patrol division. After a conversation with our Regional K9 Master Trainer, Dan Kloss, we have determined a prolonged lapse in the continual training of K9 Nix would be detrimental to her skillset.

In late December 2021, I began a conversation with the Lincoln City Police Department as I knew they recently started a K9 Program and their staffing levels were in better

shape. LCPD Lieutenant Dave Broderick told me they would take ownership of K9 Nix and find her a handler in the coming weeks. Further discussion with Lt. Broderick revealed finding a handler would be achievable however locating and finding a patrol vehicle equipped to handle K9's in a timely manner would be a challenge. Lt. Broderick informed me he would be interested in purchasing the already built K9 vehicle. (Due to the ongoing COVID 19 Pandemic logistical and supply chains have become disrupted. Ordering, receiving and properly outfitting law enforcement related vehicles are eight to sixteen months out.

After further consideration and discussion with Fleet Manager Mark Malnack and Sheriff Landers we determined a value for the K9 vehicle, as equipped, at \$48,000.

K9 Nix and the associated vehicle could be transferred to another agency however doing so may not keep the assets locally and beneficial to our community. It is my recommendation the Lincoln County Board of Commissioners support and approve this transfer of assets to the Lincoln City Police Department.



Lincoln County Fleet Services
Mark Malnack
Fleet Manager

County of Lincoln

410 N.E. Harney Street
Newport, OR 97365-2898
Phone (541) 574-1221
FAX (541) 574-1296

Date 01/07/22



To: Lincoln County Board of Commissioners

I am on board with the sale of #1264, 2020 Dodge Durango, vin# 1C4SDJFTXLC443165 to the Lincoln City Police Department as outfitted as a Patrol Canine Unit. The State of Oregon allows us to surplus a vehicle or sell it outright to another Government Agency for similar use.

I understand that the vehicle will be sold for \$48,000 and that \$32,000 of that will return to the Vehicle Replacement Fund to purchase a similar patrol vehicle at a later date.

LINCOLN COUNTY POLICE CANINE OWNERSHIP TRANSFER AGREEMENT

THIS AGREEMENT is made and entered into on this ____ day of _____, 2022, by and between Lincoln County, Oregon (County) and Lincoln City, Oregon (City). The County agrees to transfer sole ownership, custody and responsibility for the K-9 Nix to the City, without reimbursement or compensation, and the parties mutually agree to the following:

Acknowledgement of Training, Release of Liability and One Year Right of Return

In accepting this transfer of ownership, custody and responsibility of K-9 Nix, the City recognizes that K-9 Nix has received training in police procedures and tactics. By acceptance of K-9 Nix, the City agrees to hold harmless the County, the Lincoln County Sheriff’s Office and its officers, employees and agents from any and all liability whatsoever that might arise from acts engaged in by K-9 Nix after such transfer resulting from specialized training or experience received during service with the County.

The City further agrees to waive any and all claims of liability to the County, the Lincoln County Sheriff’s Office, its officers, employees and agents that might arise from the City’s use and/or possession of K-9 Nix. It is understood that the County makes no representations concerning the health of K-9 Nix and K-9 Nix is transferred “as is” and the City assumes all responsibility and obligation for the condition, care and acts of K-9 Nix.

The City further agrees that in the event that the City determines that K-9 Nix is unfit or not able to serve within one year of entry into this Agreement, the County will have the first right to retire K-9 Nix at the County’s discretion.

Claire Hall, Lincoln County Board Chair

Susan Wahlke, Lincoln City Mayor

___/___/___

___/___/___

Council Communication

LC Parks and Recreation Updates

Meeting Date:	January 24, 2022	Primary Staff Contact:	Jeanne Sprague
Department:	Parks and Recreation	E-Mail:	JSprague@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	15

LCP&R Director Jeanne Sprague will present updates on Parks & Recreation projects to City Council.

Council Communication

Explore Lincoln City Update

Meeting Date:	January 24, 2022	Primary Staff Contact:	Edward Dreistadt
Department:	City Council	E-Mail:	edreistadt@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	15

Explore Lincoln City Director, Ed Dreistadt, will update the Council on the status of Explore Lincoln City.

Council Communication

Ordinance 2022-03 - Water Service outside of UGB

Meeting Date:	January 24, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	10 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2022-03 entitled:

ORDINANCE 2022-03

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 13 (PUBLIC SERVICES), CHAPTER 13.12 (WATER AND SEWER SYSTEM RATES AND CHARGES), SECTION 13.12.050 (WATER SERVICE EXTENSIONS, CONNECTIONS AND EQUIPMENT), PARAGRAPH B. (SERVICE OUTSIDE CITY LIMITS), NUMBERED PARAGRAPH 6. (LIMITATION ON PROPERTIES TO WHICH SERVICE WILL BE PROVIDED) TO RESTRICT, CONSISTENT WITH STATE LAW, SERVICE TO PROPERTIES OUTSIDE THE URBAN GROWTH BOUNDARY.

Staff recommends Council conduct First Reading of Ordinance 2022-03 and, *if unanimous*, conduct and approve Second Reading. Any changes must be read.

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.

Background:

660-011-0065**Water Service to Rural Lands**

(1) As used in this rule, unless the context requires otherwise:

(a) “Establishment” means the creation of a new water system and all associated physical components, including systems provided by public or private entities;

(b) “Extension of a water system” means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing water system in order to provide service to a use that was not served by the system on the applicable date of this rule, regardless of whether the use is inside the service boundaries of the public or private service provider.

(c) “Water system” shall have the same meaning as provided in Goal 11, and includes all pipe, conduit, pipeline, mains, or other physical components of such a system.

(2) Consistent with Goal 11, local land use regulations applicable to lands that are outside urban growth boundaries and unincorporated community boundaries shall not:

(a) Allow an increase in a base density in a residential zone due to the availability of service from a water system;

(b) Allow a higher density for residential development served by a water system than would be authorized without such service; or

(c) Allow an increase in the allowable density of residential development due to the presence, establishment, or extension of a water system.

(3) Applicable provisions of this rule, rather than conflicting provisions of local acknowledged zoning ordinances, shall immediately apply to local land use decisions filed subsequent to the effective date of this rule.

The City’s water service regulations (located outside Title 17) contains language which can be interpreted inconsistently with the above-referenced administrative rule. Accordingly, the City Code language is clarified to require application of the rule. Importantly, the Code is also clarified to require such requests to come forward only after the appropriate land use application has been made to the Planning Director.

Council could be stricter than state law and could specify that there shall be no extension of water service outside the urban grown boundary. In the past, the city has found that there has been a need for some flexibility on that point.

Financial Impact:

None expected. Service outside the City limits is a special service and is not required to be provided.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to February 14, 2022, [or]
3. Continue First Reading to February 14, 2022.

Potential Motions:

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

ORDINANCE 2022-03

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 13 (PUBLIC SERVICES), CHAPTER 13.12 (WATER AND SEWER SYSTEM RATES AND CHARGES), SECTION 13.12.050 (WATER SERVICE EXTENSIONS, CONNECTIONS AND EQUIPMENT), PARAGRAPH B. (SERVICE OUTSIDE CITY LIMITS), NUMBERED PARAGRAPH 6. (LIMITATION ON PROPERTIES TO WHICH SERVICE WILL BE PROVIDED) TO RESTRICT, CONSISTENT WITH STATE LAW, SERVICE TO PROPERTIES OUTSIDE THE URBAN GROWTH BOUNDARY.

Council:

Motion to approve First Reading of Ordinance 2022-03.

If unanimous: City Attorney conducts Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2022-03.

[or]

2. Motion to set Second Reading for February 14, 2022.

Attachments:

Ordinance 2022-03 Water Service extension ra 1-18-22 (DOCX)

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 13 (PUBLIC SERVICES), CHAPTER 13.12 (WATER AND SEWER SYSTEM RATES AND CHARGES), SECTION 13.12.050 (WATER SERVICE EXTENSIONS, CONECTIONS AND EQUIPMENT) PARAGRAPH B. (SERVICE OUTSIDE CITY LIMITS), NUMBERED PARAGRAPH 6. (LIMITATION ON PROPERTIES TO WHICH SERVICE WILL BE PROVIDED) TO RESTRICT, CONSISTENT WITH STATE LAW, SERVICE TO PROPERTIES OUTSIDE THE URBAN GROWTH BOUNDARY.

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

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

2.1 Powers of the City

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *La Grande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, OAR 660-011-0065 restricts the extension of water service outside the urban growth boundary and applies to local governments, whether or not their codes have been amended to recognize the provisions; and

1 **WHEREAS**, Council desires to recognize the restrictions in state law which strictly
2 regulate the extension of water service outside the urban growth boundary, and refer
3 applicants to existing land use processes; and
4

5 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**
6

7 **SECTION 1.** Lincoln City Municipal Code Title 13 (*Public Services*), Chapter 13.12 (*Water*
8 *and Sewer System rates and Charges*), Section 13.12.050 (*Water Service Extensions,*
9 *Connections and Equipment*), Paragraph B, (*Service Outside the City Limits*) numbered
10 *Paragraph 6. (Limitation on Properties to which Service Will be Provided)*, is amended to
11 read as follows:
12

13 6. Limitation on Properties to which Service Will Be Provided. Except where service
14 is required by written agreement, connections to the water system shall be limited
15 to one connection serving one residential dwelling or its equivalent, for each lot as
16 in existence on August 5, 1980, or, if within the boundaries of the **former** Roads
17 End Sanitary District, as in existence on June 28, 2003, unless the city council by
18 resolution has approved an application for an exception to this limitation as
19 applied to a particular property. In deciding whether to approve an exception, the
20 city council shall consider those factors it deems appropriate to the particular
21 proposed exception, including but not limited to:

22 a. Whether the proposed exception will enhance the city’s ability to annex land
23 within the urban growth boundary at such time that the city determines that
24 annexation is in the best interests of the city;

25 b. Whether the proposed annexation will enhance the city’s ability to provide
26 public facilities and services in a timely, orderly, and efficient manner; and

27 c. Whether the proposed exception, on balance, will enhance the city’s ability
28 to implement relevant goals and policies of the city’s comprehensive plan.

29 **Notwithstanding any other provision of this code, an exception for water service**
30 **outside the Urban Growth Boundary shall not be permitted by Council, unless the**
31 **Planning Director, has first determined in a properly noticed land use decision**
32 **(LCMC 17.77.080), that the request for extension of water service does not violate**
33 **OAR 660-011-0065 (Water Service to Rural Lands).**
34

35 **SECTION 2. Findings Adopted.**
36

1 The findings contained in the Whereas Clauses of this Ordinance, as well as the
2 competent substantial evidence in the whole record of this legislative proceeding are
3 incorporated into this section by reference as if fully set forth herein, and are adopted in
4 support of this legislative action.

5
6 **SECTION 3. Severability.**

7 The sections, subsections, paragraphs and clauses of this Ordinance are severable. The
8 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
9 the remaining sections, subsections, paragraphs and clauses.

10
11 **SECTION 4. Ordinance Effective Date.**

12
13 Pursuant to Chapter IX, Section 9.3, this ordinance takes on the thirtieth (30th) day after
14 its adoption.

15
16 **SECTION 5. Codification.**

17
18 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
19 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
20 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
21 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need
22 not be codified and the City Recorder is authorized to correct any cross-references and
23 any typographical errors.

24
25 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
26 Section 9.2 of the City of Lincoln City Charter on the 24th day of January, 2022 (First
27 Reading). The Ordinance was again read by title only on the 24th day of January, 2022
28 (Second Reading) and Council approved Second Reading and adoption of the Ordinance.
29

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 24th day of
2 January, 2022.

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SUSAN WAHLKE,
MAYOR

10 ATTEST:

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JAMIE YOUNG, CITY RECORDER

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17 APPROVED AS TO FORM:

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19

RICHARD APPICELLO, CITY ATTORNEY

20

Council Communication

Resolution 2022-03 - Public Contracting Delegation

Meeting Date:	January 24, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	

Question:

Should the City Council approve Resolution 2022-03 entitled:

RESOLUTION NO. 2022-03

A RESOLUTION IMPLEMENTING PUBLIC CONTRACTING DELEGATION AUTHORIZED IN LINCOLN CITY MUNICIPAL CODE CHAPTER 2.05 FOR THE 2021- 2022 FISCAL YEAR AND THEREAFTER; REPLACING RESOLUTION 2019-02

Staff Recommendation:

Staff recommends approval of Resolution 2022-03.

Authority:

LCMC 2.05.050 (City Manager Authority) provides in pertinent part:

The local contract review board authorizes the city manager and city staff designated by resolution (designated staff) to exercise additional responsibility for public contracting as follows:

A. Except as otherwise provided for emergency contracts, the city manager may enter into any and all contracts, change orders and amendments not requiring a formal procurement (ITB, RFP, or selection) process or the approval of a special procurement or other authorization by the local contract review board. The city manager's authority extends to the limits of all intermediate and small procurements and informal selection, including authorized changes, and is generally described, without limitation, as follows:

1. For a single obligation not exceeding \$150,000 for the purchase of goods and services, supplies, materials, equipment, or contractual services, without further authorization by council (total with change orders may not exceed \$150,000);
 2. For a single obligation not exceeding \$100,000 for professional and personal services, including but not limited to architectural, engineering, photogrammetric mapping, transportation planning, land surveying services and related services as defined in ORS 279C.100 (total with change orders may not exceed \$100,000); and
 3. For an obligation not exceeding \$100,000 for public improvement contracts (except the total single obligation (i.e., with change orders) may be approved up to \$150,000 – per LCMC 2.05.110 (B)(3)).
- As used herein, “single obligation” includes the original contract and any change orders. Any change order which would cause the total contract to exceed the city manager’s delegated authority set forth above must be approved by the contract review board.

The council may by resolution limit or condition the contracting authority of the city manager, including but not limited to monetary limits, or procedural safeguards such as sign off by the finance director as to legally available funds, or sign off by the city attorney as to form of the contract.

Any contract or procurement approved by the local contract review board may specify a percentage or dollar amount of authority delegated to the city manager to approve an amendment or change order. If the LCRB contract does not otherwise specify, the delegation to the manager to approve a change order or amendment shall be equal to the authorized contingency percentage or dollar amount on the contract.

B. Designated staff are hereby delegated contracting authority to the limits of small procurements under the applicable Model Rules or 10 percent of the monetary limit delegated to the city manager, whichever is greater.

Notwithstanding this delegation, the city manager may limit or condition the contracting authority of any designated staff by written order, including but not limited to monetary limits, or requiring a sign off by the finance director as to legally available funds, or sign off by the city attorney as to the form of the contract, or city manager approval of a purchase order prior to execution of the contract.

Background

Oregon law provides that an agreement executed in violation of established public contracting procedures as set forth in City ordinance and state law, it is void. *Yasnoff v. Hallick*, 155 Or. App. 474 (1998). Recently, a City employee was duped into signing a contract for services. The city was not bound to this "agreement," in part, because property contracting procedures were not followed, for example, only persons with delegated contract authority can execute a contract for the City. Similarly, agreements require use of a City standard form contract or approval as to form by the City Attorney. The contract delegation resolution is being amended to specify that contracts which cross over budget years must include a non-appropriation clause.

This Resolution also increases the City Manager’s delegated contract authority to 75% of the applicable limit specified in LCMC Chapter 2.05 quoted above. Under Mr. Chandler the Council had reduced the limit to 50% of the authority specified in the Code. If Council would like to increase the authority to 100% (or again reduce authority to 50%) please make that part of your motion. The current draft is set at 75%.

Council Options:

- Approve the Resolution.
- Do Not approve the Resolution.
- Approve the Resolution (with amendments).

Financial Impact

The only financial impact would be the increase to the designated contract spending authority to the City Manager.

Potential Motions:

- Move to approve Resolution 2022-03.
- Move to approve Resolution 2022-03, with the following amendments: _____
_____.

Move to continue the Resolution to February 14, 2022.

Attachments:

Resolution 2022-03 Public Contracting Delegation ra 1-18-2022 (DOCX)

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RESOLUTION NO. 2022-03

**A RESOLUTION IMPLEMENTING PUBLIC CONTRACTING DELEGATION
AUTHORIZED IN LINCOLN CITY MUNICIPAL CODE CHAPTER 2.05 FOR THE
2022 CALENDAR YEAR AND THEREAFTER; REPLACING RESOLUTION 2019-02**

WHEREAS, the City of Lincoln City Municipal Code, Title 2, Chapter 2.05 (Public Contracting), Section 2.05.050 (City Manager Authority), delegates public contract authority to the City Manager and designated staff in accordance with the limits for Intermediate and Small Procurements set forth in the Attorney General Model Rules; and

WHEREAS, Section 2.05.050 specifically authorizes the City Council to limit, condition or restrict the delegation to the City Manager by Resolution; and

WHEREAS, Section 2.05.050 further authorizes the City Council to identify by Resolution "Designated Staff" eligible to receive public contracting authority and further permits the City Manager to limit, condition or restrict the delegation to the Designated Staff by Written Order; and

WHEREAS, this Resolution replaces Resolution 2019-02 and reflects all Departments with delegated contract authority.

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

Section 1. Recitals. The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. Delegation to City Manager. The delegation of contract authority to the City Manager in LCMC 2.05.050 is hereby subject to the following limitations, conditions and restrictions:

- 1. **Monetary cap:** Notwithstanding the authorized limits specified for intermediate Procurement or as otherwise designated in LCMC 2.05.050, the City Manager's

1 authority for calendar year 2022 and thereafter is limited to seventy-five percent
 2 (75%) of the applicable Attorney General Model Contracting Rules limit specified
 3 in LCMC 2.05,050, including but not limited to the following:

- 4
- 5 a. Personal & Professional Services: \$75,000.
- 6 b. Public Improvements: \$75,000.
- 7 c. Materials and Trade Services: \$112,500.
- 8

9 The delegated authority in this Section does not alter the exemptions to, and
 10 thresholds for triggering competitive solicitation.

- 11
- 12 2. **Legal review:** When Procurement includes a contract, the contract shall be in a
 13 standard approved city form or the contract shall be reviewed and approved as
 14 to form by the City Attorney. Contracts include all change orders and other
 15 amendments. Failure to follow established public contract procedures results in
 16 the proposed contract being void and unauthorized. *Yasnoff v. Hallick*, 155 Or. App.
 17 474 (1998).
- 18
- 19 3. **Legally available funds:** The purchase order system shall include an
 20 identification of the line item(s) or account numbers(s) where legally available
 21 funds are budgeted for the project. If restricted funds are used (such as grant or
 22 bond funds) the purchase order system shall identify the restricted source of the
 23 funds.
- 24
- 25 4. **Non-Appropriation:** A contract which crosses budget years or exceeds one
 26 year in length shall include a non-appropriation clause. (Example: *"In the event*
 27 *sufficient budgeted funds are not available for a new fiscal period, the City must*
 28 *notify the Recipient of such occurrence and this agreement shall terminate on the*
 29 *last day of the current fiscal period without penalty or expense to the City."*)
- 30
- 31 5. **Routing Sheet:** As a procedural safeguard and financial check, all contracts,
 32 including amendments and change orders shall be routed pursuant to a standard
 33 routing sheet – standard form of which will be prepared by the Finance
 34 Department. Routing shall include signatures for initiating staff, responsible
 35 department head, finance, legal, and city manager, as appropriate.

1 6. **Activity Report:** A report to Council shall be prepared by the City Manager prior
2 to the end of each fiscal year listing all intermediate procurements and contracts
3 above \$25,000, entered into pursuant to the delegation of contracting authority
4 pursuant to LCMC 2.05.050.

5
6 **Section 3. Identification of Designated Staff.** City employee positions delegated
7 contract authority pursuant to LCMC 2.05.050 are identified as follows:

- 8
- 9 A. Finance Director
- 10 B. Public Works Director
- 11 C. Planning Director
- 12 D. Urban Renewal Director
- 13 E. Chief of Police
- 14 F. Human Resource Director
- 15 G. City Attorney
- 16 H. VCB (Explore Lincoln City) Director
- 17 I. Library Director
- 18 J. Parks and Recreation Director
- 19 K. IT Director
- 20 L. Other City staff designated by Written Order of the City Manager

21
22 The authority granted to Department heads and Designated Staff above is the financial
23 limits of Small Procurements.

24
25 **Section 4. Delegation to Designated Staff.** The delegation of contract authority to
26 the Designated Staff identified above is subject to limitation by Written Order of the City
27 Manager, if any.

28
29 **Section 5. Effective Date.** This resolution shall take effect immediately upon its
30 passage and remain effective until replaced.

31
32 **Section 6.** Resolution 2019-02 is replaced by this Resolution and shall not be effective
33 after January 24, 2022.

34

1 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City this 24th day of
2 January, 2022

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SUSAN WAHLKE, MAYOR

ATTEST:

11 _____
JAMIE YOUNG, CITY RECORDER

Council Communication

Outside City Committee and City Committee Appointments

Meeting Date:	January 24, 2022	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	10 Min

Question:

Should the Mayor with the consent of Council update the appointments of individual Council members to represent the City on various outside agencies and boards and assign interview responsibilities?

Staff Recommendation:

Staff recommends the Mayor and Council review the various vacancies and make the necessary appointments and interview assignments.

Authority:

LCMC 2.04.070 provides:

The mayor shall appoint, from among the members of the council, members of ad hoc committees, when the need for a committee arises.

LCMC 2.06.015 C. provides:

C. Selection of Individual Interviewers or Interview Subcommittees.

1. Two councilors shall be appointed by the mayor at a regularly scheduled city council meeting to conduct interviews for open positions. Groups of two can be appointed for multiple openings.
2. Unless otherwise stated at the time of appointment, the interviewer appointments shall be for individual councilors to conduct interviews and provide council with individual recommendations (i.e., the councilors are not a part of an interview subcommittee and shall not deliberate or discuss the applicants except when giving their individual reports to council).

3. Nothing herein prohibits the mayor and council from conducting interviews and making recommendations to council as an interview subcommittee (requiring public meeting notice).
4. Nothing herein prohibits council from electing to conduct interviews of all applicants at a regular or special city council meeting.
5. Notwithstanding the above, the planning commission and budget committee applicants shall be interviewed at a regular or special city council meeting.

Background:

Item 1:

See the attached list of outside agencies needing a City representative. With the resignation of Councilor Skinner and Councilor Hinton, there are several positions available. Those interested in positions should volunteer.

Previously the Mayor has made these appointments during the City Council meeting.

Item 2:

The Mayor has also appointed individual Councilors to interview applicants for committee and board appointments. Normally two Councilors are appointed. We do not currently use subcommittees for interviews – if Council wants to use subcommittees, such interviews must be noticed under public meetings law.

Committee Applicant Interview assignments:

Committee	City Council member 1	City Council member 2
Arts Committee		
Library Board		
Parks Board		
Sustainability Committee		

Budget Committee – Interview by the City Council
 Planning Commission – Interview by the City Council

Mayor and Council Options:

- 1) Appoint / Re-appoint interested Councilors to positions and make assignments for interviews.

Attachments:

20210830 Revised -Outside Agency Committee List (2).pdf (PDF)
Boards and Committees List For Interviews.pdf (PDF)

**OUTSIDE CITY COMMITTEES/BOARDS/COMMISSIONS
WITH CITY REPRESENTATION
Revised August 30, 2021**

1. **Lincoln County State Transportation Improvement Fund Advisory Committee (LCSTIFAC)**
 - City Rep** : Councilor Riley Hoagland (Council Appointment required)
 - Alternate** : Councilor Rick Mark (Council Appointment required)
 - Meets** : 3rd Thursday of January, April, July and October at 3:00 pm
 - Term** : Expires - Three year terms
 - Location** : Newport Chamber of Commerce
 - Purpose** : Committee consists of representatives from all cities, and members at large, who give direction on matters relating to the Lincoln County Transit Service District.

3. **Regional Solid Waste Disposal Service District Advisory Committee (SWAC)**
 - City Rep** : Councilor Judy Casper (Council Appointment required)
 - Alternate** : Councilor Anne Marie Skinner (Council Appointment required)
 - Term** : Remains until resigns
 - Meets** : Occasionally
 - Location** : Newport City Hall
 - Purpose** : To advise the district on long-range planning for solid waste disposal, recycling education and promotion, and illegal dumping enforcement.

4. **Lincoln County Solid Waste Consortium (Agate Beach Landfill Closure)**
 - City Rep** : Debbie Bridges, Finance Director
 - Alternate Rep:** Scott Morgan, Finance Manager
 - Term** : Until resigns
 - Purpose** : Managing the long-term fund for closure of the Agate Beach Landfill.

5. **Oregon Coastal Zone Management Association (OCZMA)**
 - City Rep.** : Councilor Rick Mark (Council Appointment required)
 - Alternate** : Councilor Riley Hoagland (Council Appointment required)
 - Term** : Until resigns
 - Meets** : Meet quarterly
 - Location** : Varies.
 - Purpose** : Concentrates on a wide range of federal, state, and local issues that are uniquely coastal in nature – ports (continued dredging of the coastal harbors), fisheries (salmon disaster assistance and other fishery related work important to the Oregon Coast, coastal zone management and land use, ocean planning (issues such as marine protected areas, marine sanctuaries, wave energy, etc.), coastal tourism, coastal hazard issues (tsunamis, earthquakes, and landslides), coastal economics, coastal telecommunications and

coastal transportation. Also works closely with the Oregon’s Congressional Delegation and Oregon’s State Legislators representing the Oregon Coast relating to these issues.

Note : Cost to City is \$500/year

6. Cascade West Area Commission on Transportation (CWACT)

- City Rep.** : Councilor Rick Mark (Council Appointment required)
- Alternate** : Councilor Mitch Parsons (Council Appointment required)
- Term** : 2 years (expires December 31, 2022)
- Meets** : About every 60 days
- Location** : Albany in person; or drive to Toledo and attend via teleconference at the Cascade West Council of Government office.
- Purpose** : Commission consists of officials from city and county agencies in Linn, Benton and Lincoln Counties. This agency is the city’s link to the Oregon Department of Transportation.

7. Cascade West council of Governments (CWCOG) – Executive Board

- City Rep.** : Councilor Riley Hoagland (Council Appointment required)
- Alternate** : Councilor Anne Marie Skinner (Council Appointment required)
- Meets** : Monthly with no set calendar
- Term** : Remains until resigns
- Location** : Albany (attends via video conference from Toledo)
- Purpose** : Oversees and approves policy decisions proposed by staff

8. Village at Sitka Woods Homeowner’s Association (VCHHOA)

- President** : Councilor Diana Hinton (Council Appointment required) (Councilor Casper)
- Board Mem.** : Councilor Mitch Parsons (Council Appointment required)
- Meets** : Annually
- Term** : Remains until resigns

9. Mid-Willamette Valley Area Commission on Transportation (MWVACT)

- City Rep** : Councilor Riley Hoagland (Council Appointment required)
- Alternate** : Councilor Rick Mark (Council Appointment required)

Boards and Committees List For Interviews

Arts Committee: Councilor Hoagland & Councilor Parsons
Library Board: Councilor Casper & Councilor Mark
Parks Board: Councilor Starmer & Councilor Parsons
Sustainability Committee: Councilor Hoagland & Councilor XXXXXXX

*****Interview for candidates applying to serve on the Budget Committee and Planning Committee are performed by the entire Council. *****

Council Communication

Choosing New Name for Wildlife Art Sculpture (corner of NE West Devils Lake Rd and Hwy 101)

Meeting Date:	January 24, 2022	Primary Staff Contact:	Jeanne Sprague
Department:	Parks and Recreation	E-Mail:	JSprague@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	15 min

Question:

Should the City Council, following the "Naming of Parks and Recreational Facilities" policy (Resolution 2018-08), chose the final name for the new wildlife art sculpture at NE West Devils Lake Rd and Hwy 101?

Staff Recommendation:

Staff recommends the Council chose a name out of the 5 names recommended by the Parks & Recreation Board, Parks & Recreation Director, and City Manager.

Authority:

City Council via Resolution 2018-08 (attached).

Background:

In the Winter of 2020, Lincoln City Parks & Recreation (LCP&R) was contacted by local resident Joan Prins, asking if the tree stump located at NE West Devils Lake Rd and Hwy 101 could be turned into art. LCP&R thought Joan had a great idea, and started the process of approval for public art. Following public art policy, LCP&R Director reached out to local artist James Lukinich, and together they presented their idea to the LCP&R Board and the Public Arts Committee. Both the Board and Committee approved of this public art, as did the LCP&R Director and City Manager. On March 9, 2020, City Council passed a motion to 'approve the chain saw sculpture wildlife scene to be located at the stump on West Devils Lake Road next to the pump station'.

In July 2021, LCP&R commissioned local artist James Lukinich to repurpose a tree stump via chainsaw art in a wildlife theme. When James was asked what he would like to name his art, he offered that the public could decide. LCP&R agreed.

In Sept 2021, following the 'Naming of Parks and Recreational Facilities' policy, LCP&R held a public contest for naming our new wildlife art sculpture, located at NE West Devils Lake Rd and Hwy 101. Winner of this contest will receive a one-time year membership to the Lincoln City Community Center.

LCP&R received 111 name entries. With keeping the name entries anonymous, the LC Parks & Recreation Board narrowed their picks down to 5 names. Parks & Recreation Director Jeanne Sprague and City Manager Lila Bradley agreed with their choices. Per policy, City Council makes the final decision.

Attached are the 5 recommended names in alphabetical order.

Council Options:

Approve one of the 5 recommended names for the new wildlife art sculpture, located at NE West Devils Lake Rd and Hwy 101.

Reject the 5 recommended names for the new wildlife art sculpture, located at NE West Devils Lake Rd and Hwy 101.

Financial Impact

Limited impact. Purchase of bronze plaque (\$100-\$300).

Potential Motions:

1. Approve one of the 5 recommended names for the new wildlife art sculpture, located at NE West Devils Lake Rd and Hwy 101.

2. Reject the 5 recommended names for the new wildlife art sculpture, located at NE West Devils Lake Rd and Hwy 101.

Attachments:

Resolution 2018-08 (PDF)

Name the Wildlife Art entries - Top 5 (DOCX)

Wildlife Art Sculpture (JPG)

Wildlife Art Sculpture2 (JPG)

Wildlife Art Sculpture3 (JPG)

RESOLUTION 2018-08

A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING A POLICY FOR NAMING / RENAMING OF PARKS AND RECREATIONAL FACILITIES AND ESTABLISHING A POLICY FOR COMMEMORATIVE ITEMS.

WHEREAS, ORS 226.400 expressly provides for the location and construction of memorials, monuments and buildings in City parks, including siting of veterans and pioneer memorials; and

WHEREAS, Lincoln City Municipal Code Section 12.16.090 provides for delegation to the Parks Director to accept donation of City Standard items. The Code also sets forth criteria for donations of non-standard items (e.g. durable, safe, not result in a lien, furthers the public interest); and

WHEREAS, with the recent hiring of the new Parks and Recreation Director, the Council identified a need to formalize a set of guiding principles and parameters for memorials and for the naming rights of Park and Recreation properties; and

WHEREAS, citizens have helped create a vision for the Lincoln City Parks & Recreation included in the 2016 Parks & Recreation System Plan; and

WHEREAS, memorial gifts and naming opportunities provide Lincoln City Parks & Recreation with additional resources to accomplish the vision outlined in System Plan; and

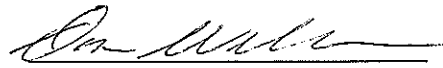
WHEREAS, these policies, attached as Exhibits A, and B herein, will serve as a guideline for development of future commemorative memorial, gift and naming opportunities; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Lincoln City, that pursuant to Lincoln City Municipal Code, the Council accepts and approves the new policies for commemorative items and naming opportunities attached hereto and incorporated herein as Exhibits A and B.

BE IT FURTHER RESOLVED, by the City Council of the City of Lincoln City, that:

1 Violation of the Rules of Conduct in LCMC 12.18.060 or the Supplemental Rules
2 attached hereto constitutes an offense against the City and is punishable as a Class A
3 Civil Infraction as provided in Chapter 1.16 LCMC; and
4
5

6 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY THIS
7 11TH DAY OF JUNE, 2018.
8
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11 
12 DON WILLIAMS, MAYOR
13

14 ATTEST:
15

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17 
18 CATHY STEERE, CITY RECORDER
19 CITY RECORDER
20

21
22 **Exhibit A – Commemorative Item Policy**

23 **Exhibit B – Naming/Renaming of Parks and Recreational Facilities Policy**
24
25
26

Exhibit A**POLICY NAME: Commemorative Items in Parks**

Policy Category: Parks & Recreation/ Planning/Development

Date Reviewed:

Date Adopted:

Contact Person: Jeanne Sprague

Position: Parks & Recreation Director

Authorized By:

Position:

Introduction

Over the years many people have turned to Lincoln City's parks to find comfort and remember joyous occasions in their lives. As loved ones pass on, people frequently look to the beauty of Lincoln City's Parks and request permission to personalize certain spaces that they can visit over the years.

The intent of this policy is to provide people with an opportunity to commemorate or honor family, friends or events in one of Lincoln City's parks. This policy works in conjunction with Lincoln City Parks and Recreation's 'Naming/Renaming of Parks, Recreational Facilities and/or Features' Policy.

Purpose:

- To establish funding requirements and recognition standards for commemorative donations to Lincoln City Parks and Recreation.
- To reserve the right for City of Lincoln City Parks and Recreation to decide on type, location and acceptance of commemorative donations.

RELATED POLICIES AND ORDINANCES

- Policy for Naming/Renaming of Parks, Recreational Facilities and/or Features
- 2.06.090 Gifts Ordinance
- 12.16.090 Donations of Functional Items and Volunteer Projects Ordinance, A and B

LCP&R Cost:

Cost for memorial items are based on actual cost of the item, installation and basic maintenance. Every fiscal year, the Parks & Recreation Director will update the list of city standard memorial items and their related costs. The following costs are based on a relatively flat and easily accessible site. A site assessment prior to donation will be completed to determine the true cost of bench installation.

List of city standard commemorative items:

- Concrete benches or Water (drinking) fountains: Each bench or fountain will come with an engraved bronze plaque that can be personalized with the name of the donor/ person to be honored. Cost of benches/fountains are \$3,000 for waterfront locations, \$2,500 for non-waterfront locations. Duration of bench/fountain memorial is 10 years, with a 1st opportunity to re-apply for the memorial.
- Brick pavers: Each paver can be engraved with the donor/ person to be honored, unless otherwise noted. The cost for the engraved brick and its installation is \$150.

- Trees or Flower Beds: Each tree or flower bed will have a small, personalized plaque placed next to it with the name of the donor/ person to be honored.. Cost of tree or flower bed is \$350, and covers a 3-year period.
- Other park amenities not listed: Amenities including sculptures, interpretive signage, bike racks, or other suitable items may be arranged on an individual basis with the Parks and Recreation Director. These projects vary in size, cost, and availability of sites. Requests will be handled individually and gifts will include item costs and maintenance fee.
- There are a few unusual situations where a different item standard has already been established at the park site. In these situations, the Parks & Recreation Director will determine the most appropriate standard and costs.

Process for Review

Review of memorial items application is by the sole discretion of the Parks & Recreation Director, after review and recommendation by the Parks and Recreation Board (Ordinance 12.16.090). The Parks & Recreation Director, or staff directed by Director, connects with the donor to identify a specific location. LCP&R Maintenance and Recreation staff will then review the site and make a recommendation to the Director. If at any point the application or site is found to be unacceptable, this process starts over.

Plaques

Donors are responsible for any repair or replacement costs of the plaque. The plaque will be installed by LCP&R. Plaques are bronze and include 3" brass all-thread lugs with brass nuts. Plaques are no larger than 5" x 8". Text should be the name of the donor/ person to be honored. LCP&R must approve final wording before the order is submitted.

Payment

The donor can send a check to:

Lincoln City Parks and Recreation, Commemorative Item Program, PO Box 50, Lincoln City, OR, 97367.

A receipt will be sent to the donor for tax purposes.

Installation will not occur immediately but will reflect the payment made to the City (e.g. waterfront or non-waterfront). City reserves the right to install such donated standard or non-standard item when installation is appropriate. Timeframes run from installation.

Installation of the Commemorative Item

The commemorative item will be ordered once payment is received. When the item has been received and installation scheduled, the donor will be informed of the estimated installation date. This can take several months after the receipt of the payment. Installation will be coordinated with donor's schedule whenever possible.

Exhibit B

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 Appointive Bodies Ordinance - Gifts

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 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 do not acquire naming rights, even for major donations. The City Council reserves the right to reject proposed donations dictating the name of the facility or park or property. The City prefers to commemorate donations with a suitable plaque acknowledging the donation rather than renaming. Individuals seeking to make a donation with the hope to have the facility named for an individual donor (or to honor someone) 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 discouraged. The name of the donor or person to be honored is the only text to be included in any Park or facility name.

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.

Wildlife Art Name:	Reason for Name, if given:
Friends of the Forest	
Rooted in Nature	
Spirit Tree between two waters	It embodies the local wildlife and to me personally it depicts the way our world works. "It takes all kinds of living beings to keep this world in balance."
The Gathering Place	The tree in the piece is a gathering place for the animals depicted in the artwork and I feel Lincoln City is also a gathering place for families, tourists and other visitors.
The Welcome Committee	So many people enter our community as they pass by this beautiful carving on our north end and who better to welcome our residents and visitors than this diverse committee of whimsical animals!







Council Communication

Appointment to Library Board - Student Position

Meeting Date:	January 24, 2022	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 Minutes

Question:

Should the City Council approve the appointment of Emilio Bahr-Garcia for the student position on the Driftwood Public Library Board?

Staff Recommendation:

Staff recommends the Council appointment of Emilio Bahr-Garcia. He has successfully completed the interview/background process, is a City Resident inside the City, and qualifies for the student position.

Background:

The Library Board currently has one (1) vacant position. Councilor Casper and Councilor Mark interviewed Mr. Bahr-Garcia and each recommended (individually) he be moved forward for appointment.

Council Options:

Review and discuss the recommendation for appointment of Emilio Bahr-Garcia to the student position on the Driftwood Public Library Board, for a partial term plus a full one-year term expiring 6/30/2023.

Potential Motions:

- 1. I move to appoint Emilio Bahr-Garcia to the Driftwood Public Library Board with a term expiring 6/30/2023.**

Attachments:

Bahr-Garcia, Emilio_Library Board Application.pdf (PDF)
 MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-
 Emilio Bahr-Garcia.pdf (PDF)

References for Emilio Bahr-Garcia.pdf (PDF)



CITY
Committee / Board

RECEIVED
JAN 03 2022
BY [Signature]

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

- Arts Committee
- *Budget Committee
- Community Sustainability 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.

NAME:	[Redacted]	DATE	10/28/2021
HOME ADDRESS:	[Redacted]		
MAILING ADDRESS:	[Redacted]		
CITY, STATE, ZIP:	Lincoln City, Oregon 97367		
E-MAIL ADDRESS:	[Redacted]		
HOME PHONE:		CELL PHONE:	[Redacted]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time Since August 1st, 2020 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? I am a teenager

1 of 2 – Application
Revised 20210527



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:

7th Grade Student at [REDACTED]
Avid Reader
Sci-Fi, Fantasy, Mystery, Comic Book fan
Writer
Lego Builder

List names of volunteer/work supervisors:

Kyla Palmer [REDACTED]

Lee Erikson [REDACTED]

Jennifer Prieve [REDACTED]

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

N/A

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

N/A

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

I would like to serve on the Library in the High School Student position because because starting with infant story time with my mom at the library in Minnesota, and then continuing on with many library visits with my mom and grandma at the libraries in Arizona, I continue to think of the library as a wonderful community resource. I've seen all different kinds of families go there, as it's a place for all people. I think I could make some improvements also, like for example like a chess club for teenagers.

Even though I am only thirteen I have a vast love of reading. I have a giant home library myself and have a great love for books. I like to read sci-fi, mysteries, and fantasy novels, plus write about those same subjects. Although I have only lived in this area for two years, I think I could contribute a lot.

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

Name: Julie Fiedler

[Redacted contact information for Julie Fiedler]

Name: Lee Erikson

[Redacted contact information for Lee Erikson]

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]

SIGNATURE

20210527

DATE

2 of 2 – Application Revised



City Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Emilio Bahr-Garcia
START DATE:	Available Immediately
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Library Board
CITY STAFF	

REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	[REDACTED]
HOME PHONE:	
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

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

DATE:	10/28/2021
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION

The City of Lincoln City ("the City") to which you have applied for employment, may request an investigative consumer report about you from a third party consumer reporting agency, in connection with your employment, or application for employment (including independent contractor or volunteer assignments, as applicable).

An "investigative consumer report" is a background report that includes information from personal interviews (except in California, where that term includes background reports with or without information obtained from personal interviews). The most common form of an investigative consumer report in connection with your employment is a reference check through personal interviews with sources such as your former employers and associates, and other information sources. The investigative consumer report may contain information concerning your character, general reputation, personal characteristics or mode of living. You may request more information about the nature and scope of an investigative consumer report, if any, by contacting the City.

You have the right, upon written request made within a reasonable time, to request (1) whether an investigative consumer report has been obtained about you, (2) disclosure of the nature and scope of any investigative consumer report and (3) a copy of your report. These reports will be conducted by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Phone: 1-800-955-5306; www.pinnacleprof.com**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.

Revised 20210527



**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 a receipt of this authorization and throughout my employment, if applicable.

L.5.a

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** and or “City”. I agree that a facsimile (“fax”), electronic or photographic copy of this Authorization shall be as valid as the original.

Emilio Bahr-Garcia SIGNATURE DATE



Revised 20210527

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: January 11, 2022
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: Emilio Bahr-Garcia
Position Applied For: Library Board Student Position

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

Respectfully,

Abigail Edwards
HR Director



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Emilio Bahr-Garcia (**Library Board Student Position**)

Reference: Julie Fiedler

Reference taken by; date / time: January 5, 2022

- What is your professional relationship with the applicant?
Emilio is a 7th grade student at the school I direct, St. James Santiago School.
- How long have you known him/her? **1.5 years**
- How long have you worked / served with him/her? **1.5 years**
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?
I would be happy to admit him again if he were a new student.
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Library Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Library Board Student position?
I don't have any knowledge about him serving on a board. He is a mature and thoughtful student and would work well on a board with members older than him.
- Does the applicant possess good decision making / reasoning skills? **Yes, he likes making decisions and weighing all options.**
- Does the applicant have good communication / interpersonal skills? **He is reserved, but once comfortable will communicate well and respectfully.**
- Is he/she responsible and reliable? **Yes, he is responsible and would be a reliable participant.**
- What are his/her strongest skills? **On time, thinks clearly and very organized. Does he/she possess any special skills? Dedicated reader, interested in the world, rational and polite.**
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? **N/A**
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Library Committee?
Give him the experience of working on a committee—it would be a valuable asset to his learning.
- Do you have any other feedback you could provide that would help us make a decision? **I'm thrilled to learn that Emilio is applying for this position. He is an avid reader and user of the library and he would make an excellent student representative.**

1/6/22



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Emilio Bahr-Garcia (Library Board Student Position)

Reference: Lee Erickson

Reference taken by; date / time: January 5, 2022

- What is your professional relationship with the applicant?
I am one of Emilio's teachers.
- How long have you known him/her?
I've known Emilio for 1 1/2 years.
- How long have you worked / served with him/her?
I've worked with Emilio for 1 1/2 school years.
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?
I evaluated and recommended Emilio for enrollment.
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Library Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Library Board Student position?
I highly recommend Emilio for the Library Board Student position.
- Does the applicant possess good decision making / reasoning skills?
yes
- Does the applicant have good communication / interpersonal skills?
yes
- Is he/she responsible and reliable?
yes
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?
Emilio is bright, compassionate, focused, organized, punctual, detail oriented, and perceptives.
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together?
Not applicable -
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Library Committee?
Emilio has the necessary skills to be successful with support + understanding.
- Do you have any other feedback you could provide that would help us make a decision?
Emilio will be an excellent resource and will represent his peers very well on your board. Lee Erickson

given his youth and inexperience.