



CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY NOVEMBER 8, 2021 6:00 PM

6:00 PM - The Lincoln City Council meeting for November 8, 2021 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. Laptops will be set up for those comments. 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 be placed in a Zoom waiting room upon entering the meeting until the public comment portion of the meeting at which time they will be admitted into the meeting through Zoom.

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 "Agenda, Packets & Video". 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. Minutes for October 11, 2021 6:00 PM
2. Regular Meeting – Minutes of Work Session – October 25, 2021 3:00 PM
3. Regular Meeting – Minutes of Regular Meeting – October 25, 2021 6:00 PM

E. COUNCIL DELIBERATIONS

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

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

G. PRESENTATIONS

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

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Public Hearing: ZOA 2021-03 (GC portion) -Ordinance 2021-22 - LCMC 17.32 GC
2. Public Hearing: Zoning Ordinance Amendment (ZOA 2021-05) Ordinance 2021-21 Exterior Lighting

J. ORDINANCES

3. ORDINANCE NO. 2021-19 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), ADDING A NEW CHAPTER 15.14, ADOPTING THE 2019 OREGON FIRE CODE, AS AMENDED BY THE OREGON OFFICE OF THE STATE FIRE MARSHAL IN OAR 837-040-0010, AS THE FIRE CODE OF THE CITY OF LINCOLN CITY
4. ORDINANCE NO. 2021-21 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.150, (EXTERIOR LIGHTING), TO CLARIFY REQUIREMENTS.
5. ORDINANCE NO. 2021-23 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.08 (WARD BOUNDARIES), SECTION 1.08.010 (DESIGNATED) TO ACCORD EQUAL PROTECTION OF THE LAWS BY REDEFINING BOUNDARIES OF CITY WARDS BASED ON THE MOST RECENT CENSUS DATA
6. ORDINANCE 2021-24 AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE NE 14TH SANITARY SEWER LID FORMED BY RESOLUTION 2021-15; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST PROPERTIES WITHIN THE DISTRICT

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

7. Budget Committee Interview-Petersen
8. Public Interview for City Council Ward II
9. Report on Emergency Declaration due to water main break

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

Council Communication

Minutes for October 11, 2021 6:00 PM

Meeting Date:	November 8, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Jamie Young	Estimated Time:	

This item was removed from the Consent Agenda 10/25/2021 and place on the Consent Agenda for 11/8/2021.

Attachments:

October 11, 2021 6 PM Minutes (PDF)

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

October 11, 2021, 6:00 PM

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

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM. Mayor Wahlke advised the public that there are now three ways to provide public comment.

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

Mayor Wahlke also said that today is Indigenous People's Day. Mayor Wahlke added a presentation under item G and moved Resolution 2021-44 and the Oath of Office Ceremony after the consent agenda.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	City Council Ward 1	Present	6:17 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
Vacant	Councilor Ward 2		

Staff Present: Lila Bradley, Interim City Manager; Richard Appicello, City Attorney; Lt. Broderick, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Alison Robertson, Economic Development and Urban Renewal Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; Ken Murphy, Emergency Services Coordinator; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Skipped due to the meeting being held remotely.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons
ABSENT:	Starmer
RESULT:	Passed

1. Regular Meeting – Minutes of Work Session – September 27, 2021, 3:00 PM
2. Regular Meeting – Minutes of Regular Meeting – September 27, 2021, 6:00 PM
3. Oregon Liquor Control Commission - New- Off-Premises Liquor License
4. Oregon Liquor Control Commission - Request for Full On-Premises Liquor License for The Sea Spritz
5. ARPA Funds for Nelscott Forcemain Project Funding
6. Traffic Control Measures - Status of NW 34th Court and NW 15th

K. RESOLUTIONS

2. Resolution 2021-44: A Resolution Declaring the Official Results of the Canvas of Votes of the Special Election Held in the City of Lincoln City, Oregon on September 21, 2021.

MOTION:	Motion to Approve Resolution 2021-44 Canvass of Votes
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons
RESULT:	Passed via Voice Vote

L. SPECIAL ORDER OF BUSINESS

4. Oath of Office Ceremony and Seating of Councilor-elect Elaine Starmer
The City Recorder performed the Oath of Office with Councilor Starmer.

E. COUNCIL DELIBERATIONS

None

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

None

G. PRESENTATIONS

G. Build Back Better Grant

Paul Schuytema, Executive Director of Economic Development Alliance of Lincoln County, gave a presentation and asked for a letter of support from the Council. Council gave unanimous consent for the Mayor to sign.

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

- 1. Continuance of Public Hearing [GC portion of former Ordinance 2021-14 (now renumbered as Ordinance 2021-22)]

MOTION:	Motion to Approve a Continuation of the Public Hearing Ordinance 2021-22 GC 17.32 - Continuance to November 8, 2021
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT:	Passed via Voice Vote

This ordinance was previously number 2021-14.

J. ORDINANCES

None

L. SPECIAL ORDER OF BUSINESS

- 3. Construction Award for Lincoln Square ADA Improvements, Phase 2

Mayor Wahlke recused herself due to a conflict of interest. Council President Casper led the discussion. Ms. Reid presented the project.

MOTION:	Motion to Award Contract for Lincoln Square Parking Improvements Phase II to RK Concrete Construction in the Amount of \$334,217.26
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Starmer, Casper, Hoagland, Mark, Parsons
ABSTAIN:	Wahlke
RESULT:	Passed by Roll Call Vote

5. Internet and Data Transport Services - Water and Wastewater Contract Award

MOTION: Motion to Award Contract for Internet and Data Transport Services - Water and Wastewater to Wave Business Solutions in the Amount of \$270,000 with a monthly recurring charge of \$840.

MOVER: Riley Hoagland, Councilor Ward 2

SECONDER: Mitch Parsons, Councilor Ward 1

AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons

RESULT: Passed by Roll Call Vote

Mr. Appicello said the City and Wave Business Solutions came to an agreement on a contract. Mr. Appicello stated this is exempt from competitive bidding and the reason it is on the agenda is that the City Manager's delegated authority has a cap.

M. CITY MANAGER/CITY ATTORNEY REPORTS

6. 2021 Holiday Meeting Schedule

MOTION: Motion to Cancel the Meetings Thanksgiving and Christmas Week

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Mitch Parsons, Councilor Ward 1

AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons

RESULT: Passed via Voice Vote

Mayor Wahlke confirmed the deadline for the Ward II Council Seat. Ms. Bradley had the City Recorder go over the applications received for the vacant committee seats. Mayor Wahlke appointed Councilor Starmer to be an interviewer on the Parks Board. Councilor Hoagland asked about having formal questions for applicant interviews. Mr. Appicello said that he would get with Ms. Edwards and work on the questions with unanimous consent from Council. Mr. Appicello will also work with the Planning Director and Finance Department on the questions.

7.

MOTION: Motion to Approve the Evacuation Plan

MOVER: Rick Mark, Councilor Ward 3

SECONDER: Riley Hoagland, Councilor Ward 2

AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons

RESULT: Passed by Voice Vote

8.

MOTION: Motion to Appoint Abigail Edwards as Interim City Manager for the Dates of 10/12 & 10/13 and 10/29-11/12.

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Rick Mark, Councilor Ward 3

AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons

RESULT: Passed by Roll Call Vote

Mayor Wahlke inquired about the deadline for vacant Ward II Council Seat applications. Mr. Appicello confirmed the deadline is November 1st and said there is a meeting on the 9th of November. Councilor Casper asked to confirm the deadline ends November 1st and the information is on the website. Mr.

Appicello said that was correct. Councilor Casper asked if Council would have questions for the Candidates. Mr. Appicello said the questions would be in the agenda packet. Councilor Casper asked who would make the questions. Mr. Appicello said it would be himself and Ms. Edwards. Mr. Appicello asked that Council re-visit the 34th Street closure in December for action or extension. Council gave unanimous consent to continue the discussion with the State and revisit the temporary closure of NW 34th Street and 15th Street.

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

9.

MOTION:	Motion to Proceed with Scheduling Preliminary Interviews for the Five Candidates and for the City Attorney to Make Contact with the Other City Attorney
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons
ABSTAIN:	Starmer
RESULT:	Passed by Voice Vote

Councilor Mark inquired about the interview process and who is involved. Mr. Appicello said he did not recall there being a Department Head panel and is fuzzy on how it was handled. Ms. Edwards said there are two sets of questions, one is the Council interview questions and the other is for an interview panel. Ms. Edwards said there were two separate panels previously. Mr. Appicello said it is not a public meeting. Councilor Mark asked who the interview panel would be. Ms. Edwards said that is to be determined. Mayor Wahlke said in 2014 there were four candidates interviewed. Mayor Wahlke said there were that many panels with a mixture of people interviewing and then a follow-up with Council. Mayor Wahlke said the preliminary interviews would be held via Zoom and at this point should just be Council in Executive Session unless there was something else agreed upon a few months ago, prior to June. Ms. Edwards will pull the information and send it to Council as a reminder. Councilor Mark asked if Ms. Edwards has previous experience or can check with other Cities on a process. Council is in agreement with wanting Department Heads involved in the process.

10.

MOTION:	Motion to Staff look into a Fish Cleaning Station, Forest Fairy, Scottish Tourism and Report Back
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Elaine Starmer, Committee Member
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Voice Vote

Mayor Wahlke asked if Council needed to take action on the new website. Ms. Bradley said she would like Council to agree to have a biography on the new website. Councilor Casper asked if there was a deadline. Ms. Bradley said by the end of November. Councilor Starmer asked about the length of the biography. Ms. Bradley said that she would send out some guidelines and examples. Council gave unanimous consent.

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

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Mark said he is enjoying the Haunted Taft tours. They are packed and a lot of fun. Councilor Mark encourages everyone to attend. Mayor Wahlke said as part of the BAMA Board she appreciates Councilor Mark and Councilor Hoagland helping with the Haunted tours, the proceeds go to supporting the Executive Director and helping the organization grow.

Councilor Casper received a request to have a "Griff Day" or a memorial bench in memory of Griff Ford. Mr. Appicello said that we are set up with a memorial process through the Parks Board. Council gave unanimous consent for Councilor Hoagland to speak with the Ford Family.

Councilor Hoagland welcomed Councilor Starmer to the Council. Councilor Hoagland asked about adding close captioning. Mr. LaSoya will check into that feature. Councilor Hoagland mentioned the Pines Dine and the vendors located in the Taft area. Councilor Hoagland read a statement from Governor Kate Brown recognizing Indigenous Peoples Day. Councilor Hoagland recognized the nine tribes in Oregon; Burns Paiute of Harney County, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz, Confederated Tribes of Umatilla Reservation, Confederated Tribes of Warm Springs, Cow Creek Band of Umpqua Indians, Coquille Indian Tribe, and the Klamath Tribes.

Councilor Parsons spoke about the speed sign on NE Voyage Ave and asked that it be flipped the other direction.

Mayor Wahlke attended Oregon Main Street Conference and will be bringing information forward soon. Mayor Wahlke also mentioned there is an "If I Were Mayor" contest and the prizes. Mayor Wahlke can be contacted for entry information.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 7:23 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

October 25, 2021, 3:00 PM

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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	City Council Ward I	Present	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; 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; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

2. DISCUSSION ITEMS

A. Outside Agency Applications 2021/2022

Ms. Bradley spoke about the outside agency applications, the amount is usually \$50,000 budgeted and applications are sent to previous applicants. Ms. Bradley said the year before was a larger

amount due to Covid. Mayor Wahlke asked how the City makes sure nobody is missed. Ms. Bradley said that it will be advertised and available online.

B. Joint Meeting Dates 2022

Ms. Bradley said there are annual meetings with North Lincoln Fire & Rescue, the Confederated Tribes of Siletz, the Lincoln County Commissioners, and the Planning Commission. Ms. Bradley said the dates would be close to what was done last year.

C. Future Work Session Topics-Revenues

Ms. Bradley said that she would like to do a work session to discuss further. Ms. Bradley will send the previous meeting notes to Council to see if there are any other items to look at. Mr. Appicello said the issue with that is there is an item on every regular agenda, items if any, based upon work sessions/executive sessions. Mr. Appicello said we have not had motions bringing any of those items forward to the regular meeting; fuel tax, food and beverage tax, street lighting, and increased TRT(transient room tax), some of those items would need to be placed on the ballot. Mr. Appicello said there is a huge lag time getting those moving forward. Mayor Wahlke said her thought was to see how the proposals were going at the ballot box and have a full Council. Councilor Casper agreed. Councilor Starmer said there were open discussion items around what can be done at a fee level versus a license level, when we come back to a work session with this particular topic maybe we can drill down to some more succinct answers. Mayor Wahlke said she remembered Council was going to review the fee schedule again, that is something that should be done on a regular basis. Ms. Bradley said she would get this information back to Council.

D. No Work Session Meeting, November 8th, 3 PM

Mayor Wahlke said there would be no work session meeting on November 8th. Ms. Bradley said this is partially because she will be gone. Mayor Wahlke said the next work session will be December 13th and asked the revenue discussion be scheduled for that day.

E. Managers Reports

Ms. Bradley said that she would be introducing Anne Marie Skinner as the Planning Director at the Chamber luncheon; Ms. Sprague will be giving an update of the Taft Park. Ms. Bradley will also give an update of projects and mention the outside agency request applications. Councilor Casper asked if there was a deadline established for the return of the applications. Ms. Bradley said they should have at least three weeks. Councilor Hoagland asked if the outside agency request was for non-profit grants title was changed for the program. Mr. Appicello said that it was always not-for-profit agencies when the Covid relief was happening that was temporarily changed. Councilor Casper said she thought the application was re-done as well. Ms. Bradley will go back and look at the application. Councilor Parsons had the same recollection. Councilor Casper asked if it was time to put out the application. Ms. Bradley said she will go back and find the notes and will wait on handing out applications.

Councilor Starmer asked if there was an update with the water levels. Ms. Bradley said that even at the driest point, we did not reach drought levels but the City is looking at the water masterplan and adding more storage and other options.

Ms. Bradley said there also there are boards and committees items. City Recorder asked Council to have appointments at the first meeting of January, once everyone has been interviewed. Councilor Parsons said he has told the people interviewing the appointments will happen at the end of

December or the beginning of January. Mayor Wahlke said since the last meeting of December is canceled, it makes sense to hold appointments for the first meeting of January. The City Recorder asked Council about scheduling the Ward II Council seat interviews for November 8th. Councilor Casper asked about the interview questions. Mayor Wahlke said the questions would be prepared by Ms. Edwards and Mr. Appicello. Councilor Casper asked if they could suggest questions. Ms. Edwards said new questions could be emailed to her and to copy Mr. Appicello. Mr. Appicello said that input is welcome. Councilor Starmer inquired about the zoom interviews and the trouble starting the new meeting. The City Recorder said in the future there would be more time allowed between meetings and try not to schedule on Fridays, as she is not in the office.

F. Council Questions on Agenda Items for Regular Meeting

Councilor Casper asked if there was anything figured out as to how a lounge can exist in a clothing store that has hatchet throwing. Councilor Casper was a little concerned. Mayor Wahlke said that concerned her as well but it is more than a clothing store. Mayor Wahlke said combining hatchet throwing and drinks, which reminds me of a bar with darts. Councilor Hoagland said which is fun.

Councilor Parsons asked questions about the personnel appointments; is the police officer a lateral hire. Ms. Edwards confirmed. Chief Palmer said that the new hire has 14 years of experience from the University of Oregon Police Department. Council Parsons asked about the promotion of the City Engineer to Public Works Director, when do we decide to promote or advertise. Mayor Wahlke said that is a City Manager's decision. Ms. Bradley said that Ms. Reid has 17 years of experience and they have worked closely during that time, it is the smartest thing to do. Councilor Hoagland asked when you do not agree with that process and it should be open to the public, how do we go about that. Mayor Wahlke said it is the City Manager's responsibility and Council has no say in hiring. Mr. Appicello said that per the charter, it is the City Manager's responsibility to handle the hiring and firing. Mayor Wahlke asked if there were plans to hire a City Engineer. Ms. Bradley stated they are working with the existing staff.

Councilor Parsons pointed out in the minutes for October 11th, the Mayor recused herself but then voted. Mayor Wahlke said that she missed that one. Mayor Wahlke said she also had a follow-up question, for the internet transport services data Water and Wastewater contract award, was there a presentation or discussion. Mr. Appicello said it was briefly talked about and Ms. Reid was available for questions, there was not a big presentation. Mr. Appicello said it was previously discussed at a work session. Mayor Wahlke said that under six and eight on M, it is almost the same discussion.

Councilor Parsons asked about the development behind Rite Aid. Ms. Skinner said Planning has approved a three-parcel partition and an application has been submitted for the first house. Mayor Wahlke asked who the property owner is; Ms. Skinner said it is owned by the Nathan and Angie Knott Family Trust.

Mr. Appicello said there would be a warrant inspection of a property in Roads End on Wednesday.

G. Other Questions From Council

Councilor Mark asked for an update on the search for a Finance Director. Ms. Edwards said there was a small snag in the advertising and the first look has changed to the end of October. Ms. Edwards said there are two applications and they were notified of the change and one person has accepted a position elsewhere.

Councilor Mark asked about addressing Department Heads directly with issues from constituents. Mr. Appicello said that he previously sent an email to Council addressing this; his advice is when a citizen comes to you, you should avoid giving them the impression you can do anything about it and explain you have no individual authority. Mr. Appicello said they could take their concern to the City Manager or address the entire Council, in writing or at a meeting.

Councilor Casper said that while she was on her adventure to Iceland it came very clear how important the UNESCO site is, while she was there, it was amazing the amount of respect given. Councilor Casper said that we here in Lincoln City have exactly that, it runs from Roads End to Wecoma is a UNESCO site. Mr. Dreistadt corrected that it runs from Roads End to D River. Councilor Casper said their area includes hiking, also encouraging visitors and to treat it with respect. Councilor Casper said there is no trash in Iceland and they commented to a native, they responded with we try. Councilor Casper said if we are a UNESCO site maybe we could advertise that, "keep it clean", "pack it in, pack it out", make it important. Mr. Dreistadt said they are working on that with Paul Robertson.

Mayor Wahlke said she was pleased to open her 1859 magazine and see Lincoln City's ad. Mayor Wahlke also said it is nice that we have a little Kite Festival in the Travel Oregon video.

3. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 3:48 PM

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

October 25, 2021, 6:00 PM

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APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

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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	City Council Ward 1	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM
Vacant	Councilor Ward 2		

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; Stephanie Reid, City Engineer; Kirsten Brodbeck-Kenney, Library Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Skipped due to the meeting being held remotely.

D. CONSENT AGENDA

MOTION:	Motion to Approve the Consent Agenda Except for Item #2
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Elaine Starmer, Committee Member
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT:	Passed

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

Mayor Wahlke pulled this item to be brought back at the November 8th meeting.

3. Oregon Liquor Control Commission - Request for Limited On-Premises Liquor License for Scout Northwest Trading Company
4. Oregon Liquor Control Commission - Request for Full On-Premises Liquor License for Autobahn 101
5. Oregon Liquor Control Commission - Request for Limited On-Premises Liquor License for The Pines Dine
6. Council Consent for Personnel Appointment

E. COUNCIL DELIBERATIONS

None

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

One Citizen was present but did not wish to comment.

7. Public Comment on City Manager Recruitment Information

Ms. Edwards said that this is on the agenda for public comment, not a public hearing. Mr. Appicello said we are opening this for Department Head interview and keeping the interview questions confidential. No public comment was received.

G. PRESENTATIONS

None

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

None

J. ORDINANCES

None

K. RESOLUTIONS

None

L. SPECIAL ORDER OF BUSINESS**1. Budget Committee Interview-Michelson**

Council interview Mr. Michelson for the Budget Committee.

2. Planning Commission Interview - Petersen

Council interview Mr. Petersen for the Planning Commission.

Mayor Wahlke asked the City Recorder to send Council an email of the number of openings and who has applied.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Appicello said there was a drainage issue across the street from City Hall that has been resolved.

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION**3.**

MOTION:	Motion to Clarify that Council will Conduct Preliminary Interviews of Four Applicants for City Manager (rather than 5) and Authorize Change to Process to Add Department Head Interviews to Process and Keeping Questions Confidential. Questions Choices to be Submitted to Human Resources by November 3
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Voice Vote

4.

MOTION:	Motion to Initiate Map Amendment to RRMU Designation on City Property in the Villages to Refine the Designation
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Voice Vote

5.

MOTION: Motion to Initiate Map Amendment to Villages to Add 35 Acres of Open Space Designated Lands, and Refine the Placement of Such Lands, Per Ordinance 2019-40
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

6.

MOTION: Motion to Initiate Map Amendments to Intersperse Park Designated Lands Among Open Space Designated Lands, Where Appropriate Within the Villages Property Owned by the City
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Elaine Starmer, Committee Member
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

7.

MOTION: Motion to Initiate Text and Map Amendments to Villages to Add Minimum Densities to RRMS and Create Implementing Zoning Districts and Associated map changes
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

8.

MOTION: Motion to Initiate Map Amendments to Designate Area West of the Knoll as Parks/Open Space or Some Combination Thereof
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Elaine Starmer, Committee Member
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

9.

MOTION: Motion to Authorize City Manager to Execute ENA for Fernwood
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

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

One Citizen was present but did not wish to comment. No public comments were received during the meeting.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Mayor Wahlke congratulated Councilor Hoagland on his appointment to the National League of Cities. Councilor Hoagland said that he was nominated to the National League of Oregon Cities as the Vice-president for the Persons of Color Caucus. Councilor Hoagland spoke with the wife of Griff Ford and she spoke of his love of children. Councilor Hoagland and Mrs. Ford thought about possibly naming the SE 51st Park the Griff Ford Memorial Park. Ms. Bradley said that she would speak with Ms. Sprague and get back to the Council. Councilor Hoagland spoke about the Spooky Spectacular at the Lincoln City Outlets. Councilor Hoagland said that from 3 PM to 4 PM would be for sensory-sensitive persons, with less sound and lights. Mayor Wahlke said the Kiwanis Club sponsors the event and the Rotary Club is in charge of the sensory sensitive hour.

Councilor Mark voiced his support for the Fire District levy, the ballots are due in a week. Councilor Mark said the Fire District levy would increase his taxes by \$.08 a day.

Councilor Parsons spoke about the "Washed Ashore" art exhibit and encourages all to visit the exhibit.

Mayor Wahlke said that she was going to ask about in-person meetings and then saw the emergency services email with an increase in Covid Cases by 43 this weekend. Mayor Wahlke said that Covid booster shots would be available Saturday at the Taft Fire Hall. Mayor Wahlke said that you could make an appointment at signupgenius.com.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 6:56 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Deliberations: 14th Street LID Final Assessment

Meeting Date: November 8, 2021	Primary Staff Contact: Richard Appicello
Department: City Attorney	E-Mail: RAppicello@lincolncity.org
Secondary Dept: Public Works	Secondary Contacts: Lila Bradley
Approval: Vickie Lawrence	Estimated Time: 10 mins.

Question:

Review and Dispose of objections, if any. Should the Council impose the Final Assessment based on actual costs as provided in Ordinance 2021-24?

Staff Recommendation:

Staff recommends Council review any timely filed objections, if any, with regard to the proposed imposition of the final assessment. Staff recommends imposition of the final assessment based upon actual costs.

Authority: (emphasis added)

13.04.120 Assessment ordinance.

When the estimated cost of an authorized local improvement has been ascertained on the basis of the contract award or estimate of costs of the engineer for the city, **or after the work is done and the cost thereof has been actually determined, the council shall determine whether the property benefitted shall bear all or a portion of the cost.** The city recorder, or such other person as the council may direct, shall prepare the assessment to the respective lots within the assessment district and file it in the appropriate city office. Notice of such assessment shall be mailed or personally delivered to the owner, or reputed owner, of each lot to be assessed. Such notice shall state the name of the owner or reputed owner, the description of the property proposed to be assessed, the amounts of assessment proposed on that property, **and shall fix a date by which time objections shall be filed with the recorder, or other person designated by the council. Any such objection shall state the grounds for the objection. The city council shall consider such objections at a public meeting and may adopt, correct, modify or revise the proposed assessments and shall determine the amount of assessments to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement, and shall by ordinance spread the assessments.**

Background:

Supporting materials are located on this Agenda under Ordinance 2021-24.

The Engineering Report has been updated based on the actual cost of construction which was greater than the estimated cost.

Council Options:

1. Consider objections, if any, filed.
2. Impose assessment for actual cost on benefitted property owners.
3. Do not impose full assessment on benefitted property owners.

Financial Impact

Imposition of actual cost repays City for construction costs.

Potential Motions:

Take action under Ordinance 2021-24 later on this agenda.

Council Communication

Report on the NE 14th Street Sidewalk Improvement Project

Meeting Date:	November 8, 2021	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	10 minutes

Staff will provide a PowerPoint presentation about the recently completed NE 14th Street Sidewalk Improvement Project.

Attachments:

NE 14th Post Construction Presentation (PDF)

NE 14th Roadway Improvements

Post-Construction Overview



West Project Portion



East Project Portion

General Information

Project Details:

- New Curb & Sidewalk
- New Storm & Sanitary Sewer
- New Asphalt Paving

Construction Timeline:

May 31st, 2021 – September 21, 2021

Cost & Budget:

-Total Project Cost: \$852,979.57

Less \$45,980.00 Reimbursed by NWN

-Total Budget: \$870,935

\$800,000.00 from '20-'21 Street Budget

\$70,935.00 Approved from un-bonded sewer fund



Project Location

Why NE 14th Street?

- Pedestrian Safety
 - Previously unsafe pedestrian space
 - Accessible connections between:
 - Highway 101
 - Spring Lake Open Space
 - First Phase to Regatta Park
 - Long term goal: Head to Bay Trail
- Reduced width and speed at NE Oar intersection
 - Limited visibility
 - Replace aging infrastructure: flashing yellow light



Before



After

Before



After



G.5.a



Packet Pg. 26

Before



After

G.5.a



Packet Pg. 27

The Process

- Preparation/Design
 - Design: Fall 2018 – Fall 2019
 - Resident outreach & involvement: Start Fall 2019
- Contractor Selection
 - Two rounds: Spring 2020 & Spring 2021
 - Additional owner outreach & notification: Spring 2021
- Construction – Relatively short project portion
 - June 2021 – September 2021



Curb Machine Utilization



Storm Main Installation

Construction Challenges

Construction Challenges:

- Loss of On-Street Parking
- Loss of Driveway Depth within RoW
- Requests for additional apron width

Easements & Temporary licenses

- Required from many residents

Accessibility with steep road grades

- Long pedestrian ramps
- Road “bumps” in front of landings

Heavy traffic during construction



Narrowed Driveway & Slope Change

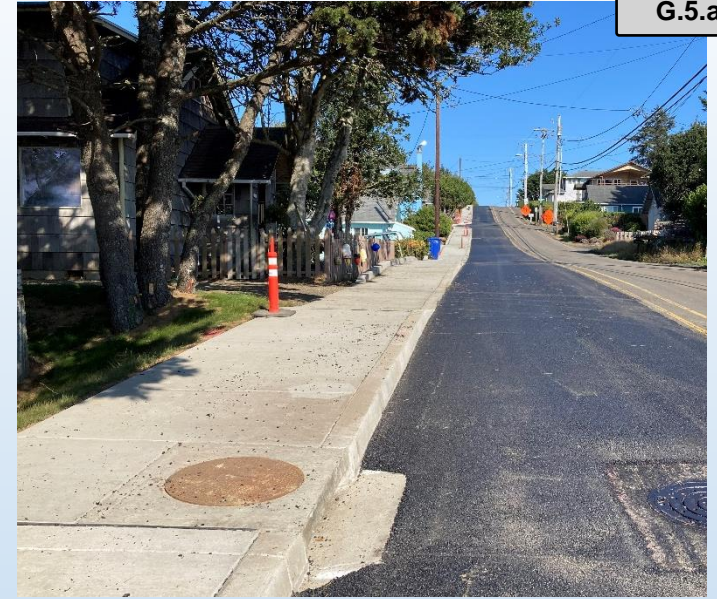


Reduced Driveway Depth in Right of Way

Construction Challenges

Construction Challenges:

- Loss of On-Street Parking
- Loss of Driveway Depth within RoW
- Requests for additional apron width



Replaced on-street parking

Easements & Temporary licenses

- Required from many residents

Accessibility with steep road grades

- Long pedestrian ramps
- Road "bumps" in front of landings

Heavy traffic during construction

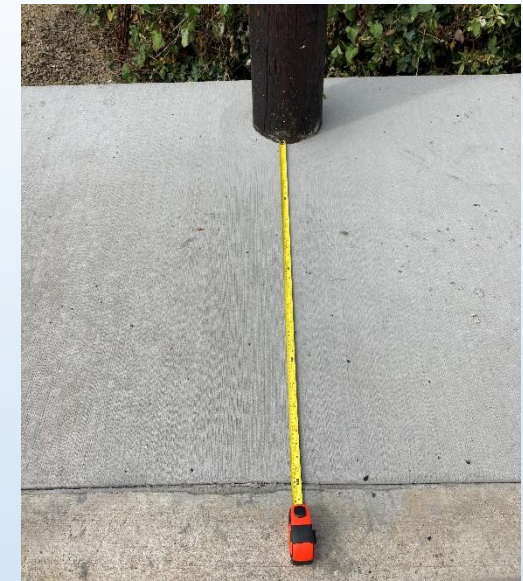


Reduced Driveway Apron Width

Construction Challenges

Construction Challenges:

- Loss of On-Street Parking
- Loss of Driveway Depth within RoW
- Requests for additional apron width



Exactly 4 feet – the minimum clearance in front of power pole.

Easements & Temporary licenses

- Required from many residents

Accessibility with steep road grades

- Long pedestrian ramps
- Road “bumps” in front of landings

Heavy traffic during construction



‘Unique Design’ Curb Ramp – NE Mast



‘Hump’ at ADA landing – NE Oar

Product Benefits & Results

- Improved Pedestrian Safety & Access
- Reduced Vehicle Speed Anticipated
 - Additional signage for NE Oar pending
- Infrastructure Improvement
 - Repaired & Expanded Sanitary Sewer
 - Improved Drainage & Water Quality



G.5.a

NE Port Intersection – Before & After



Product Benefits & Results

- Improved Pedestrian Safety & Access
- Reduced Vehicle Speed Anticipated
 - Additional signage for NE Oar pending
- Infrastructure Improvement
 - Repaired & Expanded Sanitary Sewer
 - Improved Drainage & Water Quality



Degraded Sewer “Lamp Post” Replaced



NE 14th at Highway 101 – Before & After

Public Hearing - Ordinance 2021-22 17.32 GC

Meeting Date: November 8, 2021 Primary Staff Contact: Richard Appicello
 Department: City Attorney E-Mail: RAppicello@lincolncity.org

Question:

Should the City Council conduct a public hearing on the GC portion of ZOA 2021-03 (formerly Ordinance 2021-14) now Ordinance 2021-22?

Staff Recommendation:

Staff recommends the Council NOT conduct the public hearing. Staff recommends that Council either withdraw the ZOA, or continue the ZOA to December 13, 2021. The Planning Director recommends withdrawal. If Council desires to proceed with adding an additional conversion option (in addition to what is provided under state law), please continue the matter to December 13, 2021. Council cannot conduct the hearing this evening as the ordinance has not been finalized. Council must either withdraw the item or continue it.

Supporting materials. The draft ordinance, draft findings and staff report are NOT on this Agenda.

Authority:

Legal authority for text amendments is as follows:

17.76.060 Type IV (Legislative).

- A. General Description. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.
- B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.
- C. Pre-application Conference. Pre-application conferences are not required for Type IV

applications.

D. Application Requirements.

1. Application forms. Legislative applications must be made on forms provided by the department.
2. Submittal Information. The application shall contain all of the following information:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
 - c. The required fee as adopted by City Council resolution, except when the City initiates request.

E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:

1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.
2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another), see ORS 227.186 for instructions;
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing; and
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
3. For each mailing of notice, the department shall prepare an affidavit of mailing.

F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.

G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing

on Type IV applications in accordance with the procedures set forth in subsection 17.76.160. In addition to the public hearing held by the Planning Commission, the City Council shall also conduct a public hearing on Type IV applications.

H. Recommendation Authority.

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

I. Notice of Decision.

1. Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council.
2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.
3. The City Council's decision is final for purposes of appeal on the date the notice is mailed.

- J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

Background:

Council adopted ordinance 2021-14 which restored some single family residential use in the RM zone. That Ordinance had earlier proposed to amend the GC Zoning District to add conversion of hotel/motels to apartments. The City Planning Director was attempting to get ahead of pending legislative action, to encourage workforce housing. The legislature enacted legislation which allowed conversion for affordable housing purposes. Staff asked for delay to reconsider the GC amendments in light of legislative

action. The new Planning Director would like to withdraw this proposal. If Council desires to proceed, please continue the hearing to December 13, 2021.

Supporting materials are not on this Agenda. The last version of this proposed amendment would add the following to the permitted uses in GC (17.32.020):

II. Conversion of Existing Hotel/Motel Units to an Emergency Shelter or Affordable Housing for households with incomes equal to or less than 60% of median family income / area median income for Lincoln County, subject to comply with applicable building codes and occupancy limits.

JJ. Conversion of Existing Hotel/Motel/Resort Units to Upscale Multi-Unit Residential Units, including 20% of the units as workforce housing. For purposes of this section only "workforce housing" means not to exceed 125% of median family income / area median income for Lincoln County.

Council Options

- Continue the public hearing until a future City Council meeting [e.g. December 13, 2021].
- Withdraw this portion of the ZOA initiated by Council.

Public Hearing - Ordinance 2021-21 Exterior Lighting

Meeting Date: November 8, 2021 Primary Staff Contact: Richard Appicello
 Department: City Attorney E-Mail: RAppicello@lincolncity.org

Question:

Should the City Council conduct a public hearing on Zoning Ordinance Amendment ZOA-2021-05 (Ordinance 2021-21-Exterior Lighting)?

Staff Recommendation:

Staff recommends the Council NOT conduct the public hearing. Staff recommends that Council either withdraw the ZOA, or continue the ZOA to December 13, 2021. The Planning Director recommends withdrawal. Because the Planning Commission did not consider this matter on November 2, 2021, Council cannot conduct the hearing this evening. Council must either withdraw the item or continue it.

Supporting materials. The draft ordinance and draft findings are located under "Ordinances" later on this Agenda.

Authority:

Legal authority for text amendments is as follows:

17.76.060 Type IV (Legislative).

- A. General Description. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.
- B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.
- C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.
- D. Application Requirements.

1. Application forms. Legislative applications must be made on forms provided by the department.
 2. Submittal Information. The application shall contain all of the following information:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
 - c. The required fee as adopted by City Council resolution, except when the City initiates request.
- E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:
1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCDC), the department shall notify DLCDC of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.
 2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another), see ORS 227.186 for instructions;
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing; and
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 3. For each mailing of notice, the department shall prepare an affidavit of mailing.
- F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.
- G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in subsection 17.76.160. In addition to the public hearing held by the Planning Commission, the City Council shall also conduct a public hearing on Type IV applications.

H. Recommendation Authority.

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

I. Notice of Decision.

1. Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council.
2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.
3. The City Council's decision is final for purposes of appeal on the date the notice is mailed.

- J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

Background:

On August 9, 2021 the City Council initiated this amendment to Exterior Lighting. On August 17, 2021, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s). City staff has determined the proposed amendment does not require individual notice to property owners under Measure 56, accordingly no ORS 227.186(4) notice was sent to property owners. The matter was briefly postponed due to staff changes. The Planning Commission, on November 2, 2021, held a public hearing and considered the amendments contained within this ordinance.

On November 2, 2021, the Planning Commission voted to transmit the amendments to

the City Council with a recommendation that the ordinance be adopted / not be adopted.

Supporting materials are located under "Ordinances" later on this Agenda.

Council Options

- *[Not an option if Planning commission did not hear the matter on November 2, 2021]*
Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed amendment. **[Action is taken under "Ordinances" later on the Agenda].**
- Continue the public hearing until a future City Council meeting [e.g. December 13, 2021].
- by Motion, withdraw the ZOA.

Council Communication

Ordinance 2021-19 Fire Code

Meeting Date:	November 8, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Vickie Lawrence	Estimated Time:	10 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2021-19 entitled:

ORDINANCE NO. 2021-19

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), ADDING A NEW CHAPTER 15.14, ADOPTING THE 2019 OREGON FIRE CODE, AS AMENDED BY THE OREGON OFFICE OF THE STATE FIRE MARSHAL IN OAR 837-040-0010, AS THE FIRE CODE OF THE CITY OF LINCOLN CITY

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2021-19 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:

This ordinance adopts the 2019 Oregon Fire Code and makes local amendments. Enforcement is delegated to the District.

Financial Impact:

None.

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 December 13, 2021 [or]
3. Continue First Reading to December 13, 2021.

Potential Motions:

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

ORDINANCE NO. 2021-19

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE,
TITLE 15 (BUILDINGS AND CONSTRUCTION), ADDING A NEW CHAPTER 15.14,
ADOPTING THE 2019 OREGON FIRE CODE, AS AMENDED BY THE OREGON OFFICE
OF THE STATE FIRE MARSHAL IN OAR 837-040-0010, AS THE FIRE CODE OF THE
CITY OF LINCOLN CITY**

Motion to approve First Reading of Ordinance 2021-19.

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 2021-19.

[or]

2. Motion to set Second Reading for September 27, 2021.

Attachments:

Ordinance 2021-19 Fire Code 10-25-21 short version (DOCX)

1 **SECTION 1.** Chapter 15.14 (*Fire Code*) is hereby added to the Lincoln City Municipal
2 Code, as follows:

3
4 **Chapter 15.14**
5 **FIRE CODE**

6 **Sections:**

7 **15.14.010 Adoption of fire code, fire and life safety standards.**

8 **15.14.020 Definitions.**

9 **15.14.030 Establishment and duties of fire prevention bureau.**

10 **15.14.040 Reserved.**

11 **15.14.050 Reserved.**

12 **15.14.060 Reserved.**

13 **15.14.070 Reserved.**

14 **15.14.080 Amendments to the Oregon Fire Code.**

15 **15.14.090 Reserved.**

16 **15.14.100 Reserved.**

17
18
19 **15.14.010 Adoption of fire code, fire and life safety standards.**

20
21 Lincoln City hereby adopts the 2019 Oregon Fire Code (OFC), including Appendix
22 Chapters B, C, D, K, N, Q, R, S, and T, as published by the International Code
23 Council, as adopted and amended by the Oregon Office of the State Fire Marshal
24 in OAR 837-040-0010, as the Fire Code of the City of Lincoln City; said Fire Code
25 is adopted and shall be enforced as part of this code regulating, governing, and
26 safeguarding life and property from fire and explosion hazards arising from the
27 storage, handling, and use of hazardous substances, materials and devices, and
28 from conditions hazardous to life or property in the occupancy of buildings and
29 premises as herein provided; providing for the issuance of permits and collection
30 of fees therefor; and each and all of the regulations, provisions, penalties,
31 conditions and terms of said Fire Code, on file and available for inspection in the
32 Office of the City of Lincoln City Building Official (801 SW Highway 101, Lincoln
33 City, Oregon 97367), are hereby referred to, adopted, and made a part hereof, as
34 if fully set out in this ordinance, with the additions, insertions, deletions and
35 changes, if any, prescribed in LCMC 15.14.010.

36
37 **15.14.020 Definitions.**
38

1 (1) Whenever the word "administrator" is used in the Oregon Fire Code, and the
2 other codes incorporated herein, it shall be held to mean the fire chief of the
3 North Lincoln Fire and Rescue or his or her authorized representative.

4 (2) Whenever the term "building department" is used, it shall be held to mean the
5 building department of the City of Lincoln City.

6 (3) Whenever the term "building official" is used, it shall mean the building official
7 of the City of Lincoln City.

8 (4) Whenever the term "chief of police" is used, it shall be held to mean the chief
9 of police of the City of Lincoln City.

10 (5) Whenever the word "code" is used in this chapter, it shall be held to mean all
11 the codes adopted and incorporated by this chapter to form the City of Lincoln
12 City Fire Code. Whenever a reference is made to any portion of this code or any
13 other applicable law or ordinance, the reference applies to all amendments and
14 additions now or hereafter adopted by the State Fire Marshal and the City of
15 Lincoln City.

16 (6) Whenever the term "city council" or "council" is used, it shall be held to mean
17 the governing body of the City of Lincoln City, Oregon.

18 (7) Whenever the term "counsel" or "city attorney" or "attorney" is used, it shall
19 be held to mean the city attorney for the City of Lincoln City.

20 (8) Whenever the terms "fire prevention bureau" or "bureau of fire prevention" or
21 "fire district" or "district" are used in the code, the same shall be held to mean
22 North Lincoln Fire and Rescue District.

23 (9) Wherever the word "jurisdiction" is used in the Oregon Fire Code or other
24 codes adopted herein, it shall be held to mean the City of Lincoln City, Oregon.

25 (10) Whenever the term "International Building Code" or "building code" is used,
26 it shall be held to mean the current edition of the State of Oregon Structural
27 Specialty Code as adopted by the State Building Codes Division and the City of
28 Lincoln City.

29
30 **15.14.030 Establishment and duties of fire prevention bureau.**

31
32 (1) The City of Lincoln City hereby delegates to North Lincoln Fire and Rescue
33 District the enforcement of the City of Lincoln City Fire Code, including the
34 Oregon Fire Code. Such delegation shall include, but shall not be limited to, fire
35 prevention, fire suppression, fire safety, fire storage, fire escapes, and fire
36 investigation.

37
38 (2) The City of Lincoln City Fire Code, including the Oregon Fire Code, shall be
39 enforced by the fire prevention division of North Lincoln Fire and Rescue District,
40 which shall be operated under the supervision of the fire marshal under the

1 direction of the fire chief. The chief may detail or assign members of the fire
2 department as inspectors, pursuant to the Oregon Fire Code and Oregon
3 Statutes.

4
5 (3) Nothing herein prohibits the city council, its officers or employees designated
6 as city enforcement officers, from enforcing this fire code through any available
7 administrative or judicial means, including but not limited to building department
8 and planning department enforcement mechanisms.

9
10 **15.14.040 Reserved.**

11
12 **15.14.050 Reserved.**

13
14 **15.14.060 Reserved.**

15
16 **15.14.070 Reserved.**

17
18 **15.14.080 Amendments to the Oregon Fire Code.**

19
20 (1) Section 101.1 is amended to read:

21
22 These regulations shall be known as the *Lincoln City Fire Code*
23 hereinafter referred to as "this code".

24
25 **15.14.090 Reserved.**

26
27 **15.14.100 Reserved.**

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29
30 **SECTION 2. Findings adopted.** Findings contained in the Whereas Clauses of this
31 ordinance, as well as the competent substantial evidence in the whole record of this
32 legislative proceeding are incorporated into this section by reference as if fully set forth
33 herein, and are adopted in support of this legislative action.

34
35 **SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this
36 ordinance are severable. The invalidity of one section, subsection, paragraph, or clause
37 shall not affect the validity of the remaining sections, subsections, paragraphs and
38 clauses.

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SECTION 4. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or applications filed or commenced during the time said ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

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

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 8th day of November, 2021 (First Reading) and on the 8th day of November, 2021 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of November, 2021.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Ordinance 2021-21 Exterior Lighting

Meeting Date: November 8, 2021 Primary Staff Contact: Richard Appicello
 Department: City Attorney E-Mail: RAppicello@lincolncity.org
 Secondary Dept: Planning Department Secondary Contacts:
 Approval: Vickie Lawrence Estimated Time: 5 mins.

Question: Following the public hearing, should the City Council conduct and approve First Reading and Second Reading of Ordinance 2021-21 concerning Exterior Lighting?

ORDINANCE NO. 2021-21

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.150, (EXTERIOR LIGHTING), TO CLARIFY REQUIREMENTS.

Staff Recommendation:

The Ordinance cannot proceed at this meeting as the Planning Commission has postponed its consideration until the second planning Commission meeting in November. This item will need to be continued or withdrawn (see public hearing item).

At a future meeting - Staff recommends Council conduct and approve First Reading of Ordinance 2021-21 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2021-21.

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:

On August 17, 2021, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s). City staff has determined the proposed amendment does not require individual notice to property owners under Measure 56, accordingly no ORS 227.186(4) notice was sent to property owners. The Planning Commission, on November 2, 2021, continued their public hearing until their next meeting. The Director explained that the Council will be asked to continue or withdraw this item.

The existing code reads as follows:

17.52.150 Exterior lighting.

Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.

A. Light poles must not exceed a height of 20 feet.

B. All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.

C. Luminance at the property line, or no more than five feet over the property line, must be zero.

D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.

E. Maximum initial luminance of parking lots must not exceed four foot-candles.

F. Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

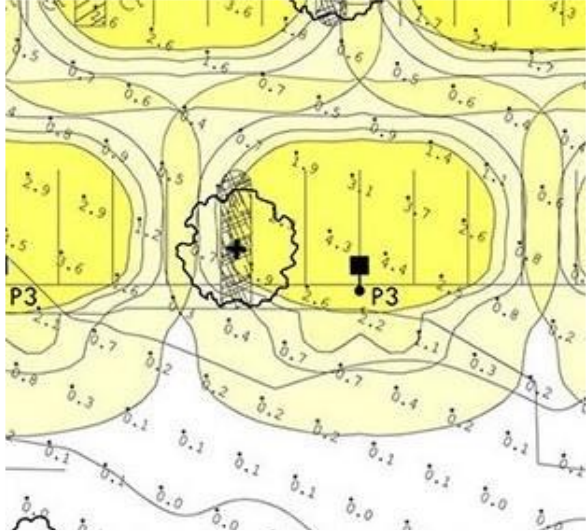
G. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.

H. The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.

Figure 17.52.150-1. Examples of exterior lighting and photometric plan.



Full cut-off lighting illuminating parking and pedestrian connection. (Credit: landscapeonline.com)



Example photometric or lighting plan detail. (Credit: beamltd.com).

Staff changes / proposed revisions:

The text of the following standard:

C. Luminance at the property line, or no more than five feet over the property line, must be zero.

Was deemed by staff to be impossible to meet.

The version of the ordinance attached is slightly different than the version originally sent to DLCD. Standards have been combined (F3&F7) and an exemption (C4) eliminated. The original language sent to DLCD is set forth below:

17.52.150 EXTERIOR LIGHTING.

A. PURPOSE.

The purpose of this provision is to make exterior lighting used for residential, commercial and public areas appropriate to the need for lighting, and to minimize light from shining skyward or offsite onto adjacent public rights-of-way or private properties. Nothing in this provision should be interpreted to restrict the lighting necessary to protect public health, safety and welfare.

B. APPLICABILITY.

This provision applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted in 17.52.150.C. below. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lots, landscape areas, streets and street signs, product display areas, building overhangs and open canopies.

1. Where lighting creates a hazard to the public health, safety and welfare, immediate compliance is required. Lincoln City Enforcement officers may require mitigation for noncompliance, such as shielding, re-aiming or lowering lumen output when immediate compliance is not feasible.
2. On or before 3 years from the effective date of this Ordinance, all existing outdoor lighting shall comply with this provision.

C. EXEMPTIONS.

1. Privately owned lighting, designed to illuminate pedestrian walkways and vehicular ways, if approved by the City Engineer.
2. Lighting measures owned and/or operated by government entities or public utilities, used for public health, safety and welfare purposes, shall be exempt from this provision.
3. Temporary lighting necessary to ensure safety for construction sites shall be exempt from this provision.
4. Lighting for a properly displayed flag on a permitted flagpole is exempt.

D. PROHIBITIONS.

1. Laser Light Source. The use of laser source light or any similar high intensity light for exterior advertising or entertainment is prohibited.
2. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety is prohibited.
3. Blinking & Flashing Lights. All blinking and flashing lights, except for official traffic control installations, public safety installations, and seasonal lighting during exempted periods in LCMC Chapter 9.34, are prohibited.

E. PHOTOMETRIC PLANS REQUIRED WHEN SUBMITTING PLANNING AND BUILDING APPLICATIONS:

A development plan and/or building permit shall include with the applicable application materials, a photometric plan analysis and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures on the plan. The submittal, which may include the manufacturer's data or measurement and cut sheets must demonstrate conformance with this section. The approval authority may request additional information in order to achieve the purposes of this provision.

F. LIGHTING STANDARDS.

1. Artificial exterior lighting shall not be designed to shine or create glares in any neighboring properties, including public rights-of-way.
2. All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. For new developments, shielding must be integral to the light fixture and direct light downward.

3. Outdoor lighting used to illuminate parking spaces, driveways, maneuvering areas, or buildings shall conform to the definition for "fully shielded light fixtures" and be designed, arranged and screened so that the point light source shall not be visible from adjoining lots or streets.
 - a. No portion of the bulb or direct lamp image may be visible beyond a distance equal to or greater than twice the mounting height of the fixture. For example, for a fixture with a mounting height of 12 feet, no portion of the bulb or direct lamp image may be visible from 24 feet away in any direction.
 - b. Light poles or wall-mounted fixtures shall be full-cutoff fixtures only. All perimeter fixtures shall possess house-side shielding.
4. Luminance at the property lines of adjacent lots shall not be greater than one (1) foot-candle.
5. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.
6. Maximum initial luminance of parking lots must not exceed four (4) foot-candles in average.
7. Up-lighting is prohibited and full-cutoff fixtures are required.
 - a. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
 - b. Full Cutoff (FCO) describes a luminaire light distribution where 100 candela per 1000 lamp lumens (10%) may emit at all vertical angles beginning at 80 degrees up from nadir to less than 90 degrees, and zero candela per 1000 lamp lumens (0%) is allowed at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded.
 - c. Exception: The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.
8. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Bollards shall be louvered and utilize coated lamps.

17.52.150 Exterior lighting.

Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.

A. Light poles must not exceed a height of 20 feet.

B. All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.

C. Luminance at the property line, or no more than five feet over the property line, must be zero.

D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.

E. Maximum initial luminance of parking lots must not exceed four foot-candles.

F. Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

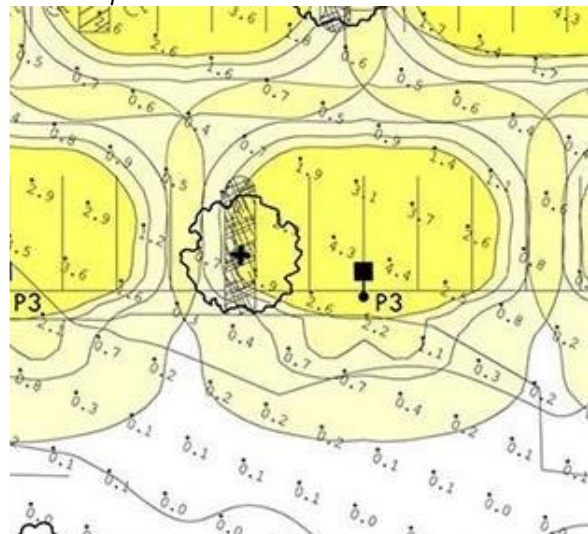
G. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.

H. The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.

Figure 17.52.150-1. Examples of exterior lighting and photometric plan.



Full cut-off lighting illuminating parking and pedestrian connection. (Credit: landscapeonline.com)



Example photometric or lighting plan detail. (Credit: beamltd.com).

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. Continue Second Reading to December 13, 2021.
3. Continue First Reading to December 13, 2021.

4. Do not proceed with proposed ordinance.

Potential Motions:

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

ORDINANCE NO. 2021-21

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.150, (EXTERIOR LIGHTING), TO CLARIFY REQUIREMENTS.

Council:

1. Motion to approve First Reading of Ordinance 2021-21

If unanimous: conduct Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2021-21.

Attachments:

2021 -21 sept 3 ra (DOCX)

Findings Exhibit Exterior Lighting ra 9-3-21 (DOCX)

2021-21Final Recommendation Draft ra (DOC)

ORDINANCE NO. 2021-21

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.150, (EXTERIOR LIGHTING), TO CLARIFY REQUIREMENTS.

Annotated to show deletions and additions to the code sections being modified. Deletions are bold ~~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); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and

WHEREAS, the proposed amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

WHEREAS, on August 17, 2021, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s); and

- 1 a. Light sources shall be of a down-light type, indirect, diffused, or shielded
2 type luminaires installed and maintained so as to reduce glare effect and
3 consequent interference with use of adjacent properties and boundary
4 streets. All perimeter fixtures shall possess house-side shielding.
5 b. No portion of the bulb or direct lamp image may be visible beyond a
6 distance equal to or greater than twice the mounting height of the fixture.
7 For example, for a fixture with a mounting height of 12 feet, no portion of
8 the bulb or direct lamp image may be visible from 24 feet away in any
9 direction.
10 c. Light poles or wall-mounted fixtures shall be Full-Cutoff Fixtures only. Full-
11 Cutoff Fixtures shall meet the following definitional limitations:
12 i. Full Cutoff (FCO) fixture means a luminaire light distribution where
13 100 candela per 1000 lamp lumens (10%) may emit at all vertical
14 angles beginning at 80 degrees up from nadir to less than 90
15 degrees, and zero candela per 1000 lamp lumens (0%) is allowed at
16 90 degrees (horizontal plane) and all angles above. This applies to all
17 horizontal angles around the luminaire. A full cutoff luminaire is also
18 fully shielded. See Figure 17.52.150-1.
- 19
- 20 4. Luminance at the property lines of adjacent lots shall not be greater than one (1)
21 foot-candle.
- 22
- 23 5. Maximum luminance of outdoor sales displays, outdoor storage areas, service
24 station canopies, and similar areas must not exceed 20 foot-candles.
- 25
- 26 6. Maximum luminance of parking lots must not exceed four (4) foot-candles in
27 average.
- 28
- 29 7. Pedestrian ways and building entrances not otherwise illuminated by building-
30 mounted lights or streetlights must provide between one and two foot-candles of
31 light from bollards, step lights, or other low-profile fixtures that are appropriate
32 for walkways and plazas. Bollards shall be louvered and utilize coated lamps.
- 33 8. Up-lighting is prohibited except that wall washing is permitted with the maximum
34 illumination of one foot-candle for dark colored surfaces and one-half foot-candle
35 for light colored surfaces.

36

37 **17.52.150 Exterior lighting.**

38 ~~Artificial exterior lighting shall not be designed to shine or create glares in any~~
39 ~~residential zone or residential use, adjacent dwelling unit or in a public right-of-~~
40 ~~way.~~

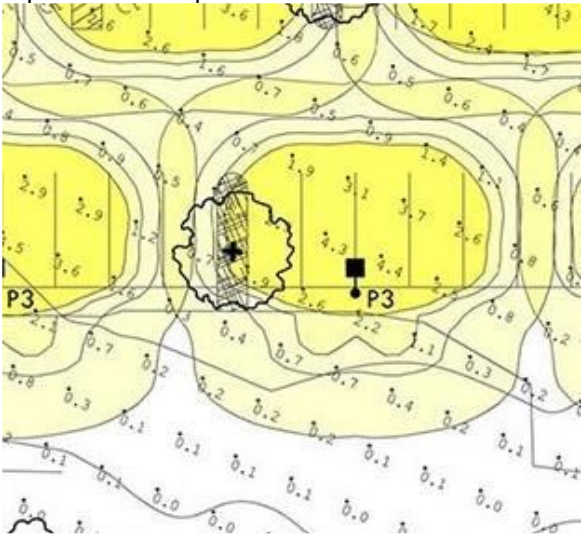
41 ~~A. Light poles must not exceed a height of 20 feet.~~

- 1 **B. All lighting must be shielded to avoid glare, light pollution (night sky), and light**
- 2 **spillover onto residential properties. Shielding must be integral to the light fixture**
- 3 **and direct light downward.**
- 4 **C. Luminance at the property line, or no more than five feet over the property line,**
- 5 **must be zero.**
- 6 **D. Maximum initial luminance of outdoor sales displays, outdoor storage areas,**
- 7 **service station canopies, and similar areas must not exceed 20 foot-candles.**
- 8 **E. Maximum initial luminance of parking lots must not exceed four foot-candles.**
- 9 **F. Up-lighting is prohibited. The maximum illumination limits for wall washing are**
- 10 **one foot-candle for dark colored surfaces and one-half foot-candle for light**
- 11 **colored surfaces.**
- 12 **G. Pedestrian ways and building entrances not otherwise illuminated by building-**
- 13 **mounted lights or streetlights must provide between one and two foot-candles of**
- 14 **light from bollards, step lights, or other low-profile fixtures that are appropriate**
- 15 **for walkways and plazas.**
- 16 **H. The manufacturer's data or measurement must demonstrate conformance with**
- 17 **this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan**
- 18 **showing the locations, types, sizes, and heights of all exterior lighting fixtures shall**
- 19 **be included with the applicable application submittal.**
- 20
- 21

22 Figure 17.52.150-1. Examples of exterior lighting and photometric plan.



22 Full cut-off lighting illuminating parking and pedestrian connection. (Credit: landscapeonline.com)



Example photometric or lighting plan detail. (Credit: beamltd.com).

23 **SECTION 2. Findings Adopted.**

24 The findings contained in the Whereas Clauses of this Ordinance, and Exhibit A, as well as the
25 competent substantial evidence in the whole record of this legislative proceeding are
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APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

**EXHIBIT A - FINDINGS
ORDINANCE NO. 2021-21**

The Title of Proposed Ordinance 2021-21 (ZOA-2021-05) is as follows:

ORDINANCE NO. 2021-21

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY
MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.52 (SUPPLEMENTARY
REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.150, (EXTERIOR
LIGHTING), TO CLARIFY REQUIREMENTS.**

The substance of the proposed amendment is as follows:

SECTION 1. Chapter 17.52 (*Supplementary Regulations and Exceptions*), Section 17.52.150 (*Exterior Lighting*) is hereby amended to read as follows:

17.52.150 EXTERIOR LIGHTING.

A. PURPOSE.

The purpose of this provision is to make exterior lighting used for residential, commercial and public areas appropriate to the need for lighting, and to minimize light from shining skyward or offsite onto adjacent public rights-of-way or private properties. Nothing in this provision should be interpreted to restrict the lighting necessary to protect public health, safety and welfare.

B. APPLICABILITY.

This section-applies to installation of all exterior lighting fixtures as of the effective date of this Ordinance, except as exempted in 17.52.150.C. below. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lots, landscape areas, streets and street signs, product display areas, building overhangs and open canopies.

C. EXEMPTIONS.

- 1. Privately owned lighting, designed to illuminate pedestrian walkways and vehicular ways, if approved by the City Engineer.**
- 2. Lighting measures owned and/or operated by government entities or public utilities, used for public health, safety and welfare purposes, shall be exempt from this provision.**

3. Temporary lighting necessary to ensure safety for construction sites shall be exempt from this provision.

D. PROHIBITIONS.

1. General. All exterior lighting fixtures installed in the City as of the effective date of this Ordinance shall comply with this Section 17.52.150, except those exempted in 17.52.150.C.
2. Laser Light. The use of laser source light or any similar high intensity light for any exterior purpose is prohibited.
3. Searchlights and Strobe Lights. The use of searchlights or strobe lights is prohibited, except by public safety personnel.
4. Blinking & Flashing Lights. All blinking and flashing lights, except for official traffic control installations, public safety installations, and seasonal lighting during exempted periods in LCMC Chapter 9.34, are prohibited.

E. PHOTOMETRIC PLANS REQUIRED WHEN SUBMITTING PLANNING AND BUILDING APPLICATIONS:

A development plan and/or building permit shall include with the applicable application materials, a photometric plan analysis and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures on the plan. See Figure 17.52.150-1. The submittal, which may include the manufacturer's data or measurement and cut sheets must demonstrate conformance with this section. The approval authority may request additional information in order to achieve the purposes of this provision.

F. LIGHTING STANDARDS.

1. Exterior lighting shall not be designed to shine or create glare-in any neighboring properties, including public rights-of-way.
2. All Exterior lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. For new developments, shielding must be integral to the light fixture and direct light downward.
3. Only fully shielded light fixtures shall be used to illuminate parking spaces, driveways, maneuvering areas, or buildings. Exterior lighting shall be designed, arranged and screened so that the point light source shall not be visible from adjoining lots or streets.
 - a. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and

consequent interference with use of adjacent properties and boundary streets. All perimeter fixtures shall possess house-side shielding.

- b. No portion of the bulb or direct lamp image may be visible beyond a distance equal to or greater than twice the mounting height of the fixture. For example, for a fixture with a mounting height of 12 feet, no portion of the bulb or direct lamp image may be visible from 24 feet away in any direction.
 - c. Light poles or wall-mounted fixtures shall be Full-Cutoff Fixtures only. Full-Cutoff Fixtures shall meet the following definitional limitations:
 - i. Full Cutoff (FCO) fixture means a luminaire light distribution where 100 candela per 1000 lamp lumens (10%) may emit at all vertical angles beginning at 80 degrees up from nadir to less than 90 degrees, and zero candela per 1000 lamp lumens (0%) is allowed at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded. See Figure 17.52.150-1.
4. Luminance at the property lines of adjacent lots shall not be greater than one (1) foot-candle.
 5. Maximum luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.
 6. Maximum luminance of parking lots must not exceed four (4) foot-candles in average.
 7. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Bollards shall be louvered and utilize coated lamps.
 8. Up-lighting is prohibited except that wall washing is permitted with the maximum illumination of one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

17.52.150 Exterior lighting.

~~Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.~~

~~A. Light poles must not exceed a height of 20 feet.~~

B. All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.

C. Luminance at the property line, or no more than five feet over the property line, must be zero.

D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.

E. Maximum initial luminance of parking lots must not exceed four foot-candles.

F. Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

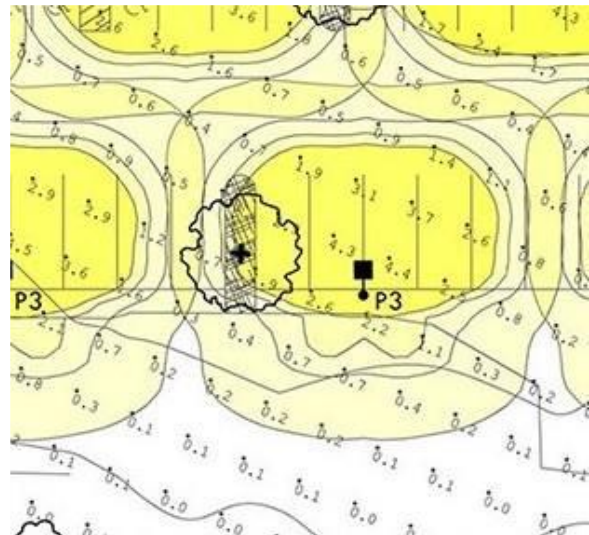
G. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.

H. The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.

Figure 17.52.150-1. Examples of exterior lighting and photometric plan.



Full cut-off lighting illuminating parking and pedestrian connection. (Credit: landscapeonline.com)



Example photometric or lighting plan detail. (Credit: beamltd.com).

In sum, the proposed amendment clarifies lighting standards in Chapter 17.52. The ordinance removes language which staff deemed impossible to satisfy, in favor of more objective standards.

Findings in support of the proposed amendments to LCMC Chapter 17.52

Statewide Planning Goals

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The proposal is consistent with Statewide Planning Goal 1, because the process the City of Lincoln City used to develop and adopt this amendment will provide the opportunity for citizens to be involved in all phases of the planning process, as follows.

- The City Council determined to initiate this amendment at their regular meeting on August 9, 2021.
- The City notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610 of its consideration of the proposed amendment(s) on August 17, 2021.
- No written individual notice of the amendment was mailed as staff determined the amendment does not rezone property, that is, it does not change the base zoning classification of any property nor does it adopt or amend an ordinance in a manner that prohibits land uses previously allowed in the affected zone as contemplated in ORS 227.186(4). The amendment only concerns lighting standards, not uses.
- The amendment was discussed at an advertised public hearing before the planning commission on November 2, 2021.
- The City Council conducted an advertised public hearing and provided an opportunity for public comment on November 8, 2021.
- The first and second reading of the Ordinance was conducted at the City Council meeting on November 8, 2021.
- The Ordinance will be effective thirty days after second reading or December 9, 2021.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Land Conservation and Development Commission (LCDC) acknowledged the City's Comprehensive Plan and the subsequent Zoning Ordinances as complying with state planning goals.

The amendments merely clarify standards for lighting. The amendment does not alter in any material respect, the framework for compliance with statewide planning goals established in the prior acknowledged plan and code. These findings provide an adequate factual basis for action. The amendment, therefore, conforms to the established land use planning process and framework consistent with Goal 2.

Goal 3 – “Agricultural Lands” *To preserve and maintain agricultural lands.*

This State Goal is not applicable to Lincoln City.

Goal 4 – “Forest Lands” *To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

The area covered by this amendment is completely within the city’s urban growth boundary (UGB), and does not include forest lands. This amendment pertains only to lighting standards.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

This amendment does not change any status of open spaces, scenic and historic areas, and natural resources. This ordinance is consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water, and land resources of the state.*

This amendment will not adversely impact air, water, or land resources quality. The city council finds the ordinance is consistent with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards: *To protect people and property from natural hazards.*

This amendment does not relate directly to areas subject to natural disasters and hazards, and does not affect the way the city regulates them. The city council finds the ordinance is consistent with Goal 7.

Goal 8 - Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

This amendment does not adversely impact recreational needs in the City. The city council finds the ordinance is consistent with Goal 8.

Goal 9 – Economic Development: *Requires the provision of adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.*

The amendment does not impact economic activities but rather provides clarity applicable lighting standards. The city council finds this ordinance supports Goal 9.

Goal 10- Housing: *To provide for the housing needs of citizens of the state.*

This amendment adjusts lighting standards. It will not adversely impact housing needs, except to provide greater clarity for lighting standards. The city council finds this ordinance is consistent with Goal 10.

Goal 11 - Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

This amendment does not change or adversely impact the timing or efficient provision of public facilities and services. The city council finds this ordinance serves Goal 11.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

This amendment does not change or adversely impact the transportation system. The city council finds the ordinance supports Goal 12.

Goal 13 - Energy: *To conserve energy.*

This amendment supports energy conservation by requiring efficient use of lighting. The city council finds the ordinance supports Goal 13.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

This amendment does not concern the conversion of rural lands to urban uses. The city council finds the ordinance supports this goal.

Goal 15 – Willamette Greenway: *“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”*

This amendment does not impact any areas within the Willamette River Greenway; therefore, the city council finds Goal 15 does not apply.

Goal 16 – Estuarine Resources: *To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.*

The amendment concerns clarification of lighting standards. There will be no adverse impact on Estuarine Resources. The city council finds the ordinance is consistent with Goal 16.

Goal 17 – Coastal Shore Lands: *To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shore lands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shore land areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon’s coastal shore lands.*

There will be no adverse impact on Coastal Shore Lands. The city council finds the ordinance is compatible with Goal 17.

Goal 18 – Beaches and Dunes: *To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

This amendment will have no adverse impacts on beaches and dunes. The city council finds the ordinance is compatible with Goal 18.

Goal 19 – Ocean Resources: *To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

The city council finds this amendment is consistent with this goal, since the requirements would not adversely impact ocean resources.

Lincoln City Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental jurisdictions during their preparation, review, and revision. This amendment only concerns lighting standards. The findings for this comprehensive goal incorporate by reference the Statewide Planning Goal 2, Land Use Planning.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program, which it consistently follows. The process for considering these amendments is open and inclusive. The public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establish conformance with this goal. The findings for this comprehensive goal incorporate by reference the Statewide Planning Goal 1, Citizen Involvement.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."

The proposed amendment does not require any additional public services and utilities other than what has been provided to the area. Findings for this goal incorporate findings for Statewide Planning Goal 11 by reference. The city council finds the amendments are consistent with this goal.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The city council finds this amendment does not concern this goal. Findings for this goal incorporate findings for Statewide Planning Goal 14 by reference.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

This amendment does not allow development in hazardous areas. The amendments incorporate the findings for Statewide Planning Goal 7. The city council finds these amendments are consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

This amendment does not concern this goal. The amendments incorporate the findings for Statewide Planning Goal 10. The city council finds these amendments are consistent with this goal.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

This amendment does not concern this goal, but more clarity in applicable standards always benefits economic activity. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 9, Economic Development. The city council finds these amendments are consistent with the economy goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city that enhances man's activities while protecting the exceptional aesthetic quality of the area."

Removal of lighting which creates a nuisance and properly focusing lighting to illuminate desirable features improves aesthetics, appearance and livability. The city council finds the ordinance is consistent with this goal.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

This amendment does not change transportation systems. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 12.

(10) Energy Goal

"To conserve energy."

The clarification of lighting standards will encourage energy savings. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 13. The city council finds these amendments are consistent with this goal.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendments, by themselves, only concern lighting standards and do not allow development in sensitive natural resource areas. The existing ordinance and plan requirement relating to protecting the natural environment will continue to apply to all properties that these requirements might affect. The findings for this goal incorporate by reference the findings for Goals 6 and 7 by reference. The city council finds these amendments are consistent with this goal.

(12) Shore land, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendments by themselves only concern lighting standards and do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shore lands, beach and dune areas, or in ocean resource areas. The findings for this goal incorporate the findings for Goals 16, 17, and 18 by reference. The city council finds these amendments are consistent with this goal.

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF

Amendments to Title 17, Zoning, concerning) Final Recommendation
Amendments for Exterior Lighting) No. 2021-05
)

NATURE OF THE APPLICATION

ZOA 2021-05 amends Title 17 (Zoning), Chapter 17.52 (Supplementary Regulations and Exceptions), Amending Section 17.52.150 (Exterior Lighting), to Clarify Requirements.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on November 2, 2021, including the staff report, the Planning Commission recommends that the City Council approve the draft ordinance.

APPROVED THIS 2ndth DAY OF November, 2021.

Marci Baker
Planning Commission Chair

ATTEST:

Anne Marie Skinner, Director
Planning & Community Development

Council Communication

Ordinance 2021-23 Ward Boundaries

Meeting Date:	November 8, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Vickie Lawrence	Estimated Time:	10 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2021-23 entitled:

ORDINANCE NO. 2021-23

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.08 (WARD BOUNDARIES), SECTION 1.08.010 (DESIGNATED) TO ACCORD EQUAL PROTECTION OF THE LAWS BY REDEFINING BOUNDARIES OF CITY WARDS BASED ON THE MOST RECENT CENSUS DATA

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2021-23 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:

Chapter 3, Section 3.5 of the City of Lincoln City Charter provides:

3.5 Council Wards

For the purpose of electing members to the city council, the city shall be divided into three wards of approximately equal population. The boundaries of the wards in existence at the time this Charter is adopted shall remain in effect until such time as the wards are redefined by Council. The council shall, by ordinance, redefine the boundaries of the wards as necessary to accord persons in the city equal protection of the laws. When the boundaries of the wards are redefined, each ward shall have one continuous boundary. Within three months after available data from a decennial census of the United States Census Bureau or any other official census commissioned by the city indicates that the boundaries deny equal protection of the laws, the council shall re-specify the boundaries so as to accord equal protection of the laws.

The guidelines adopted by the 2001 City Council, as recommended by the Committee for Citizen Involvement, (CCI) are as follows:

- (1) Wards should contain equal population within a reasonable range (+/- 5%). Efforts should be made to create wards with population variances of zero based on the [current] U.S. Census data.
- (2) Wards should be contiguous.
- (3) Wards should be geographically compact.
- (4) Boundaries should utilize existing geographic boundaries (e.g. streets).
- (5) No ward boundaries shall be drawn for the purpose of favoring any political party, incumbent council member, or other person.
- (6) No ward boundary shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.
- (7) Division of recognized neighborhood association boundaries should be avoided to the greatest extent possible.

The most recent census found that the City's population in 2020 was 9,821, an increase of 1,891 over the 2010 figure of 7,930. The population change was not evenly distributed. Ward 1 had a 2020 population of 3,628, up from 2,791 in 2010. Ward 2 had a population of 2,993, up from 2,597 in 2010. Ward 3 had a population of 3,200 up from 2,542 in 2010. If evenly distributed, each ward would have a population of 3,274.

This ordinance adjusts ward boundaries to achieve better equality in numerical totals for each ward. For your consideration, staff provided three options which are depicted on the attached maps and described in the text for LCMC 1.08.010 set forth below. **Staff recommends Option 1 as best meeting the applicable criteria (The maximum numeric variance between wards is only 29).** This option is already in the ordinance text. If another option is chosen, staff will read the applicable language for that option.

OPTION 1: (See Ordinance Section 1)

A. Ward 1 shall be the area of the city north of the line that starts at the intersection of the eastern boundary of the city **at the west shore of Devils Lake** and the **south**

eastern **line corner** of Tax Lot 00202 as shown on Lincoln County assessor's map 07-11-11-AC, then northerly along said eastern lot line to the northern lot line of the said Tax Lot 00202, then westerly along the said northern lot line to the eastern lot line of Tax Lot 06000 as shown on Lincoln County assessor's map 07-11-11-AB, then northerly along the said eastern lot line of the said Tax Lot 06000 to its intersection with NE 26th Street, then westerly along NE 26th Street to its intersection with West Devils Lake Road, then southerly along West Devils Lake Road to its intersection with NE 22nd Street, then westerly along NE 22nd Street to its intersection with Highway 101, then northerly along Highway 101 to its intersection with NW ~~26th~~ 30th Street, then westerly along NW ~~30th~~ 26th Street, **then westerly along NW 30th Street to its intersection with NW Quay Drive. Then westerly on NW Quay Drive until it becomes NW Oar Drive, then westerly on NW Oar Drive until its intersection with NW 32nd St, then west on NW 32nd St until it turns southwest and becomes NW 31st Street, the westerly on NW 31st St to the city limits on the shore of the Pacific Ocean.** ~~to its intersection with NW Inlet Avenue, then northerly along NW Inlet Avenue to its intersection with NW 28th Street, then easterly along NW 28th Street to its intersection with NW Jetty Avenue, then northerly along NW Jetty Avenue to its intersection with NW 31st Street, then westerly along NW 31st Street to the western boundary of the city.~~

B. Ward 2 shall be the area of the city south of Ward 1 and north of the line that starts at the intersection of the easterly boundary of the city and **SE** East-Devils Lake Road, then westerly along **SE** East Devils Lake Road to its intersection with Highway 101, then **across north on** Highway 101 to **its intersection with SW 11th Street, SW 12th Street,** then westerly along SW ~~11th~~ 12th Street to its intersection **with SW Harbor Ave, then north to its intersection with SW 10th St, then west along the centerline of SW 10th St to its intersection with SW Fleet Ave, then south along SW Fleet Ave to its intersection with SW 12th St, then west on SW 12th St to its intersection with SW 11th Dr, then west on SW 11th Dr to the city limits on the shore of the Pacific Ocean.** ~~SW Fleet Avenue, then northerly along SW Fleet Drive to its intersection with SW 11th Drive, then westerly along SW 11th Drive to the western boundary of the city.~~

C. Ward 3 shall be the area of the city south of Ward 2.

OPTION 2:

A. Ward 1 shall be the area of the city north of the line that starts at the intersection of the eastern boundary of Lincoln City at the west shore of Devils Lake and the south eastern corner of Tax Lot 00202 as shown on Lincoln County assessor's map 07-11-11-AC, then northerly along said eastern lot line to the northern lot line of the said Tax Lot 00202, then westerly along the said northern lot line to the eastern lot line of Tax Lot

06000 as shown on Lincoln County assessor's map 07-11-11-AB, then northerly along the said eastern lot line of the said Tax Lot 06000 to its intersection with NE 26th St, then westerly along NE 26th St to its intersection with West Devils Lake Rd, then southerly along West Devils Lake Rd to its intersection with NE 22nd St, then westerly along NE 22nd St to its intersection with Hwy 101, then northerly along Hwy 101 to its intersection with NW 33rd St, then west on NW 33rd St to its intersection with NW Jetty Ave, then south on NW Jetty Ave to its intersection with NW 31st St, then west to the city limits on the shore of the Pacific Ocean.

B. Ward 2 shall be the area of the city south of Ward 1 and north of the line that starts at the intersection of the easterly boundary of the city and SE East Devils Lake Rd, then westerly along SE East Devils Lake Rd to its intersection with Hwy 101, then north on Hwy 101 to its intersection with SW Galley Ave, then south on SW Galley Ave to its intersection with SW 7th St, then west on SW 7th St to its intersection with SW Fleet Ave, then south on SW Fleet Ave to its intersection with SW 9th St, then west on SW 9th St to its intersection with SW 11th Dr, then west on SW 11th Dr to the city limits on the shore of the Pacific Ocean.

C. Ward 3 shall be the area of the city south of Ward 2.

OPTION 3:

A. Ward 1 shall be the area of the city north of the line that starts at the intersection of the eastern boundary of Lincoln City at the west shore of Devils Lake and the south eastern corner of Tax Lot 00202 as shown on Lincoln County Assessor's map 07-11-11-AC, then northerly along said eastern lot line to the northern lot line of the said Tax Lot 00202, then westerly along the said northern lot line to the eastern lot line of Tax Lot 06000 as shown on Lincoln County Assessor's map 07-11-11-AB, then northerly along the said eastern lot line of the said Tax Lot 06000 to its intersection with NE 26th St, then westerly along NE 26th St to its intersection with West Devils Lake Rd, then southerly along West Devils Lake Rd to its intersection with NE 22nd St, then westerly along NE 22nd St to its intersection with Hwy 101, then northerly along Hwy 101 to its intersection with NW 28th St, then west on NW 28th St to its intersection with NW Jetty Ave, then north on NW Jetty Ave to its intersection with NW 31st St, then west along NW 31st St to the city limits on the shore of the Pacific Ocean.

B. Ward 2 shall be the area of the city south of Ward 1 and north of the line that starts at the intersection of the easterly boundary of the city and SE East Devils Lake Rd, then westerly along SE East Devils Lake Rd to its intersection with an unnamed street on the east boundary of Tax Lot 00714 in Lincoln County Assessor's Map 07-11-15-DD, then north along the east boundary of tax lot 00714 and continuing along the east boundary of Tax Lot 00715 to SE 9th St, then west on SE 9th St to its intersection with Hwy 101, then south on Hwy 101 to its intersection with SW 11th St, then west on SW 11th St to its intersection with SW Harbor Ave, then north on SW Harbor Ave to its intersection with

SW 19th St, then west on SW 10th St to its intersection with SW Galley Ave, then north on SW Galley Ave to its intersection with SW 9th St, then west on SW 9th St to its intersection with SW 11th St, then south on SW 11th St, to the city limits on the shore of the Pacific Ocean.

C. Ward 3 shall be the area of the city south of Ward 2.

Financial Impact:

None.

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 December 13, 2021 [or]
3. Continue First Reading to December 13, 2021.

Potential Motions:

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

ORDINANCE NO. 2021-23

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.08 (WARD BOUNDARIES), SECTION 1.08.010 (DESIGNATED) TO ACCORD EQUAL PROTECTION OF THE LAWS BY REDEFINING BOUNDARIES OF CITY WARDS BASED ON THE MOST RECENT CENSUS DATA

Motion to approve First Reading of Ordinance 2021-23.

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 2021-23.

[or]

2. Motion to set Second Reading for December 13, 2021.

Attachments:

4807 Ordinance 2021-23 Ward Boundaries Nov 1 (DOCX)

Wards Option 1 with Streets (PDF)

Wards Option 2 with Streets (PDF)

Wards Option 3 with Streets (PDF)

ORDINANCE NO. 2021-23

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.08 (WARD BOUNDARIES), SECTION 1.08.010 (DESIGNATED) TO ACCORD EQUAL PROTECTION OF THE LAWS BY REDEFINING BOUNDARIES OF CITY WARDS BASED ON THE MOST RECENT CENSUS DATA

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); LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978); and

WHEREAS, Chapter 3, Section 3.5 of the City of Lincoln City Charter provides:

3.5 Council Wards

For the purpose of electing members to the city council, the city shall be divided into three wards of approximately equal population. The boundaries of the wards in existence at the time this Charter is adopted shall remain in effect until such time as the wards are redefined by Council. The council shall, by ordinance, redefine the boundaries of the wards as necessary to accord persons in the city equal protection of the laws. When the boundaries of the wards are redefined, each ward shall have one continuous boundary. Within three months after available data from a decennial census of the United States Census Bureau or any other official census commissioned by the city indicates that the

1 boundaries deny equal protection of the laws, the council shall re-specify the boundaries
2 so as to accord equal protection of the laws.

3
4 **WHEREAS**, the guidelines adopted by the 2001 City Council, as recommended by the
5 Committee for Citizen Involvement, are as follows:

- 6 (1) Wards should contain equal population within a reasonable range (+/- 5%). Efforts
7 should be made to create wards with population variances of zero based on the
8 [current] U.S. Census data.
9 (2) Wards should be contiguous.
10 (3) Wards should be geographically compact.
11 (4) Boundaries should utilize existing geographic boundaries (e.g. streets).
12 (5) No ward boundaries shall be drawn for the purpose of favoring any political party,
13 incumbent council member, or other person.
14 (6) No ward boundary shall be drawn for the purpose of diluting the voting strength of
15 any language or ethnic minority group.
16 (7) Division of recognized neighborhood association boundaries should be avoided to
17 the greatest extent possible.

18 **WHEREAS**, the most recent census found that the City's population in 2020 was 9,821 an
19 increase of 1,891 over the 2010 figure of 7,930. The population change was not evenly
20 distributed. Ward 1 had a 2020 population of 3,628, up from 2,791 in 2010. Ward 2 had a
21 population of 2,993, up from 2,597 in 2010. Ward 3 had a population of 3,200 up from 2,542 in
22 2010. If evenly distributed, each ward would have a population of 3,274.

23 **WHEREAS**, the most recent census found shows a variance of more than 5% and thus
24 boundaries must be adjusted to afford equal protection under City guidelines; and
25

26 **WHEREAS**, based on the census data and City-Council approved guidelines, the Lincoln City
27 Planning and Community Development Department as well as the Lincoln City Public Works
28 Department recommended redefining ward boundaries as set forth in the maps shown in Exhibit
29 A, attached hereto and made a part hereof by this reference; and
30

31 **WHEREAS**, the City Council has reviewed the recommended ward boundaries and finds the
32 ward boundaries as revised will result in the following: Ward 1 – 3,291; Ward 2- 3,268; and Ward
33 3 – 3,262. These figures are within the desired guideline range.

34 **WHEREAS**, the City Council desires to accord equal protection of the laws to all citizens of the
35 City by adjusting ward boundaries to have approximately equal population; and
36

37 **WHEREAS**, the City Council has reviewed the recommended ward boundaries and finds the
38 ward boundaries as revised are contiguous and geographically compact; and

1 **WHEREAS**, the City Council has reviewed the recommended ward boundaries and finds the
2 ward boundaries as revised utilize existing geographic boundaries to the extent possible and
3 avoid splitting US Census Bureau census blocks; and

4 **WHEREAS**, the City Council has reviewed the recommended ward boundaries and finds the
5 ward boundaries as revised are not drawn for the purpose of favoring any political party,
6 incumbent council member, or other person, or for the purpose of diluting the voting strength
7 of any language or ethnic minority group; and

8 **WHEREAS**, the City Council has reviewed the recommended ward boundaries and finds the
9 ward boundaries as revised will accord equal protection of the laws and are otherwise
10 appropriate.

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

12
13 **SECTION 1.** Title 1 (General Provisions), Chapter 1.08 (Ward Boundaries), Section
14 1.08.010 is hereby amended to read as follows:

15
16 **1.08.010 Designated.**

17
18 The ward boundaries of the city are shown in Exhibit A to the ordinance codified
19 in this section, and specifically described as follows:

20 A. Ward 1 shall be the area of the city north of the line that starts at the intersection of
21 the eastern boundary of ~~the Lincoln eCity~~ at the west shore of Devils Lake and the
22 south eastern line corner of Tax Lot 00202 as shown on Lincoln County assessor’s map
23 07-11-11-AC, then northerly along said eastern lot line to the northern lot line of the said
24 Tax Lot 00202, then westerly along the said northern lot line to the eastern lot line of Tax
25 Lot 06000 as shown on Lincoln County assessor’s map 07-11-11-AB, then northerly along
26 the said eastern lot line of the said Tax Lot 06000 to its intersection with NE 26th Street,
27 then westerly along NE 26th Street to its intersection with West Devils Lake Road, then
28 southerly along West Devils Lake Road to its intersection with NE 22nd Street, then
29 westerly along NE 22nd Street to its intersection with Highway 101, then northerly along
30 Highway 101 to its intersection with NW ~~26th~~ 30th Street, then westerly along NW 30th
31 26th Street, then westerly along NW 30th Street to its intersection with NW Quay
32 Drive, then westerly on NW Quay Drive until it becomes NW Oar Drive, then
33 westerly on NW Oar Drive until its intersection with NW 32nd Street, then west on
34 NW 32nd Street until it turns southwest and becomes NW 31st Street, then westerly
35 on NW 31st Street to the city limits on the shore of the Pacific Ocean. ~~to its~~
36 ~~intersection with NW Inlet Avenue, then northerly along NW Inlet Avenue to its~~
37 ~~intersection with NW 28th Street, then easterly along NW 28th Street to its~~
38 ~~intersection with NW Jetty Avenue, then northerly along NW Jetty Avenue to its~~
39 ~~intersection with NW 31st Street, then westerly along NW 31st Street to the~~
40 ~~western boundary of the city.~~ western boundary of the city.

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B. Ward 2 shall be the area of the city south of Ward 1 and north of the line that starts at the intersection of the easterly boundary of the city and **SE** East Devils Lake Road, then westerly along **SE** East Devils Lake Road to its intersection with Highway 101, then ~~across north on~~ Highway 101 to ~~its intersection with SW 11th Street, SW 12th Street,~~ then westerly along SW ~~11th 12th~~ Street to its intersection ~~with SW Harbor Ave, then north to its intersection with SW 10th Street, then west along the centerline of SW 10th Street to its intersection with SW Fleet Avenue, then south along SW Fleet Avenue to its intersection with SW 12th Street, then west on SW 12th Street to its intersection with SW 11th Drive, then west on SW 11th Drive to the city limits on the shore of the Pacific Ocean.~~ ~~SW Fleet Avenue, then northerly along SW Fleet Drive to its intersection with SW 11th Drive, then westerly along SW 11th Drive to the western boundary of the city.~~

C. Ward 3 shall be the area of the city south of Ward 2.

SECTION 2. Title 1 (General Provisions), Chapter 1.08 (Ward Boundaries), Section 1.08.010 is hereby amended to replace Exhibit A referenced in Section 1.08.010 to the Ordinance with the attached updated Exhibit A – 2021 Map of Ward Boundaries attached hereto and made a part hereof by this reference.

SECTION 3. Findings adopted. Findings contained in the Whereas Clauses of this ordinance, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

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

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

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate

1 provisions (i.e. Sections 3-6) need not be codified and the City Recorder is authorized to
2 correct any cross-references and any typographical errors.

3
4 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
5 Section 9.2 of the City of Lincoln City Charter on the 8th day of November, 2021 (First
6 Reading) and on the 8th day of November, 2021 (Second Reading).

7
8 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of
9 November, 2021.

10
11
12
13 _____
14 SUSAN WAHLKE, MAYOR

15
16 ATTEST:

17
18 _____
19 JAMIE YOUNG, CITY RECORDER

20
21
22 APPROVED AS TO FORM:





23
24 _____
25 RICHARD APPICELLO, CITY ATTORNEY
26

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EXHIBIT A
2021 MAP OF WARD BOUNDARIES

DRAFT

Current Wards vs Proposed Option 1

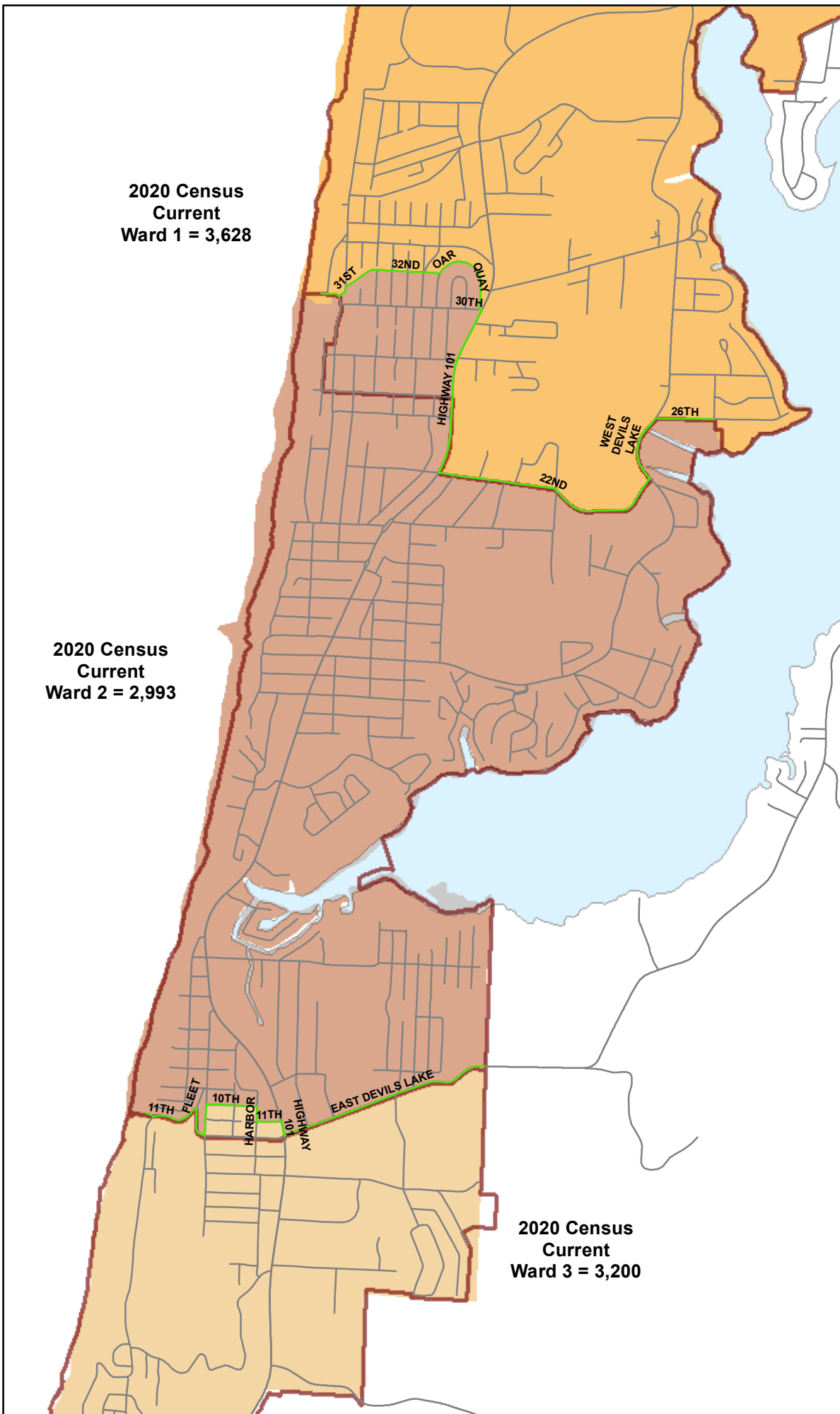
-  Current Wards
-  Ward 1 = 3,291
-  Ward 2 = 3,268
-  Ward 3 = 3,262

These changes are based on block population data from the 2020 census.

2020 Census
Current
Ward 1 = 3,628





2020 Census
Current
Ward 2 = 2,993

2020 Census
Current
Ward 3 = 3,200



DRAFT

Current Wards vs Proposed Option 2

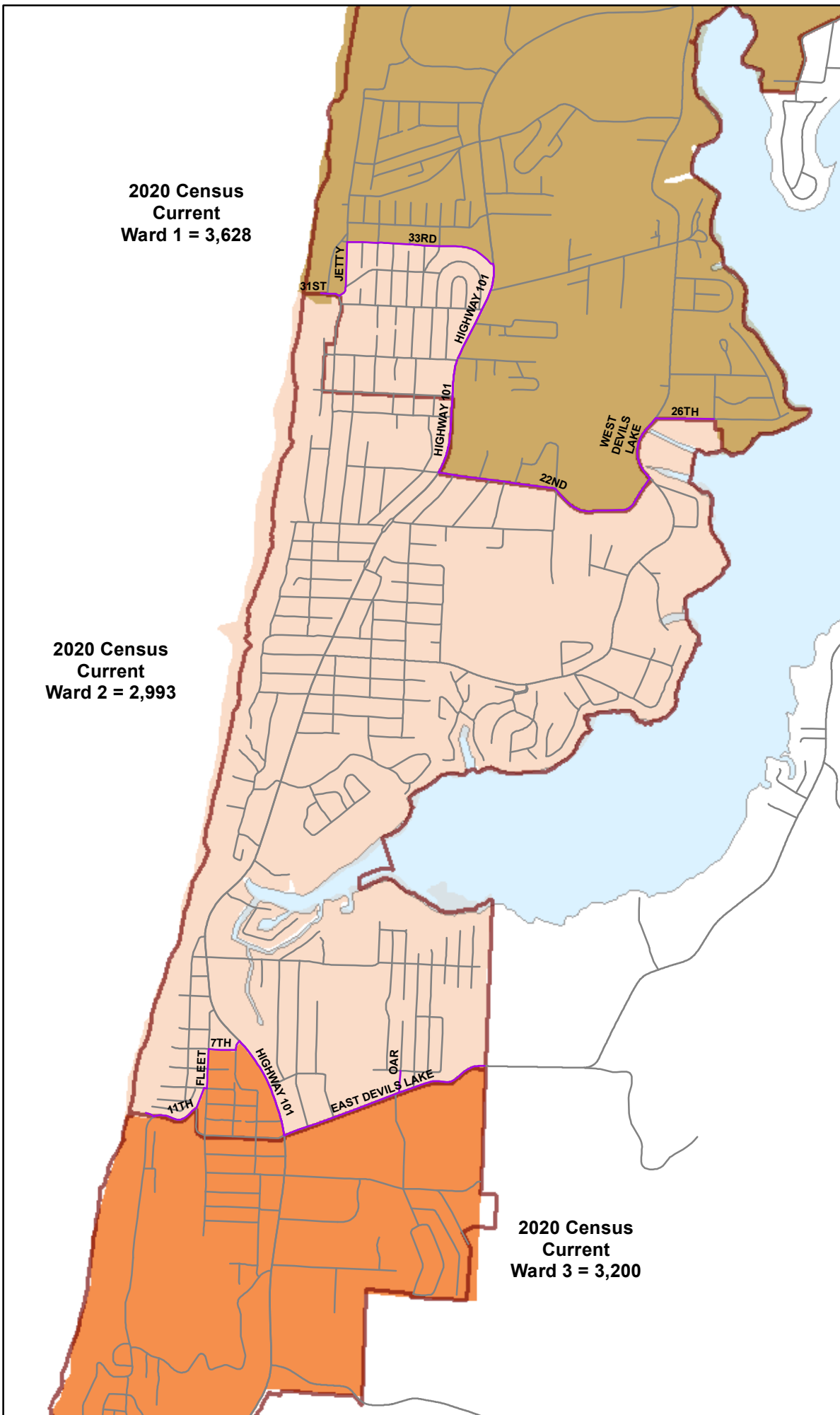
-  Current Wards
-  Ward 1 - 3,181
-  Ward 2 - 3,328
-  Ward 3 - 3,306

These changes are based on block population data from the 2020 census.

2020 Census
Current
Ward 1 = 3,628





2020 Census
Current
Ward 2 = 2,993

2020 Census
Current
Ward 3 = 3,200



DRAFT

Current Wards vs Proposed Option 3

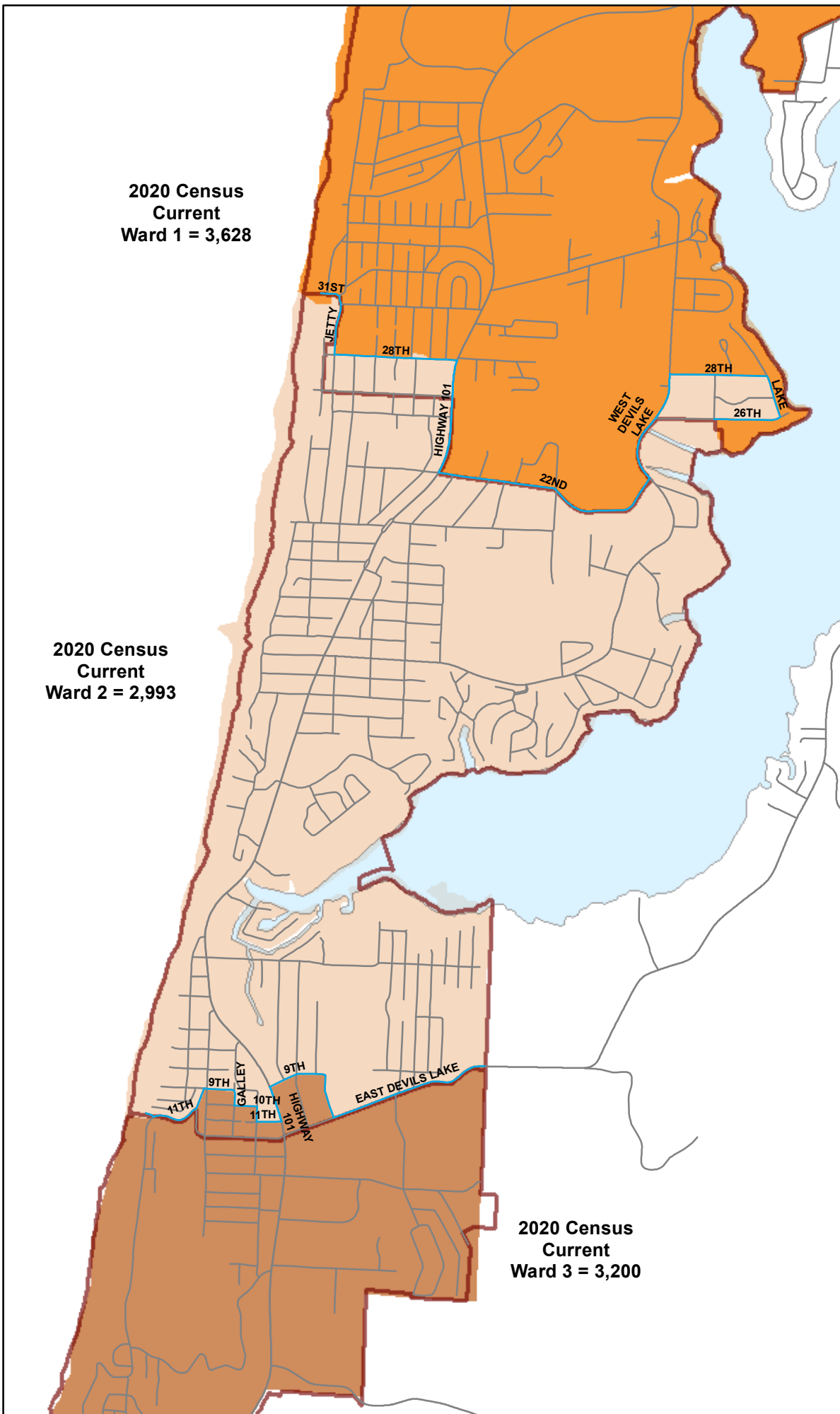
-  Current Wards
-  Ward 1 - 3,221
-  Ward 2 - 3,283
-  Ward 3 - 3,317

These changes are based on block population data from the 2020 census.

2020 Census
Current
Ward 1 = 3,628

2020 Census
Current
Ward 2 = 2,993

2020 Census
Current
Ward 3 = 3,200



Council Communication

Ordinance 2021-24 14th Street LID Final Assessment

Meeting Date:	November 8, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Public Works	Secondary Contacts:	Lila Bradley
Approval:	Vickie Lawrence	Estimated Time:	10 mins.

Question:

Should the City Council conduct and approve First and Second Reading of Ordinance 2021-24 and adopt the Ordinance imposing the Final Assessment for the NW 14th Sanitary Sewer LID?

ORDINANCE 2021-24

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

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2021-24. If unanimous, staff recommends conducting and approving Second Reading and adoption of Ordinance 2021-24.

Ordinance 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.

Final Assessment / Lien Authority:

13.04.120 Assessment ordinance.

When the estimated cost of an authorized local improvement has been ascertained on the basis of the contract award or estimate of costs of the engineer for the city, or after the work is done and the cost thereof has been actually determined, the council shall determine whether the property benefitted shall bear all or a portion of the cost. The city recorder, or such other person as the council may direct, shall prepare the assessment to the respective lots within the assessment district and file it in the appropriate city office. Notice of such assessment shall be mailed or personally delivered to the owner, or reputed owner, of each lot to be assessed. Such notice shall state the name of the owner or reputed owner, the description of the property proposed to be assessed, the amounts of assessment proposed on that property, and shall fix a date by which time objections shall be filed with the recorder, or other person designated by the council. Any such objection shall state the grounds for the objection. The city council shall consider such objections at a public meeting and may adopt, correct, modify or revise the proposed assessments and shall determine the amount of assessments to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement, and shall by ordinance spread the assessments.

13.04.130 Notice of assessment.

Within 10 days after the ordinance levying assessments has been passed, the city recorder shall send by registered or certified mail a notice of assessment to the owner of the assessed property and shall publish notice of such assessment once in a newspaper of general circulation in the city, which shall be made not later than 10 days after the date of the assessment ordinance. The notice of assessment shall include the name of the property owner, a description of the assessed property, the amount of the assessment, and the date of the assessment ordinance, and shall state that interest will begin to run on the assessment and the property will be subject to foreclosure unless the owner either makes application to pay the assessment in installments within 20 days after the date of the publication of notice or pays the assessment in full within 30 days after the date of the assessment ordinance. No application for installment payments shall be approved or filed by the city if the amount remaining unpaid upon such assessment together with the unpaid balance of any previous assessments for improvements against the same property exceeds the assessed valuation of the property, as shown by the last county tax roll.

13.04.140 Lien records – Collection and foreclosure proceedings.

A. After passage of the assessment ordinance by the council, the city recorder shall enter in the city lien docket a statement of the amounts assessed upon each particular lot, parcel of land or portion thereof, together with a description of the improvement, the name of the owners and the date of the assessment ordinance. Upon such entry in the lien docket, the amount so entered shall become a lien and charge upon the respective lots, parcels of land or portions thereof which have been assessed for such improvement. All assessment liens of the city shall be

superior and prior to all other liens or encumbrances on property insofar as the laws of the state permit. Interest shall be charged at a rate that shall be variable, depending on (1) the rate the city would earn in the local government investment pool on the date of final assessment, plus two percent, during any period during which the improvement is financed out of the city's unbonded assessment fund; and thereafter (2) the average interest rate the city must pay the purchasers of Bancroft bonds, issued under the Bancroft Bonding Act procedures of state law, plus two percent to cover the city's costs of financing, such as but not limited to bond risk, during any subsequent period during which the improvement is financed out of revenues from the sale of Bancroft bonds. If the owners of real property have signed applications to pay in installments, the owners shall pay at the time of submission of the application a processing fee in the amount of one-half percent of the final assessment to cover the costs of processing the application, and also shall pay the amount of the county recording fee for the assessment lien.

B. Any assessments for which the owners of real property have signed applications to pay in installments, which are more than 30 days delinquent, may be charged a late payment charge, equal to one and one-half percent interest per month or part thereof, provided the owners have been notified in writing in advance by the city.

C. After 60 days from the date the assessments are due and payable, the city may proceed to foreclose the liens or enforce collection of the assessments in the manner provided by the general law of the state.

D. The city may charge all assessment accounts which are delinquent and subject to collection the city's reasonable attorney fees attributable to the collection process or foreclosure of the city's lien.

E. If the owners of real property have signed applications to pay in installments, the owners at any time may pay to the city the unpaid balance of the amount of the assessment, together with the full amount of interest to the next installment date, charges, and late payment penalties and charges accrued thereon to the date of payment, in full payment thereof.

Background:

The Ordinance adopts the Final Assessment for the NE 14th Sanitary Sewer LID. The Engineering Report has been updated based on the actual cost of construction.

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 December 13, 2021 [or]
3. Continue First Reading to December 13, 2021.

4. Do not proceed with proposed ordinance.

Financial Impact

None expected.

Potential Motions:

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

ORDINANCE 2021-24

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

Council:

1. Motion to approve First Reading of Ordinance 2021-24.

If unanimous: Conduct Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2021-24.

[or]

2. Motion to set Second Reading for December 13, 2021.

Attachments:

Final Assessment Ordinance 2021-24 (DOCX)
corrected NE 14th Low Pressure Sewer - Engineer's Report (Updated Post Construction)
(PDF)

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ORDINANCE 2021-24

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

WHEREAS, following passage of Local Improvement District Initiation Resolution No. 2021-07 and duly advertised and noticed public hearings, the City Council passed LID formation Resolution No. 2021-15 on April 26th, 2021 and ordered the formation of the NE 14th Sanitary Sewer Local Improvement District”, consisting of a low pressure sanitary sewer, and ordered the construction of such local improvements consistent with the City Engineer’s Report; and

WHEREAS, the construction contract was awarded to K&E Excavating in April of 2021, and construction of the NE 14th Sanitary Sewer LID was completed in September 2021; and

WHEREAS, pursuant to LCMC 13.04.120, following completion of construction property owners within the District were notified in writing of the final assessment and provided an opportunity to submit written objections (stating specific grounds) to Council and

WHEREAS, on November 8, 2021 Council deliberated as provided in LCMC 13.04.120; and

WHEREAS, following consideration of written objections and comments in the record, the Council elected to modify the proposed LID assessments from the estimates set forth in formation Resolution No. 2021-15 to reflect the actual costs of construction as set forth in the Updated Engineering Report dated September 30, 2021, attached hereto as Attachment 1, and incorporated herein by this reference; and

WHEREAS, Council further determined to spread the assessments by this Ordinance against each lot within the district, according to the connections provided to each lot, as reflected in Attachment 1 Updated Engineering Report; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

1 **SECTION 1. Acceptance.** The City of Lincoln City low-pressure sanitary sewer
2 improvement project, known as the "NE 14th Sanitary Sewer LID" has now been completed
3 in accordance with Lincoln City Resolution No. 2021-15, and is hereby accepted and
4 approved.

5
6 **SECTION 2. Total Cost.** The City Recorder has completed the assessment role covering
7 the total cost of the project which was \$87,803.30, which was more than the 2020 estimate
8 of \$74,715.57

9
10 **SECTION 3. Assessed Property.** The thirteen parcels in the Local Improvement District
11 area to be assessed for this local improvement project are identified within Exhibit "D" to
12 Attachment 1. A map additionally identifying the Local Improvement District boundary
13 and included lots is contained in Exhibit "A" to Attachment 1 attached hereto and
14 incorporated herein as though fully set forth.

15 **SECTION 4. Final Assessment Roll.** The final assessment notices have been mailed by
16 the City Public Works Staff to all the property owners and the time within which to file
17 objections [November 2, 2021] has passed. The City Council has heard and passed upon
18 all objections which were filed. The total final assessment roll has been completed and is
19 attached hereto as Exhibit "D" to Attachment 1 and incorporated herein as though fully set
20 forth. Application for Potential Unit Deferral for one unit under LCMC 13.04.155 is
21 authorized for Tax Lots 7-11-10DD-03400, (Stine) & 7-11-10DD-03700 (Eberhart).

22
23 **SECTION 5. Levy of Assessments.** The Final Assessment Roll set forth in Exhibit D to
24 Attachment 1 as attached hereto is hereby approved and the City Council does hereby
25 declare and levy the several assessments as set forth in the assessment roll as a levy and
26 assessment against the several properties affected and as described in the final assessment
27 roll and in the name of the individual property owners appearing or as a part of the
28 description of said property.

29
30 **SECTION 6. Installment Payments LID and SDC.** Installment Payments for the LID
31 final assessment shall be permitted consistent with LCMC 13.04.160, Resolution 2021-15
32 and this Final Assessment Ordinance. Frequency of installment payments and interest
33 rates of the final assessment shall be as provided in the Final Engineering Report.

34
35 **SECTION 7. Findings Adopted.**

36 The findings contained in the Whereas Clauses of this Ordinance, as well as the
37 competent substantial evidence in the whole record of this proceeding are incorporated
38 into this section by reference as if fully set forth herein, and are adopted in support of
39 this action.

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SECTION 8. Severability.

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

SECTION 9. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 7-9) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing Ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 8th day of November, 2021 (First Reading) and on the 8th Day of November 2021 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of November, 2021.

SUSAN WAHLKE,
MAYOR

ATTEST:

JAMIE YOUNG,
CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO
CITY ATTORNEY

CITY ENGINEER'S REPORT - UPDATED
NE 14th Street Sewer Improvements
SANITARY SEWER LOCAL IMPROVEMENT DISTRICT
September 30, 2021

Background

Lincoln City Public works has completed the roadway improvements on NE 14th St and added low-pressure sanitary sewer to the portion of the project without sanitary service. One property had a reported an inadequate septic system, and additional properties have requested sanitary sewer service. The planned & budgeted roadway improvements allowed sewer improvements to be constructed at a fraction of the stand-alone cost. This low-pressure sewer has been constructed to serve the eleven (11) properties on NE 14th St, from NE Oar Ave to NE Port Ave. Six (6) of the lots in the local improvement district are zoned multi-family, five (5) are zoned R-1-7.5.

Pursuant to the City of Lincoln City's Municipal Code of Ordinances Chapter 13.04, the City Engineer has updated the following report to complete formation of a local improvement district.

Location of the Improvements

Exhibit "A" presents a map outlining the Local Improvement District boundary.

Wastewater Facilities Plan

The proposed NE 14th Sewer LID flows to the SE 3rd St. Pump Station. This pump station is part of the "System Backbone" and has a current capacity rating of 4000 gallons per minute. The identified flow in 2004 was 2800 gallons per minute.

Budget for the design, maintenance, and improvement of this pump station has been put forward for the 2021-2022 & 2022-2023 fiscal year.

Description of the Improvements

An overview of the Local Improvement District design is put forward in Exhibit "B". This added 515' of low pressure sewer system. The system is 2" High-density polyethylene (HDPE) pipe. This provides a service lateral to each lot of record at the time of

construction, and an additional lateral for the two (2) multifamily lots with the possibility of subdividing; This is shown in Exhibit "B". Property owners will need to install an E-One grinder pump when connecting to the public sewer system.

Project Cost Summary

The actual LID cost is \$87,803.30; See Exhibit "C". This is higher than the estimated cost of \$74,715.57. Project design was completed in-house and, because of the concurrent roadway improvements, project cost was substantially less than a comparable, sanitary sewer project. The additional project cost of administration of construction, labor and material for the low-pressure sewer systems and the additional roadway restoration have all been included in this final cost.

Zoning and Method of Assessment

Within the local improvement district there are 11 properties. These vary in size from 5,000 – 10,000 square feet. Six (6) properties benefitting are zoned Residential-Multifamily (R-M), with five (5) lots zoned Residential, 1-7.5 (R-1-7.5).

Nine (9) of the eleven (11) benefitting lots have existing single family homes and/or development potential requiring only 1 standard lateral connection. Two (2) of the benefitting RM lots have the potential for subdivision; Staff has designed additional lateral connections on these lots and proposed an additional portion of LID costs assessed to these lots.

Staff still proposes that sanitary assessment be divided among the 13 available connections; this results in a cost of \$6,754.10 per connection. See Exhibit "D".

This number is based on the actual construction and administrative cost, as shown in construction invoices.

Financing

Each lot owner will be given the option to finance the cost of the Local Improvement District. The City will finance up to 20 years, at a rate 2% over the current Local Government Investment Pool (LGIP) rate. The LGIP rate is 0.55% as of July 29, 2021. Each property's monthly cost for 20 year financing at 2.55% has been calculated using the LID. See Exhibit "D".

The City will place a lien on the property until the LID cost is paid in full. The City assessment lien shall be superior to all other liens or encumbrances on property insofar as Oregon Law permits. The property owner will have 60 days after the final assessment public hearing to either pay the LID assessment off in full or apply for the City financing. Property owners must pay or finance at least the base unit cost. Additional assessment may then be deferred until property sale or issuance of a building permit.

When a property has applied for financing of the LID cost, the owner shall pay at the time of submission of the application a processing fee in the amount of \$100.00. The property owner will also pay the amount for the county recording fee, if any, for the assessment lien.

If the property owners have signed applications to pay in installments, the owner at any time may pay to the City the unpaid balance of the amount of the assessment. This includes interest to the next installment date, charges, and late payment penalties and/or charges accrued to the date of payment. LID lot assessments must be paid in full at (1) change in ownership of the property or (2) issuance of a building permit.

The final assessment of \$6,754.10 per connection is to reimburse the City for the cost to install the public sewer. The total cost to connect to the sewer system would additionally include the items outlined in Exhibit "C":

- System Development Charges (\$4,182.00 in 2021)
- Inspection Fees/Permit Fees
- On-site construction costs
- Abandoning existing septic tank (if applicable)

SEWER CONNECTION MANDATES

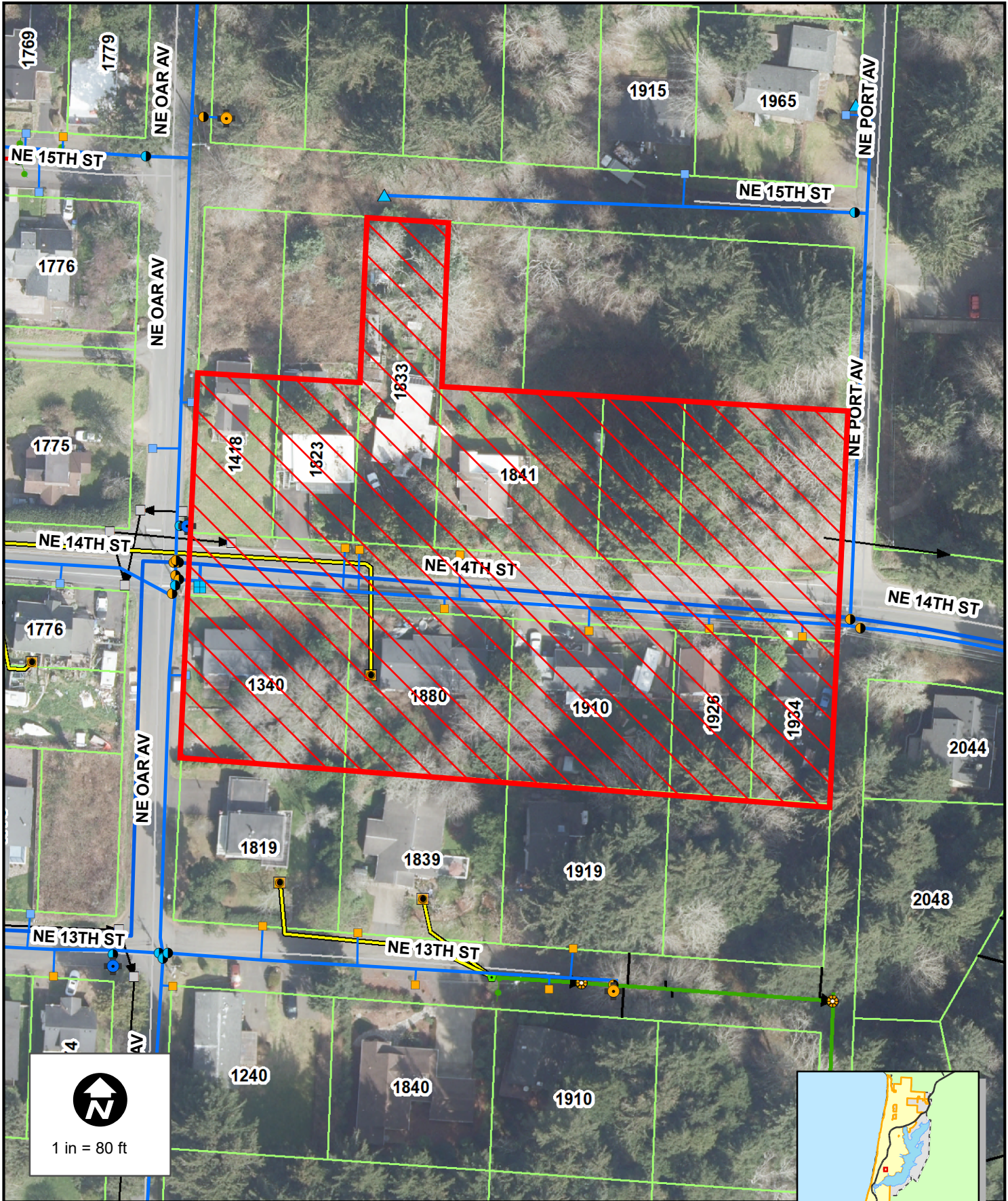
Existing developed properties in the LID will be required to connect to the sewer system under the following circumstances:

1. Septic tanks must be inspected at 5, 10, and 15 years. If the septic system fails an inspection, the owner will not be allowed to fix the septic system but must connect to the public sewer system
2. If an existing home is sold, a condition of the sale is for the home to be connected to the public sewer system.

3. If an existing home is remodeled or enlarged more than 50% of the existing value, or the remodel requires the expansion of the septic system, the home will be required to connect to the public sewer system.
4. All existing homes within the LID must connect to the public sewer system within the LID financing period of 20 years.

City Engineer's Signature:

Stephanie Reid P.E



Vicinity Map

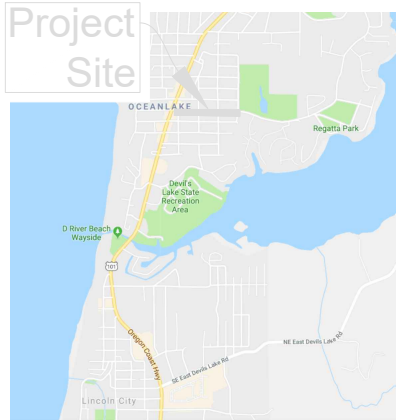
City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



EXHIBIT "B"

CITY OF LINCOLN CITY

NE 14th STREET LID OVERVIEW



Lincoln City Vicinity Map NTS

PROPOSED CONDITIONS:

- TYPE CG-2 CATCH BASIN
- TYPE CG-3 CATCH BASIN
- TYPE 3 CATCH BASIN
- DITCH INLET CATCH BASIN
- SIDEWALK HATCH
- DW HATCH
- GRIND AND RE-PAVE 2" AC
- REMOVE AND REPLACE 4" TO 8" AC
- GUTTER
- GRAVEL/2" - 0" RIVER ROCK/RIP RAP
- SOD
- GRASS SEED

- CATCH BASIN
- WATER VALVE
- WATER METER
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CLEAN OUT
- IRRIGATION CONTROL VALVE
- GAS VALVE
- GAS METER
- MAIL BOX
- LUMINAIRE
- TV RISER
- TELEPHONE RISER
- SIGNAL JUNCTION BOX
- ELECTRIC JUNCTION
- ELECTRIC JUNCTION BOX
- UTILITY POLE
- GUY ANCHOR

Existing Conditions:

- FIRE HYDRANT
- SIGN
- LINE CONTINUES TO UNKNOWN LOCATION
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND STORM DRAIN LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND CABLE TV LINE
- UNDERGROUND WATER LINE
- UNDERGROUND NATURAL GAS LINE
- OVERHEAD UTILITY LINE
- FENCE LINE
- EDGE OF PAVEMENT
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CATCH BASIN
- FIELD INLET

- CONCRETE
- ASPHALT
- DECIDUOUS TREE (OTR)
- EVERGREEN TREE (ETR)

ABBREVIATIONS

APPX APPROXIMATE	LF LINEAR FEET
CB CATCH BASIN	ODOT OREGON DEPARTMENT OF TRANSPORTATION
EP EDGE OF PAVEMENT	EX EXISTING
IE INVERT ELEVATION	STA STATION
SD STORM DRAIN	MUTCD MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES
PVC POLY VINYL CHLORIDE	APWA AMERICAN PUBLIC WORKS ASSOCIATION
HDPE HIGH DENSITY POLYETHYLENE	C&G CLEAR AND GRUB
AC ASPHALT CONCRETE	SS SANITARY SEWER
HM&C HOT MIX ASPHALT CONCRETE	F FILL
MH MANHOLE	DW DRAIN
SW SIDEWALK	NTS NOT TO SCALE
NTS NOT TO SCALE	LC LINCOLN CITY

GENERAL NOTES:

- PRIOR TO THE START OF CONSTRUCTION OF STORM LINE, CONTRACTOR SHALL POT HOLE FOR DEPTH AND LOCATION OF ALL UTILITY CROSSINGS.
- PRIOR TO BEGINNING WORK, THE EROSION CONTROL PLAN MUST BE APPROVED BY THE CITY. EROSION CONTROL DEVICES MUST BE INSTALLED AND MAINTAINED MEETING CITY AND DEQ REQUIREMENTS.
- CONSTRUCTION WILL RUN ADJACENT TO PRIVATE RESIDENCES. RESIDENTS SHALL BE AFFORDED REASONABLE ACCESS TO THEIR PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION. MONUMENTS DISTURBED OR DESTROYED BY CONSTRUCTION ACTIVITIES SHALL BE RESET AT NO COST TO THE CITY BY A PROFESSIONAL LAND SURVEYOR CURRENTLY REGISTERED IN THE STATE OF OREGON.
- MOVE MAILBOX - MOVE MAILBOX IN ACCORDANCE WITH LINCOLN CITY DETAIL #100. REPLACE THE EXISTING POST WITH NEW 4"x4" TREATED POST. ATTACH THE EXISTING MAILBOX ON THE NEW POST.
- MOVE WATER METER - MOVE WATER METER INDICATED IN ACCORDANCE WITH LINCOLN CITY DETAIL #100 & #515. REPLACE THE EXISTING METER VAULT WITH AN ARMORCAST A6000485 (12"x12"x20") IN THE SIDEWALK A MINIMUM OF 4" FROM EDGE OF SIDEWALK. THE METER VAULT SHALL BE ANCHORED INTO CONCRETE WITH ANCHOR BOLTS.
- ASPHALT DRIVEWAY TRANSITION - CONTRACTOR SHALL GRIND EXISTING ASPHALT DRIVEWAY AT TRANSITION TO EXISTING ASPHALT. APPLY ASPHALT AS NEEDED.
- WHERE STORM OR SANITARY SEWER INSTALLATION $\leq 6"$ OF EXISTING GAS MAIN CONTRACTOR SHALL COORDINATE WITH NWIN ON PROTECTION AND WRAPPING OF THE EXISTING GAS MAIN WITH ROCK FIBRIC PER NWIN SPECIFICATION.

General Notes

OWNER:

CITY OF LINCOLN CITY
801 SW HIGHWAY 101
PO BOX 50
LINCOLN CITY, OREGON 97367
CONTACT: TERRY CHAMBERLAIN, PE
PH: (541) 996-1238

SHEET INDEX

- SHEET 1 COVER SHEET
- SHEET 2 SW & PAVING PLAN
- SHEET 3 SW & PAVING PLAN
- SHEET 4 SW & PAVING PLAN
- SHEET 5 SW & PAVING PLAN
- SHEET 6 SW & PAVING PLAN
- SHEET 7 SW & PAVING PLAN
- SHEET 8 UTILITY PLAN & PROF
- SHEET 9 UTILITY PLAN & PROF
- SHEET 10 UTILITY PLAN & PROF
- SHEET 11 UTILITY PLAN & PROF
- SHEET 12 UTILITY PLAN & PROF
- SHEET 13 UTILITY PLAN & PROF
- SHEET 14 ESCP 1
- SHEET 15 ESCP 2
- SHEET 16 ESCP 3
- SHEET 17 ESCP 4
- SHEET 18 ESCP 5
- SHEET 19 DETAILS
- SHEET 20 DETAILS
- SHEET 21 DETAILS
- SHEET 22 DETAILS
- SHEET 23 DETAILS
- SHEET 24 DETAILS
- SHEET 25 DETAILS

UTILITY LOCATE:

(48 HOUR NOTICE PRIOR TO EXCAVATION)

OREGON LAW REQUIRES YOU TO FOLLOW THE RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN GAR 952-001-0010 THROUGH 757.562 AND ORS 757.993. YOU MAY OBTAIN COPIES OF THE RULES FROM THE CENTER BY CALLING (503) 246-1987. ONE CALL SYSTEM NUMBER 1-800-332-2344.

Revision/Issue	Date



14th Street Sidewalk
NE Mast Ave to NE Port Ave
Lincoln City, OR 97367

DATE: 18002
DATE: 1/31/2020



Site Map 1" = 30'

15013 - 14th Street - Lincoln City - 2.dwg

EXHIBIT C

ESTIMATED LID COST SUMMARY

Sewer

Engineering	In-House
Total Engineering	\$0.00
Total Surveying	\$0.00
Estimated Construction Cost	\$79,460.00
Art Commission (.5% of Construction Cost)	\$397.30
Administration (10% of Engineering + Construction Cost)	\$7,946.00
Total Administration Cost	\$8,343.30
LID Total Project Cost (Engineering, Construction and Administrative)	\$87,803.30
Number of Connections	13
Estimated Cost per Sewer Connection	\$6,754.10

2021 SYSTEM DEVELOPMENT CHARGES AND ESTIMATED ON-SITE COST

Sewer System Development Charge in 2021	\$4,182.00
On-Site Improvements (Estimated Average Cost)	
Pump and Control Panel	\$8,500.00
Installation of System and Decommission Septic	\$5,000.00
Sewer Connection Inspection	\$100.00
Total Estimated On-Site Improvements	\$13,600.00

Estimated total Resident cost per connection \$24,536.10

Exhibit "D" - Benefitted Lots & Cost Estimate					
Summary			Per Connection Assessment		Financing
Tax Map	Address (If Existing)	Owner	Proposed Sanitary Sewer Connections	Cost	Monthly LID Payment
					20 years @2.55%
7-11-10DD-02900	1833 NE 14th St City, Or. 97367	Lincoln Mark & Gail Clarambeau	1.0	\$6,754.10	\$35.95
7-11-10DD-03200	PO Box 12087 Or 97212	Portland, Fishtrap Farms LLC	1.0	\$6,754.10	\$35.95
7-11-10DD-03201	1823 NE 14th St. Lincoln City, Or 97367	Edelita Kozachenko	1.0	\$6,754.10	\$35.95
7-11-10DD-03400	8714 SE Lafayette St - Apt 1 Portland, OR 97266	Jennifer Alicia Stine	2.0	\$13,508.20	\$71.91
7-11-10DD-03600	54829 Mountain View Or 97707	Bend, Neal & Patricia Ehlen	1.0	\$6,754.10	\$35.95
7-11-10DD-03700	326 SE Highway 101 Upper Lincoln City, OR 97367	Gary Eberhart	2.00	\$13,508.20	\$71.91
7-11-10DD-03800	12132 Orvillina Dr Santa Ana, CA 92705	Robert & Martha Phillips	1.0	\$6,754.10	\$35.95
7-11-10DD-03900	1926 NE 14th St. City, Or 97367	Lincoln Jesse & Salina Slover	1.0	\$6,754.10	\$35.95
7-11-10DD-04000	PO Box 12 Montague, Ca. 96064	Theresa Setzer	1.0	\$6,754.10	\$35.95
7-11-10DD-04100	PO Box 212 Neotsu, Or 97364	Daron Wilson	1.0	\$6,754.10	\$35.95
7-11-10DD-04200	1340 NE Oar Ave. Lincoln City, Or 97367	Timothy Tuffield	1.0	\$6,754.10	\$35.95
TOTALS:			13.0	\$87,803.30	
Total Estimated LID Cost:		\$87,803.30	LID Rate per Sewer Connection		
Number of Connections		13	\$6,754.10		

Council Communication

Interview for Budget Committee- Petersen

Meeting Date:	November 8, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Vickie Lawrence	Estimated Time:	15 Minutes

Appointments to the City Budget Committee are made after the applicants are interviewed by the full City Council. There is one candidate interviewing for two vacancies, one created by Ms. Starmer being elected to the City Council and the other is a term expiring 12/31/2021. The positions are for a City Resident, one is partial term plus full term expiring 12/31/2024, and the other is a full term expiring 12/31/2024. One Candidate was previously interviewed on 10/25/2021. Following the interview, the City Councilors will be asked to make a motion to appoint at the 1/10/2022 meeting. Council is not required to make the motion for appointment and can ask for additional applicants.

Attachments:

Petersen, Geoffrey_ Application Mutiple Committees_Redacted.pdf (PDF)
Memorandum- Geoffrey Petersen signed.pdf (PDF)



CITY OF LINCOLN CITY Committee / Board / Commission Application

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

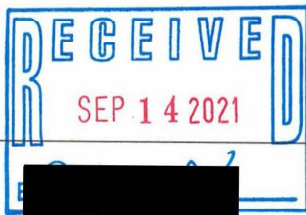
- | | |
|---|--|
| <input type="checkbox"/> Arts Committee | <input type="checkbox"/> Open Space Committee |
| <input checked="" type="checkbox"/> *Budget Committee | <input checked="" type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> Building Board of Appeals | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Transient Room Tax Committee |
| <input type="checkbox"/> Library Board | <input checked="" type="checkbox"/> Explore Lincoln City Committee |

** 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:	Geoffrey Petersen	DATE:	09/13/2021
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City OR, 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	[REDACTED]	CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: Yes Length of Time 4 years
- Do you reside within the Urban Growth Boundary? Yes Length of Time 4 years
- 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? Lincoln City Gifts





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:

I currently own and operate Lincoln City Gifts and volunteer with Kiwanis Club Lincoln City. This as well as previous business experience would allow me to help with planning, tourism and budgeting. I will attach a resume' to better explain interests and qualifications.

List names of volunteer/work supervisors:

Kiwanis Club Lincoln City , Ed Dreistadt and Boone Marker
Columbia Academy, Linda Higginbothom

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

Kiwanis Club Lincoln City, Chairman of event committee, 10/20 to present
Kiwanis Club Lincoln City, Board of Directors, 10/20 to present

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

I know Mayor Susan Wahlke and Ed dreistadt through volunteering with Kiwanis Club. I am with Jacob White who is an employee for the water district.

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

I always strive to do more for my community. through volunteering and fundraising, I have made a difference but would like to make a greater difference. I feel volunteering with the city and/or ELC would be a fantastic way to provide some public service.

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

Name: Boone Marker Phone: [REDACTED]

Name: Sharyn Jasmer Phone: [REDACTED]

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

[REDACTED SIGNATURE]
SIGNATURE

9/13/2021
DATE



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

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Geoffrey Petersen
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

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

DATE:	9/12/2021
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.



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

PLEASE READ CAREFULLY BEFORE SIGNING!

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

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



SIGNATURE

09/13/2021

DATE

Geoff Petersen

Lincoln City OR, 97367 •

Objective

I would like to volunteer as a means of gaining understanding and knowledge of city government operations as well as contribute to the betterment of our community.

Work Experience

- **Transportation**
I spent 13 years in the trucking industry. All but 1 year was in the gas and oil industry as a fuel tanker driver. Here I was a driver supervisor, trainer, and safety supervisor. I was responsible for teaching new drivers the skills needed to be successful as a tanker driver, provided testing to applicants, and managed safety for the Portland terminal. I was also responsible for regulatory compliance with the multiple local, and state governments. I also ensured compliance with federal regulations with the EPA, NTSB, ISAAC, DOT, and FMSCA. During this time, I received awards for safety, teamwork, and service excellence.
- **Bookkeeping/Payroll**
I co-owned a bookkeeping and payroll company, although I wasn't a bookkeeper. I did handle some payroll processing as well as accounts receivables. I was also responsible for hiring and HR functions.
- **Retail/Customer Service**
While all my jobs have involved dealing with the public on some level, none so much as retail. Retail work has taught me patience, and the importance of clear communication. I currently own and operate Lincoln City Gifts in the outlet center. We opened 3 years ago and have gained an amazing customer base in that short time. My role in this organization is Primarily Operations and HR. I work to develop and implement policies and procedures, hire new employees, process payroll, and assist in budgeting.

Volunteer Experience

- **SOLVE**
I was a member of SOLVE from 1992 to 1993. During this time, we did several service projects. The primary focus was cleaning up litter and keeping Oregon beautiful.
- **Columbia Academy**
Columbia Academy was a private school in West Linn OR. While my children attended, I volunteered for everything from chaperone to Santa Clause. I loved working with the kids and being able to impact young people in a positive light.
- **Kiwanis Club Lincoln City**
I have been a member of Kiwanis Club since 2019. In that time, I have become the chairperson of the event committee, as well as a board member for the club. I have volunteered many hours to service projects such as highway cleanup, The Parade of Flags, and special club events put on by my event committee. Our biggest event so far has been the Spooky Spectacular Halloween Drive thru for 2020. With COVID-19 in full swing, we were able to pull off a drive through haunted house with the help of Lincoln City and Lincoln City Outlets. An estimated 5,000 people visited us, and many said they would not have had Halloween if not for our creative solution.



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: September 30, 2021
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Council President 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: Geoffrey Petersen
Position Applied For: Budget Committee Board

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

- One reference has been unresponsive to the request for information;
- One reference provided a response

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

Respectfully,

Abigail Edwards
HR Director

Council Communication

Report on Emergency Declaration due to water main break

Meeting Date: November 8, 2021	Primary Staff Contact: Stephanie Reid
Department: Public Works	E-Mail: SReid@lincolncity.org
Secondary Dept:	Secondary Contacts:
Approval:	Estimated Time: 10 minutes

To: The Mayor and City Council Members

From: Abigail Edwards
Interim City Manager

Subject: Report on Emergency Contract pursuant to LCMC 2.05.080

Circumstances that create the emergency / description of contract:

Early Monday, November 1, 2021 crews responded to reports of a road-sloughing problem on SW 35th Street; crews found the cause was a broken 1-inch water service main. The crews responded first by closing the water valves feeding this line to prevent further damage; meanwhile the street crews closed SW 35th Street from SW Anchor Avenue to SW 35th Place for vehicular traffic. [LCMC 10.08.030 Public Danger]

The leak was located and repaired by 11:30 a.m. The damage to the road is extensive enough to keep the road closed until repairs can be completed. Continued damage to the road base and risk to the slope on the north side of SW 35th Street is a concern as rains continue to exacerbate the damage. At this time approximately sixty (60) feet of the street requires repair (asphalt) with some additional road base and shoring being necessary. Time is of the essence.

LCMC 2.05.080 describes the circumstances that constitute an emergency. [See also OAR 137-049-0150]. All of the criteria in LCMC 2.05.080(a)-(c) are met. The current and threatened loss of a portion of SW 35th Street is substantial, will disrupt public facilities and services, and threatens public health and safety. Prompt award of a public contract for repair will remedy this situation and there is insufficient time for the normal public contracting processes.

Based upon the forgoing, the City Manager has determined that emergency circumstances exist that require prompt execution of a public contract for emergency

road construction or repair work. Pursuant to the City Manager's authority, an emergency is declared.

Public Works staff is working with a contractor to get an estimate and schedule for this emergency repair work. The City manager will solicit contractors to ensure competition that is reasonable and appropriate under the circumstances, and execute a contract for the repair work within 60 days pursuant to LCMC 2.05.080(2) (Emergency Contracts under \$100,000). The contract is limited to work necessary to remedy the emergency. Bonds are not waived. No Council action is required.

Authority:

2.05.080 Exemptions.

A. Emergency Contracts.

- 1. The city may declare an emergency and enter into a public contract without first obtaining competitive bids or proposals. "Emergency" means circumstances that meet all of the following requirements:*
- 2. Emergency contracts under \$100,000. The city manager may exercise the city's authority for emergency contracts up to \$100,000. At the first city council meeting following declaration of an emergency under this section, the city manager shall provide a written report to the city council describing the contract and explaining the circumstances that created the emergency.*
- 3. Emergency contracts of \$100,000 or more. The city council may exercise the city's authority for emergency contracts of \$100,000 or more. Prior to the city council's declaration of an emergency, the city manager shall provide a written report to the city council describing the proposed contract and explaining the circumstances that create the emergency.*
- 4. Award within 60 days. The city shall not award an emergency contract under this rule if 60 days have expired since declaration of the emergency, unless an extension is granted by the city council.*

137-049-0150

Emergency Contracts; Bidding and Bonding Exemptions

(1) Emergency Declaration. A Contracting Agency may declare that Emergency circumstances exist that require prompt execution of a Public Contract for Emergency construction or repair Work. The declaration shall be made at an administrative level consistent with the Contracting Agency's internal policies, by a Written declaration that describes the circumstances creating the Emergency and the anticipated harm from failure to enter into an Emergency Contract. The Emergency declaration shall be kept on file as a public record.

(2) Competition for Emergency Contracts. Pursuant to ORS 279C.320(1), Emergency Contracts are regulated under ORS 279B.080, which provides that, for an emergency procurement of construction services, the Contracting Agency shall ensure competition that is reasonable and appropriate under the Emergency circumstances, and may include Written requests for Offers, oral requests for Offers or direct appointments without competition in cases of extreme necessity, in whatever solicitation time periods the Contracting Agency considers reasonable in responding to the Emergency.

(3) Emergency Contract Scope. Although no dollar limitation applies to Emergency Contracts, the scope of the Contract must be limited to Work that is necessary and appropriate to remedy the conditions creating the Emergency as described in the declaration.

(4) Emergency Contract Modification. Emergency Contracts may be modified by change order or amendment to address the conditions described in the original declaration or an amended declaration that further describes additional Work necessary and appropriate for related Emergency circumstances.

(5) Excusing Bonds. Pursuant to ORS 279C.380(4) and this rule, the Emergency declaration may also state that the Contracting Agency waives the requirement of furnishing a performance bond and payment bond for the Emergency Contract. After making such an Emergency declaration those bonding requirements are excused for the procurement, but this Emergency declaration does not affect the separate Public Works bond requirement for the benefit of the Bureau of Labor and Industries (BOLI) in enforcing prevailing wage rate and overtime payment requirements. See OAR 137-049-0815 and BOLI rules at OAR 839-025-0015.

Statutory/Other Authority: ORS 279A.065

Statutes/Other Implemented: ORS 279B.080, 279C.320 & 279C.380

10.08.030 Public danger – Installation of temporary traffic-control devices.

Under conditions constituting a danger to the public, the police chief or his or her designee may install temporary traffic-control devices. (Ord. 88-8 § 4.03)

Council Communication

Public Interview - City Council Ward II

Meeting Date:	November 8, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Richard Appicello	Estimated Time:	30 Minutes

Question:

After interviews, should the City Council approve the appointment of one of the applicants for a position on the City Council, Ward II?

Background:

The City Council currently has one (1) vacancy.

On September 27, 2021, Council discussed election referral and appointment. A motion was made for Option 3 [appointment with process]. Councilor Mark expressed preference for an October 31, 2021 deadline for applications to be submitted. There was also discussion of delegation to the Manager to figure out the date; however, the amended motion referred to a "late in October" date. The Recorder noticed that applications were needed by November 1, 2021 at Noon.

Option 3 - Appoint following interviews. Announcing that the position of Councilor Ward II shall be filled by appointment as provided by Chapter VIII, Section 8.2 of the Lincoln City Charter, following a process of solicitation of interested parties and interviews of qualified finalists, in sole discretion of the City Council. Motion to Declare a Vacancy in the City Council position of Councilor Ward II and announcing the vacated City Council position will be filled by appointment as provided in Lincoln City Charter Chapter VIII, Section 8.2, following a process of solicitation of interested parties and interviews. Further move to directing the City Manager to publish notice of the vacancy with an October _____ 2021, deadline for receipt of letters of interest from qualified electors residing in Ward II. Interviews to be scheduled the week of October _____ 2021.

Two applications [Nguyen & Oksenholt] were submitted before the end of business on October 31, 2021. An additional application [Kasner] was submitted on November 2, 2021.

This matter is entirely within the discretion of Council.

Council must first determine if Council will interview only those applicants who submitted before the end of October, or if all applicants will be interviewed.

Council may also re-open the application period due to the small number of applicants and may conduct interviews or delay interviews to a future date.

Council may also decide to refer the matter to an election.

Council Options:

1. Determine if you will re-open the position for additional applications.
2. Conduct or delay interviews.
3. Determine if you will interview all of the applicants or only the two who submitted in October.
4. If Councilors decide to proceed with selection - Councilors will use the chat function to select their preferred candidate. [These are public records and will be read aloud by the City Recorder]. An applicant must receive a majority of votes to be nominated. Once the process is complete, a motion will be required to appoint the nominee to the vacant position on the City Council.
5. Following Council interviews, Council may proceed with appointment or delay a decision for a future meeting.

Interview Questions:

See attached.

Attachments:

Nguyen, Carolyn_ Application Ward II_Redacted.pdf (PDF)

Oksenholt, Nancy Application_Redacted.pdf (PDF)

Kasner, Sydney Application_Redacted.pdf (PDF)

FINAL Council Interview Questions Nov 8 2021 (DOCX)



City of Lincoln City
Application for Appointment to City Council
(Please Print or Type)

Name Carolyn Nauwens Date 10-11-2021
Home Address [Redacted] City, State, Zip Lincoln City OR 97367
Mailing Address [Redacted] City, State, Zip
Home Work Telephone Telephone
Cell Phone [Redacted] Email [Redacted] Fax [Redacted]

Residency

Do you reside within Ward II?
Are you a registered voter?

[X] Yes [] No If so, how long? 5+ years.
[X] Yes [] No

Occupation: (Present employment - paid or unpaid)

Country Insurance - Claims Consultant SR.
30+ years.
Paid - Full time position

Occupational Background: (Previous employment - paid or unpaid)

See above

Educational Background: (Schools attended, if necessary use attachment)

Table with 4 columns: Name of School (no acronyms), Last Grade Level Completed, Diploma/Degree/Certificate (AA, BA, BS, MA, PHd accredited) Not honorary, Course of Study (Optional). Rows include Coquille HS Graduate and Portland State University BS Political Science.



City of Lincoln City
Application for Appointment to City Council
(Please Print or Type)

Prior Governmental Experience:

Elected Rep Lincoln County 2020

Applicants may attach any other information you care to provide that will best explain your qualifications for the position.



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:

See attachment

List names of volunteer/work supervisors:

See attachment

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

Ø

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

Ø

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

I campaigned and ran for this City Council position on 11/3/2020.

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

Name: *Candy Parker* Phone:

Name: *Sharon Schwartz* Phone:

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.

SIGNATURE

10/11/2021

DATE



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

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Carolyn Nguyen
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	City Council Ward 11
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
	Lincoln City OR 97367
MAILING ADDRESS:	Same
HOME PHONE:	
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	
HOME PHONE:	
CELL PHONE:	

DATE:	
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

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PLEASE READ CAREFULLY BEFORE SIGNING!

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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.

SIGNATURE

[Redacted Signature]

DATE

10-11-2021

**City of Lincoln City
Council Member, Ward II (Two Year Term)**



**Carolyn
Nguyen**
Nonpartisan

Occupation: Claims Consultant Sr. Country Insurance 2001-current

Occupational Background: Field Claims Adjuster Nationwide Insurance 1992-2001

Educational Background: Coquille HS 1986; Portland State University BS Political Science 1992

Prior Governmental Experience: Lincoln City PCP April 2020

Volunteer Activities & Organizations:

Lincoln City Food Pantry

Washington County C.A.S.A Court appointed Special Advocate for abused and neglected children

Oregon Casualty Adjusters Association

I ask for your vote because I want to serve the citizens of Lincoln City. I am committed to working with Council members to preserve and protect the uniqueness and quality of life we enjoy in this beautiful area of the central coast. It's critical that City government is representative of different points of view.

We must work on finding areas that we agree. I believe in creating and maintaining an environment that is welcoming to existing and new business. Taking care of our children, seniors and veterans is what makes a town a great place to call home. Affordable housing, jobs, entertainment and recreational activities are necessary to build communities. I fully support our police department and first responders. A well trained and well-staffed public safety department is critical and falls squarely on the shoulders of the Mayor and City Council.

I am employed full time as a Claims Adjuster in the private sector, I handle complex cases that require knowledge of contract law, and expertise in customer service, investigation, evaluation and negotiation of Commercial, Farm, Auto and Personal Injury claims.

The opportunity to serve comes with great responsibility. I hope to meet and hear your views and further shape my own in the coming weeks.

"Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same." Ronald Reagan.

(This information furnished by Carolyn Nguyen.)

The above information has not been verified for accuracy by the county.

**City of Lincoln City
Council Member, Ward II (Two Year Term)**



**Anne Marie
Skinner**
Nonpartisan

Occupation: Land-use planner, PBS Engineering & Environmental

Occupational Background: Land-use planner, Emerio Design; Land-use planner, Washington County, Oregon; Land-

use planner, City of Caldwell, Idaho; Land-use planner, T-O Engineers; Land-use planner, Skinner Land Survey

Educational Background: Brigham Young University, Bachelor of Science, Human Development

Prior Governmental Experience: Staff liaison for Lincoln City Sustainability Committee; employed as both city and county planner

I have been asked many times over the past few months why I want to be a city councilor for Lincoln City. The answer is simple - I absolutely love and cherish this livable, lovable coastal town we all call home and want to do everything I can as your city councilor to keep it livable and lovable and make it even more so. I am excited to hear all of your thoughts on what "more livable and lovable" means to you.

I have over 22 years of experience in dealing with government on land-use planning issues and related codes and ordinances, so I feel I can bring valuable and unique knowledge and insight to the council to enhance the service we perform for you. Affordable housing and shelter, living-wage jobs, parks, sidewalks, and improved streets are just some of what we can work together on and achieve, thereby making our little piece of the coast even more livable and lovable.

A vote for Anne Marie is a vote for you and Lincoln City.

(This information furnished by Anne Marie Skinner.)

The above information has not been verified for accuracy by the county.



City of Lincoln City
Application for Appointment to City Council
(Please Print or Type)

Name Nancy Oksenbolt Date 10/27/21
Home Address [redacted] City, State, Zip LC, OR 97367
Mailing Address [redacted] City, State, Zip
Home Telephone [redacted] Work Telephone [redacted]
Cell Phone [redacted] Email [redacted] Fax [redacted]

Residency

Do you reside within Ward II? [X] Yes [] No If so, how long? 23 years
Are you a registered voter? [X] Yes [] No

Occupation: (Present employment - paid or unpaid)

Dr Bob Health Centre - Nurse Clinic Manager
LCM Center
volunteer North Lincoln Fire & Rescue - Immunization
then paid clinic

Occupational Background: (Previous employment - paid or unpaid)

OHSU
MD Anderson

Educational Background: (Schools attended, if necessary use attachment)

Table with 4 columns: Name of School (no acronyms), Last Grade Level Completed, Diploma/Degree/Certificate (AA, BA, BS, MA, PHD accredited) Not honorary, Course of Study (Optional). Rows include O Yoville and University of Texas with degrees BSN and MSN.



City of Lincoln City
Application for Appointment to City Council
(Please Print or Type)

Prior Governmental Experience:

LC Budget Committee
NL Fire Budget Committee

Applicants may attach any other information you care to provide that will best explain your qualifications for the position.



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:

my 20+ years as a resident. Involved in community in many aspects. Food leadership training, written grants.

List names of volunteer/work supervisors:

Robert Oksenbort
Karen Dummer
Robert Dahlman

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

Director - Angelo Anonymous
President - BFEY Backpacks for kids
Director - Willamette Valley Cancer Foundation

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

Mayor Susan Wukhe - Board member BFEY

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

Assist the board in helping community reach this potential for everyone from homeless to business owners.

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

Name: Jerry Palmer Phone: [Redacted]
Name: Kately Joy Phone: [Redacted]

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

SIGNATURE [Redacted]

DATE 10/27/21



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

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Nancy Oksemla
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	City Council Ward 2
CITY STAFF REPRESENTATIVE:	Ward 2
HOME ADDRESS:	[REDACTED]
	Lincoln City, OR 97367
MAILING ADDRESS:	Same
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

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

DATE:	
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.



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

PLEASE READ CAREFULLY BEFORE SIGNING!

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

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

[Redacted Signature]

SIGNATURE

10/27/21

DATE



City of Lincoln City
Application for Appointment to City Council
(Please Print or Type)

Name Sydney Kasner Date 11/1/2021
Home Address [redacted] City, State, Zip Lincoln City, OR 97367
Mailing Address " " City, State, Zip " "
Home Telephone N/A Work Telephone [redacted]
Cell Phone [redacted] Email [redacted] Fax [redacted]

Residency

Do you reside within Ward II? [X] Yes [] No If so, how long? since 8/2020
Are you a registered voter? [X] Yes [] No

Occupation: (Present employment - paid or unpaid)

Lead Mammography Technologist at Samaritan North Lincoln Hospital

Occupational Background: (Previous employment - paid or unpaid)

Loan Processor at MAPS Credit Union, 2016-2018
Scribe at Gresham-Troutdale Family Medical Center, 2014-2016
Sales Associate at Skipanon Seafood, 2014-2016
Teller at Chase Bank, 2013-2014

Educational Background: (Schools attended, if necessary use attachment)

Name of School (no acronyms) Last Grade Level Completed Diploma/Degree/Certificate (AA, BA, BS, MA, PHd accredited) Not honorary Course of Study (Optional)
Southern Oregon University, 1st year college
Rogue Community College, 2nd year college
Portland Community College, Associate of Science (AS)
Portland State University, Bachelor of science in Biology (BS)
Linn-Benton Community College, Associate of Applied Science, Diagnostic Imaging (AS)



City of Lincoln City
Application for Appointment to City Council
(Please Print or Type)

Prior Governmental Experience:

Current Vice President of Oregon Society of Radiologic Technologists, have been involved on the board since 2018
Volunteer at American Society of Radiologic Technologists

Applicants may attach any other information you care to provide that will best explain your qualifications for the position.



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:

My most relevant experiences are serving my professional state/national affiliates (ASRT & OSRT) in many chairs/committees since 2018. I am a full-time hospital employee, local homeowner, and community volunteer.

List names of volunteer/work supervisors:

Vulnerable Populations Outreach Lead, Lincoln County, Susan Trachsel
Reinvented Magazine (Staff Writer), Caeley Lobney
OSRT (VP, professional affiliate, Jennifer Clayton) ^{more}
Lincoln City Warming Shelter, Sharon Padilla

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

During my time at OSRT: Chair of Student Action Committee (2020-present), Chair of Nominations Committee (2020), co-chair of Pad tech week (2021), member of 2021 Strategic Planning Comm.
current Vice President of Board 2021-2022

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

No formal relationships or family. A few friends work for the city planning dept.

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

I'd like to serve my community in the same ways I've served my profession. I feel that I can represent another dimension of our population previously underrepresented.

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

Name: Jennifer Clayton, Phone: [Redacted]
Name: Trindee Coleman, Phone: [Redacted]

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

[Redacted Signature]
SIGNATURE

11/11/2021
DATE

Additional Volunteering

Orphanage in Peru, contact unavailable by phone
Outside In (soup kitchen), Caroline Jackson
Samaritan Infusion Clinic, Sarah Lillebo
Radiologic Technologists Club, Paula Merino
Special Olympics Oregon, LouAnne Tabada



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

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	SYDNEY KASNER
START DATE:	TBD
NAME OF COMMITTEE, BOARD, OR COMMISSION:	City Council, Ward II
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
	Lincoln City, OR 97367
MAILING ADDRESS:	" "
HOME PHONE:	N/A
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

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

DATE:	11/1/2021
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



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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.

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SIGNATURE

11/1/2021

DATE

Council Questions for the City Council Interview

Instructions: Each candidate will have three (3) minutes to respond to the first question and two (2) minutes to respond to subsequent questions. Each candidate will respond to the same question before we move on and we will rotate which candidate responds first.

Questions:

Mayor: Please introduce yourself and tell us why you want to be a City Councilor, your vision for the City, and what you hope to accomplish in your tenure.

1. _____

2. _____

3. _____

Judy: As you begin your training as a new city councilor, what area of the City Charter, or Council Rules would you seek to better understand?

1. _____

2. _____

3. _____

Mitch: If a constituent lobbied you to support or oppose a matter, how would you respond?

Would your response differ if the matter was a proposed housing development on appeal to Council from a denial by the Planning Commission?

Would your response differ if the matter was a proposed legislative matter – that is, a new proposed regulation?

1. _____

2. _____

3. _____

3. _____

Rick: In a legislative body, decisions are made by a majority vote. How do you propose to work with fellow Councilors to win support on any given issue. If you were out-voted in a decision before the council, such that you were in the minority, would you publicly oppose or support the decision?

1. _____

2. _____

3.

Substitute questions. All applicants must be asked the same question:

ELC is building a campaign to encourage entrepreneurs to locate attraction-grade businesses here to help build our infrastructure so we do a better job of offering fun experiences for both visitors and residents. Does the vision of a more vibrant (and maybe more upscale) destination align with your vision for Lincoln City?

The long-term maintenance of streets is an important priority to this City Council that will require additional funding for street improvements. What new revenue sources for funding streets would you support?

Workforce housing is in short supply in our community. What do you think the City can do to improve our workforce housing inventory?

Please explain your understanding of our City Council/City Manager form of government?

Under the City Charter, the Lincoln City form of government is a Council-Manager form. The Charter’s delegation of authority is to the Council as a whole, not to individual Councilors or the Mayor. Given that you would have no individual legal authority and that the day-to-day operations of the city government are vested in the City Manager, what do you see as your role?

Devil’s Lake is a unique natural resource for our community. What steps do you believe the City can take to preserve this resource?