

CITY OF LINCOLN CITY  
LINCOLN CITY COUNCIL AGENDA  
MONDAY DECEMBER 13, 2021 6:00 PM

6:00 PM - The Lincoln City Council meeting for December 13, 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](http://www.lincolncity.org).

Public comments can be submitted to [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org), by attending the City Council meeting, or by attending through Zoom invitation.

Public comments submitted by email to [publiccomment@lincolncity.org](mailto: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](mailto:publiccomment@lincolncity.org) no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address and the 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](http://www.lincolncity.org) under "Public Meeting Calendar". This meeting will be televised on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

1. Regular Meeting – Minutes of Regular Meeting – November 8, 2021 6:00 PM
2. Regular Meeting – Minutes of Special Meeting – November 8, 2021 5:00 PM
3. Regular Meeting – Minutes of Work Session – November 8, 2021 3:00 PM
4. Oregon Liquor Control Commission - Request for New Outlet Off-Premises Sales Liquor License for - US Market-
5. Report on Emergency Declaration on November 19, 2021
6. Proposed Annual Meeting Dates 2022

**E. COUNCIL DELIBERATIONS**

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

**G. PRESENTATIONS**

**H. PUBLIC HEARING / ORDINANCE**

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

**J. ORDINANCES**

1. ORDINANCE NO. 2021-25 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.12 (GENERAL REGULATIONS) SECTION 10.12.020 (PROHIBITED PARKING OR STANDING), PARAGRAPH E AND AMENDING SECTION 10.12.040 (PROHIBITED STORAGE ON CITY PROPERTY, CITY STREETS, OR CITY RIGHTS-OF-WAY), PARAGRAPH D (EXCEPTIONS), TO RECOGNIZE PERMIT EXCEPTIONS.

**K. RESOLUTIONS**

2. RESOLUTION NO. 2021-45 A RESOLUTION OF THE CITY OF LINCOLN CITY AMENDING RESOLUTION 2021-38 PROVIDING FOR EXTENSION OF THE STREET CLOSURE OF A PORTION OF NW 34TH COURT
3. RESOLUTION NO. 2021-46 A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING THE CITY MANAGER TO DESIGNATE A LIMITED NUMBER OF METERED OVERNIGHT PARKING SPACES AND OVERNIGHT CAMPING / RESTING SPACES IN SOME CITY AND URBAN RENEWAL PARKING LOTS

**L. SPECIAL ORDER OF BUSINESS**

4. Planning Commission Interview - Smith
5. Planning Commission Interview - Folz
6. Planning Commission Interview - Folino
7. Budget Committee Interview - Folz
8. Budget Committee Interview - Smith
9. Community Center Gym Roof Project

10. 2022 4th of July Fireworks Show

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

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

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

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

**Q. ADJOURNMENT**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

November 8, 2021, 6:00 PM

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

APPROVED BY CITY COUNCIL

DATE:

**A. CALL TO ORDER**

Mayor Wahlke called the meeting to order at 6:00 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](mailto:publiccomment@lincolncity.org);
2. Comments can be made via Zoom if a request is emailed to [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org) by noon on the meeting day;
3. Comments can be made in person at the Council Chambers (COVID-19 precautions are taken).

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	Councilor Ward 1	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	7:55 PM

Staff Present: Abigail Edwards, HR Director/Interim City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; Kirsten Brodbeck-Kenney, Library Director; Tony LaSoya, I.T. Support Director; Jamie Young, City Recorder.

**C. PLEDGE OF ALLEGIANCE**

*Skipped due to the meeting being held remotely.*

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

**D. CONSENT AGENDA WITH CORRECTIONS**

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

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

**E. COUNCIL DELIBERATIONS**

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

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

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

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

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

**G. PRESENTATIONS**

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

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

**H. PUBLIC HEARING / ORDINANCE**

*None*

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

- 1.

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

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

2.

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

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

## J. ORDINANCES

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

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

4.

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

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

**MOTION:** Ordinance 2021-21 Exterior Lighting  
**RESULT:** Withdrawn

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

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

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

7.

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

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

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

9.

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

## K. RESOLUTIONS

*None*

## L. SPECIAL ORDER OF BUSINESS

**10. Budget Committee Interview-Petersen**

<b>MOTION:</b>	<b>Interview for Budget Committee- Petersen</b>
<b>RESULT:</b>	<b>Withdrawn</b>

*Council removed the item with unanimous consent.*

**11. Public Interview for City Council Ward II**

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

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

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

**12. Report on Emergency Declaration due to water main break**

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

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

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

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

Councilor Hoagland spoke about new legislation that has been worked on since 2020, a historic timber agreement with the Oregon Forest Practices Act (FPA). Councilor Hoagland said that both members of timber conservation groups and the timber industry will be working together to develop a plan for future forest service protection. Councilor Hoagland said he was contacted by a member of the Lincoln City Audubon Society. Councilor Hoagland wanted to make a motion to direct staff to gather more information from both sides. Councilor Hoagland said this is a topic being discussed by the legislature and will be coming up in February. Councilor Casper asked if this could be postponed until January with the holiday. Councilor Hoagland said there would be an initial meeting and he would retract his motion. Councilor Parsons asked for clarification from Councilor Hoagland. Councilor Hoagland said that he is looking to ask staff for information on this matter due to our dependence on surface water for drinking water, which is directly tied to the forest. Then Council can come back and decide on their stance.

13.

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

14.

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

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

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

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

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

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

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

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

*Councilor Parsons welcomed Councilor Kasner to Council.*

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

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

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 8:45 PM*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER



**JOINT SPECIAL MEETING AGENDA**  
**MONDAY, NOVEMBER 8, 2021, 5:00 PM**

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

**APPROVED BY URBAN RENEWAL AGENCY**

**DATE:** \_\_\_\_\_

**A. CALL TO ORDER**

*Agency Chair Mark called the meeting to order at 5:00 PM.*

**B. ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Riley Hoagland	Member / Councilor	Present	5:00 PM
Susan Wahlke	Member / Councilor	Present	5:00 PM
Judy Casper	Member / Councilor	Present	5:00 PM
Rick Mark	Chair	Present	5:00 PM
Mitch Parsons	Member / Councilor	Present	5:00 PM
Elaine Starmer	Member/ Councilor	Present	5:00 PM
Vacant	Member/ Councilor		

*Staff Present: Abigail Edwards, HR Director/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; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.*

**C. PLEDGE OF ALLEGIANCE**

*Skipped due to the meeting being held remotely.*

**D. CONSENT AGENDA**

1. Motion to Approve the Consent Agenda- Real Property Transfer, Ten Urban Renewal Agency Owned Properties to City Ownership

<b>MOTION:</b>	<b>Motion to Approve the Consent Agenda</b>
<b>MOVER:</b>	<b>Susan Wahlke, Mayor</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Hoagland, Wahlke, Casper, Mark, Parsons, Starmer
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

**E. COUNCIL DELIBERATIONS**

None

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

None

**G. PRESENTATIONS**

None

**H. PUBLIC HEARING/ORDINANCE**

None

**I. PUBLIC HEARING/PUBLIC COMMENT**

None

**J. ORDINANCES**

None

**K. RESOLUTIONS**

None

**L. SPECIAL ORDER OF BUSINESS**

None

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

None

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

1. Motion to Authorize City Manager to Execute ENA for the 15th Street Property

<b>MOTION:</b>	<b>Motion to Authorize City Manager to Execute ENA for the 15th Street Property</b>
<b>MOVER:</b>	<b>Susan Wahlke, Mayor</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Hoagland, Wahlke, Casper, Mark, Parsons, Starmer
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

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

None

**P. ANNOUNCEMENTS OR COMMENTS BY AGENCY MEMBER / CITY COUNCILOR**

None

**Q. ADJOURNMENT**

*Agency Chair Mark adjourned the meeting at 5:08 PM*

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**Rick Mark, Agency Chair**

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**Susan Wahlke, Mayor**

**ATTEST:**

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**Jamie Young, City Recorder**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

November 8, 2021, 3:00 PM

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

APPROVED BY CITY COUNCIL

DATE:

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	Council Ward 1	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
Vacant	Councilor Ward 2		

Staff Present: Abigail Edwards, HR Director/Interim City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, Public Works Director; Anne Marie Skinner, Planning and Community Development Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

2. **DISCUSSION ITEMS**

**A. City Manager Reports**

Ms. Edwards said that Mr. Petersen has withdrawn his application for the Budget Committee and would need to be removed from the agenda.

*Ms. Edwards said there were two water main break over the course of the last week. Ms. Edwards said Public Works did a great job getting those taken care of. Ms. Edwards stated that one was more than a main break, there is also a sinkhole. There is a temporary road closure until that is repaired.*

*Ms. Edwards said the King tide signage is up at a few of the hot spot locations.*

*Ms. Edwards spoke about the City Council Ward II applicants. Ms. Edwards said there was an extra application that came in a little bit late and she made the decision to accept the application. Ms. Edwards said it would be up to Council to decide whether to accept the late application. Councilor Starmer asked if that application was sent to Council. Ms. Edwards said the City Recorder sent the applications by email that day. Councilor Mark asked if Council could discuss the late application at the work session. Mr. Appicello said the application could be discussed but any decision would need to be made at the Council meeting. Councilor Mark said he is of two minds on this and he thinks there might be an advantage to having three people answer questions. Councilor Casper stated that she was confused about the deadline; Councilor Casper thought the deadline was at the end of the day. Councilor Casper asked was the application submitted by the end of the day. Ms. Edwards said that was the intent, the application was placed in the wrong box. Ms. Edwards said she was given another application. Councilor Casper said that she is open to interviewing the three applicants. Councilor Starmer said that she agrees with interviewing the three applicants.*

*Ms. Edwards spoke regarding the Public Comments received and stated she has the policies from Parks and Recreation Department. Ms. Edwards said there was a request from the Oregon Coast Aquarium to participate in a time capsule that will be dug up at a later date. Ms. Edwards said there were miscellaneous items gathered for Lincoln City's contribution; one item was float number 100, of the 100 ash floats from the Otis Fires.*

*Mayor Wahlke spoke about the email received from the City Recorder regarding the League of Oregon Cities bulletin that states elected officials are now mandatory reporters regarding child abuse. Ms. Edwards said there is training available for those that need it.*

## **B. Council Questions on Agenda Items for Regular Meeting**

*Councilor Casper asked about the public hearing and ordinance on exterior lighting on the agenda. Ms. Skinner explained the exterior lighting code and mentioned that she thinks the code covers all aspects. Councilor Casper asked if there is a timeline to come into compliance. Mr. Appicello said that it was proposed by the prior Planning Director to be added.*

*Councilor Mark said that Council would be asked to consider action from a previous executive session at the joint meeting with Urban Renewal. Councilor Mark said the City Attorney sent that information in a memo on Thursday via email.*

*Councilor Starmer said there was information about ORWARN (Oregon Water/Wastewater Agency Response Network) in the LOC (League of Oregon Cities) bulletin about the water and wastewater emergency support for cities. Councilor Starmer looked and we were not signed up and wondered why we were not. Ms. Reid said that they are aware of it and when it was being developed decided it was more for larger cities. Ms. Reid said they worked on mutual agreements with neighboring cities. Ms. Reid said it is worth looking at again and she will bring it up with the Emergency Manager and see if we should sign up.*

*Mr. Appicello said that he sent the 14th LID public comment separately to Council.*

Councilor Mark said he was impressed with the number of emails received about naming the park after Griff Ford, and asked about the Park naming process. Ms. Edwards said that she spoke with Ms. Sprague about park naming and explained the process.

Mayor Wahlke asked about the email clarifying the Ward boundaries. Mr. Appicello explained there were errors and send corrected descriptions. Mayor Wahlke asked for a description of the three options. Mr. Appicello explained the options. Councilor Hoagland asked if it would be updated with the census. Mr. Appicello said that it is in the Charter, that it should be updated every two years. Mr. Appicello said that we would not have new information every two years but we will keep closer tabs on it. Councilor Mark said that he would need to take a closer look before the meeting but there may be a case to be made for what is the simplest line. Ms. Edwards said that the Portland State University population numbers could be used. Councilor Hoagland asked if amending the Charter is an option. Ms. Edwards confirmed that is an option but it takes an election.

### **C. Other Questions from Council**

Councilor Hoagland mentioned a historic timber agreement with the Oregon Forest Practices Act (FPA). Councilor Hoagland said that both members of timber conservation groups and the timber industry will be working together to develop a plan for future forest service protection. Councilor Hoagland said he was contacted by a member of the Lincoln City Audubon Society. Councilor Hoagland wanted to know the City's stance and make sure everyone had the same information. Councilor Hoagland said this is a topic being discussed by the legislature and will be coming up in February. Ms. Reid said she was not aware of this and she will check into it. Ms. Reid said there has been quite a bit of outreach with the Salmon Drift Creek Watershed. Mr. Appicello said there was a press release by the Governor in October and they have been negotiating since early 2020. Councilor Mark said it was also mentioned in David Gomberg's newsletter. Councilor Mark also suggested reaching out to Paul Katen with the Salmon Drift Creek Watershed as well as the Devils Lake Water Improvement District. Mayor Wahlke said if there were a presentation, she would like to see it from both sides.

### **3. ADJOURNMENT**

Mayor Wahlke adjourned the meeting at 3:52 PM.

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

# Council Communication

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## Oregon Liquor Control Commission - Request for Off-Premises Sales Liquor Licenses

Meeting Date:	December 13, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	3 min

---

### Questions:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a new outlet Off-Premises Sales liquor license for US Market?

### Staff Recommendations:

A review was conducted by LT. Broderick who recommends that City Council provide a favorable recommendation to grant the license to the applicant.

### Legal Background and Framework:

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendation to the OLCC.

### Council Options:

1. Approve a favorable recommendation to new outlet, Off-Premises Sales liquor license.
2. To not approve the license application.
3. To approve the license application.

### Attachments

Oregon Liquor Control Commission (OLCC) application for new outlet, Off Premises sales liquor license application.

### Attachments:

US Market 503 LLC\_Redacted.pdf (PDF)



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

PRINT FORM  
RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

<b>License Applied For:</b>		<b>CITY AND COUNTY USE ONLY</b>	
<input type="checkbox"/> Brewery 1 <sup>st</sup> Location		Date application received and/or date stamp:	<b>RECEIVED</b> NOV 30 2021
Brewery Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>		Name of City or County:	
<input type="checkbox"/> Brewery-Public House (BPH) 1 <sup>st</sup> location		City of Lincoln City	
BPH Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>		Recommends this license be:	
<input type="checkbox"/> Distillery		<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied	
<input type="checkbox"/> Full On-Premises, Commercial		By: [Redacted] LT.	
<input type="checkbox"/> Full On-Premises, Caterer		Date: 11/30/2021	
<input type="checkbox"/> Full On-Premises, Passenger Carrier			
<input type="checkbox"/> Full On-Premises, Other Public Location			
<input type="checkbox"/> Full On-Premises, For Profit Private Club			
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club			
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 <sup>st</sup> location			
GSP Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>			
<input type="checkbox"/> Limited On-Premises		<b>OLCC USE ONLY</b>	
<input checked="" type="checkbox"/> Off-Premises		Date application received: 10/12/21	
<input type="checkbox"/> Warehouse		Date application accepted: 10/12/21	
<input type="checkbox"/> Wholesale Malt Beverage & Wine			
<input type="checkbox"/> Winery 1 <sup>st</sup> Location		<b>License Action(s):</b>	
Winery Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>		C/O, C/TN	
(4 <sup>th</sup> ) <input type="checkbox"/> (5 <sup>th</sup> ) <input type="checkbox"/>			

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)<sup>1</sup>** applying for the license(s):

US Market 503 LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT      App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT      App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

<b>3. Trade Name of the Business (Name Customers Will See)</b> US Market		
<b>4. Business Address (Number and Street Address of the Location that will have the liquor license)</b> SW 565 Hwy 101		
City Lincoln City	County Lincoln	Zip Code 97367

<sup>1</sup> **Read the instructions on page 1 carefully.** If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) US Market			
6. Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in <u>OAR 845-004-0065(1)</u> ) 1038 Broadway St			
City Salem	State OR	Zip Code 97301	
9. Phone Number of the Business Location 541-994-2972		10. Email Contact for this Application and for the Business [REDACTED]	
11. Contact Person for this Application Jennifer Babine		Phone Number 503-391-8889 Ext 101	
Contact Person's Mailing Address (if different) Same as Mailing address	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

**ATTESTATION: \*\*READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM\*\***

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311(6)) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

Mehar Sidhu	[REDACTED]	9/21/21	
App. #1: (PRINT NAME)	App #1: (SIGNATURE)	App #1: Signature Date	Atty. Bar Information (if applicable)
Rupinder Kaur	[REDACTED]	09-20-2021	
App. #2: (PRINT NAME)	App #2: (SIGNATURE)	App #2: Signature Date	Atty. Bar Information (if applicable)
Harpreet Sangha	[REDACTED]	09-21-2021	
App. #3: (PRINT NAME)	App #3: (SIGNATURE)	App #3: Signature Date	Atty. Bar Information (if applicable)
App. #4: (PRINT NAME)	App #4: (SIGNATURE)	App #4: Signature Date	Atty. Bar Information (if applicable)



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Sidhu Last	Mehar First	Din Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
<p><b>SOCIAL SECURITY NUMBER DISCLOSURE:</b> As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) &amp; ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	[REDACTED] (mm)	[REDACTED] (dd)	[REDACTED] (yyyy)
6. Driver License or State ID #	[REDACTED]	7. State OR	
8. Contact Phone [REDACTED]			
9. E-mail Address [REDACTED]			
10. Mailing Address:	[REDACTED] (Number and Street)	[REDACTED] (City)	[REDACTED] [REDACTED] (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY FORM**

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No  Yes  Please list licenses (and year(s) licensed) below    Unsure  Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No  Yes  Please list licenses (and year(s) licensed) below    Unsure  Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No  Yes  Please list applications below    Unsure  Please include an explanation:

US Market 503 LLC  
 565 SW Hwy 101  
 Lincoln City OR 97367

This application and US Market 503 turned in at the same time.

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

**Affirmation**

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Sidhu	Last	Mehar	First	Din	Middle
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Signature:  Date: 9/20/21

**This box for OLCC use ONLY**  
 Yes \_\_\_\_\_ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Kaur	Rupinder	
	Last	First	Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
If yes, you must list your SSN: [REDACTED]			
<p><b>SOCIAL SECURITY NUMBER DISCLOSURE:</b> As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) &amp; ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a)).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	[REDACTED]	[REDACTED]	[REDACTED]
	(mm)	(dd)	(yyyy)
6. Driver License or State ID #	[REDACTED]	7. State Oregon	
8. Contact Phone: [REDACTED]			
9. E-mail Address: [REDACTED]			
10. Mailing Address:	[REDACTED]	[REDACTED]	[REDACTED]
	(Number and Street)	(City)	(State) (Zip Code)
<p>11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?</p> <p>No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.</p>			



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No  Yes  Please list licenses (and year(s) licensed) below    Unsure  Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No  Yes  Please list licenses (and year(s) licensed) below    Unsure  Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No  Yes  Please list applications below    Unsure  Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

**Affirmation**

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Kaur	Last	Rupinder	First		Middle
---------------	------	------	----------	-------	--	--------

Signature:		Date:	09-20-2021
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**This box for OLCC use ONLY**

Yes \_\_\_\_\_ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY FORM**

PRINT FORM

RESET FORM

1. Name (Print):	Sangha Last	Harpreet First	Kaur Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
<p><b>SOCIAL SECURITY NUMBER DISCLOSURE:</b> As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) &amp; ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	[REDACTED] (mm)	[REDACTED] (dd)	[REDACTED] (yyyy)
6. Driver License or State ID #:	[REDACTED]	7. State Oregon	
8. Contact Phone: [REDACTED]			
9. E-mail Address: [REDACTED]			
10. Mailing Address:	[REDACTED] (Number and Street)	[REDACTED] (City)	OR [REDACTED] (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No  Yes  Please list licenses (and year(s) licensed) below    Unsure  Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No  Yes  Please list licenses (and year(s) licensed) below    Unsure  Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No  Yes  Please list applications below    Unsure  Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

**Affirmation**

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Sangha	Harpreet	Kaur
	Last	First	Middle
Signature:			Date: 09-21-2021

**This box for OLCC use ONLY**

No \_\_\_\_\_ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: US Market 503 LLC Phone: 541-994-2972

Trade Name (dba): US Market

Business Location Address: 565 SW Hwy 101

City: Lincoln City ZIP Code: 97367

### DAYS AND HOURS OF OPERATION

#### Business Hours:

Sunday 6AM to 10PM  
 Monday 5AM to 12Am  
 Tuesday 5AM to 12Am  
 Wednesday 5AM to 12Am  
 Thursday 5AM to 12Am  
 Friday 5AM to 12Am  
 Saturday 5AM to 12Am

#### Outdoor Area Hours:

Sunday \_\_\_\_\_ to \_\_\_\_\_  
 Monday \_\_\_\_\_ to \_\_\_\_\_  
 Tuesday \_\_\_\_\_ to \_\_\_\_\_  
 Wednesday \_\_\_\_\_ to \_\_\_\_\_  
 Thursday \_\_\_\_\_ to \_\_\_\_\_  
 Friday \_\_\_\_\_ to \_\_\_\_\_  
 Saturday \_\_\_\_\_ to \_\_\_\_\_

The outdoor area is used for:

- Food service Hours: \_\_\_\_\_ to \_\_\_\_\_
- Alcohol service Hours: \_\_\_\_\_ to \_\_\_\_\_
- Enclosed, how \_\_\_\_\_

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_  
(Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: \_\_\_\_\_

### ENTERTAINMENT

Check all that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: \_\_\_\_\_

### DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday \_\_\_\_\_ to \_\_\_\_\_  
 Monday \_\_\_\_\_ to \_\_\_\_\_  
 Tuesday \_\_\_\_\_ to \_\_\_\_\_  
 Wednesday \_\_\_\_\_ to \_\_\_\_\_  
 Thursday \_\_\_\_\_ to \_\_\_\_\_  
 Friday \_\_\_\_\_ to \_\_\_\_\_  
 Saturday \_\_\_\_\_ to \_\_\_\_\_

### SEATING COUNT

Restaurant: \_\_\_\_\_ Outdoor: \_\_\_\_\_  
 Lounge: \_\_\_\_\_ Other (explain): \_\_\_\_\_  
 Banquet: \_\_\_\_\_ Total Seating: \_\_\_\_\_

OLCC USE ONLY	
Investigator Verified Seating: _____ (Y) _____ (N)	
Investigator Initials: _____	
Date: _____	

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature:  Date: 9/20/21

1-800-452-OLCC (6522)  
www.oregon.gov/olcc

(rev. 12/07)

## Council Communication

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### Report on Emergency Declaration on November 19, 2021

Meeting Date:	December 13, 2021	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 min

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To: The Mayor and City Council Members

From: Lila Bradley  
Interim City Manager

Subject: Report on Emergency Contract pursuant to LCMC 2.05.080

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#### **Circumstances that create the emergency / description of contract:**

At approximately 2:30 PM on November 19, 2021, a staff member of the Water Treatment Plant discovered a leak on the 24-inch Ductile Iron transmission main. At that time, the Treatment Supervisor and Distribution Supervisor were notified. The Distribution crew and equipment were dispatched to the Treatment Plant.

It was quickly determined that due to the depth of the line (over 6 ft) and the weight of the 24inch repair parts, we would need larger equipment than we owned. Thompson Excavation was contacted and responded with the needed equipment and crew members.

LCMC 2.05.080 describes the circumstances that constitute and emergency. [See also OAR 137-049-0150]. All of the criteria in LCMC 2.05.080(a)-(c) are met. Needing to repair the 24-inch transmission main as soon as possible to prevent disruption of public facilities and services, and threat to 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 this information, the City Manager has determined emergency circumstances existed that required prompt execution of a public contract for emergency 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

## Council Communication

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### Proposed Annual Meeting Dates 2022

Meeting Date:	December 13, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 Minutes

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### 2022 Meeting Schedules

Monday, January 10, 2022- City Council  
Monday, January 24, 2022- City Council  
Monday, February 14, 2022- City Council  
Monday, February 28, 2022- City Council  
Monday, March 7, 2022- Budget Committee (Training) 6:00 PM  
Monday, March 14, 2022- City Council  
Monday, March 28, 2022- City Council  
Monday, April 11, 2022- City Council  
Monday, April 25, 2022- City Council  
Monday, May 2, 2022- First Budget Committee Meeting (5:00 PM URA, 6:00 PM CC)  
Monday, May 9, 2022- City Council  
Monday, May 16, 2022- Second Budget Committee Meeting (5:00 PM URA, 6:00 PM CC)  
Monday, May 23, 2022- City Council  
Tuesday, May 31, 2022- Third Budget Committee Meeting (5:00 PM URA, 6:00 PM CC)  
Monday, June 13, 2022- City Council  
Monday, June 27, 2022- City Council  
Monday, July 11, 2022- City Council  
Monday, July 25, 2022- City Council  
Monday, August 8, 2022- City Council  
Monday, August 22, 2022- City Council  
Monday, September 12, 2022- City Council  
Monday, September 26, 2022- City Council  
Monday, October 10, 2022- City Council  
Monday, October 24, 2022- City Council  
Monday, November 14, 2022- City Council  
Monday, November 28, 2022- City Council- **Cancelled Holiday**  
Monday, December 12, 2022- City Council  
Monday, December 26, 2022- City Council- **Cancelled Holiday**

## Council Communication

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### Ordinance 2021-25 Amendments related to overnight parking

Meeting Date:	December 13, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 mins.

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#### Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2021-25 entitled:

#### **ORDINANCE NO. 2021-25**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.12 (GENERAL REGULATIONS) SECTION 10.12.020 (PROHIBITED PARKING OR STANDING), PARAGRAPH E AND AMENDING SECTION 10.12.040 (PROHIBITED STORAGE ON CITY PROPERTY, CITY STREETS, OR CITY RIGHTS-OF-WAY), PARAGRAPH D (EXCEPTIONS), TO RECOGNIZE PERMIT EXCEPTIONS.**

#### Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2021-25 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 amends LCMC 10.12.020 and LCMC 10.12.040 to recognize permit exceptions to overnight parking and prohibited storage offenses.

**Financial Impact:**

Revenue will be generated from sale of permits.

**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 January 10, 2022 [or]
3. Continue First Reading to January 10, 2022.

**Potential Motions:**

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

**ORDINANCE NO. 2021-25**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.12 (GENERAL REGULATIONS) SECTION 10.12.020 (PROHIBITED PARKING OR STANDING), PARAGRAPH E AND AMENDING SECTION 10.12.040 (PROHIBITED STORAGE ON CITY PROPERTY, CITY STREETS, OR CITY RIGHTS-OF-WAY), PARAGRAPH D (EXCEPTIONS), TO RECOGNIZE PERMIT EXCEPTIONS.**

Motion to approve First Reading of Ordinance 2021-25.

*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 2021-25.

**[or]**

2. Motion to set Second Reading for January 10, 2022.

**Attachments:**

FINAL 2021-25 overnight parking ra (DOCX)

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**ORDINANCE NO. 2021-25**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.12 (GENERAL REGULATIONS) SECTION 10.12.020 (PROHIBITED PARKING OR STANDING), PARAGRAPH E AND AMENDING SECTION 10.12.040 (PROHIBITED STORAGE ON CITY PROPERTY, CITY STREETS, OR CITY RIGHTS-OF-WAY), PARAGRAPH D (EXCEPTIONS), TO RECOGNIZE PERMIT EXCEPTIONS.**

*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 City of Lincoln city finds and determines that:

- (1) Lincoln City exercises control over all city streets, public rights-of-way, and city property; and
- (2) The exclusive private commercial or non-commercial use of city streets, rights-of-way, and city property is prohibited; and
- (3) The purpose of city streets and city rights of way is to facilitate transportation and commerce by residents and the traveling public; and

1 (4) Permission to use city streets and rights-of-way may be granted only through the  
2 issuance of licenses, concessions, franchises or permits.  
3

4 **WHEREAS**, Lincoln City Municipal Code Title 10 (*Vehicles and Traffic*), Chapter 10.12 (*General*  
5 *Regulations*), Section 10.12.020 (*Prohibited Parking or Standing*) and 10.12.040 (*Prohibited*  
6 *Storage on City Property, City Streets, or City Rights of Way*) do not expressly except parking  
7 permits from parking and storage prohibitions; and  
8

9 **WHEREAS**, Council desires to expressly recognize city issued permits as exceptions to overnight  
10 parking and storage violations; and  
11

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

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14 **SECTION 1.** Lincoln City Municipal Code Title 10 (*Vehicles and Traffic*), Chapter 10.12 (*General*  
15 *Regulations*), Section 10.12.020 (*Prohibited Parking or Standing*), paragraph E, is hereby amended  
16 to read as follows:  
17

18 E. **Except as provided below, no** ~~No~~ person shall park a vehicle overnight on a  
19 public park, public parking lot, or any ocean shore area under the jurisdiction of  
20 the Oregon Parks and Recreation Division. **Overnight metered parking may be**  
21 **authorized on non-residentially zoned City and Urban Renewal parking lots**  
22 **when such parking is authorized by an approved parking and traffic control**  
23 **resolution. Designation of individual spaces is delegated to the City**  
24 **Manager.**  
25

26 **SECTION 2.** Lincoln City Municipal Code Title 10 (*Vehicles and Traffic*), Chapter 10.12 (*General*  
27 *Regulations*), Section 10.12.040 (*Prohibited storage on city property, city streets or city rights-of-*  
28 *way*), paragraph D (Exceptions) is hereby amended to read as follows:  
29

30 D. Exceptions – Authorized Use. It is not considered prohibited storage under this section  
31 for properly licensed and insured motor vehicles to utilize approved on-street or other  
32 public parking spaces in accordance with the posted time limitations **or a city permit** for  
33 such spaces. When no time limit is posted, **or a city permit does not provide**  
34 **otherwise**, such authorized use shall not exceed 24 hours. Notwithstanding the  
35 exceptions in this subsection (D), any motor truck as defined in ORS 801.355 is  
36 prohibited from such authorized use between the hours of 9:00 p.m. and 7:00 a.m. of the  
37 following day.  
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40 **SECTION 3. Findings Adopted.**  
41

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

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6 **SECTION 4. Severability.**

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

11  
12 **SECTION 5. Ordinance Effective Date.**

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14 Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its  
15 adoption.

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17 **SECTION 6. Codification.**

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19 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and  
20 the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word,  
21 and the sections of this Ordinance may be renumbered, or re-lettered, provided that any  
22 Whereas clauses and boilerplate provisions (i.e. Sections 3-6) need not be codified and the City  
23 Recorder is authorized to correct any cross-references and any typographical errors.

24  
25 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
26 9.2 of the City of Lincoln City Charter on the 13<sup>th</sup> day of December 2021 (First Reading) and on  
27 the 13<sup>th</sup> day of December, 2021 (Second Reading).

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29 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13<sup>th</sup> day of December,  
30 2021.

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SUSAN WAHLKE, MAYOR

ATTEST:

APPROVED AS TO FORM:

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

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RICHARD APPICELLO, CITY ATTORNEY

## Council Communication

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### Res. 2021-45 A RESOLUTION AMENDING RESOLUTION 2021-38 Traffic Control - 34th Court

Meeting Date:	December 13, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Lila Bradley
Approval:	Lila Bradley	Estimated Time:	5 minutes

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#### Question:

Should the City Council approve Resolution 2021-45 entitled:

#### RESOLUTION NO. 2021-45

#### A RESOLUTION OF THE CITY OF LINCOLN CITY AMENDING RESOLUTION 2021-38 PROVIDING FOR EXTENSION OF THE CLOSURE OF NW 34<sup>TH</sup> COURT.

#### Staff Recommendation:

Staff recommends approval of Resolution 2021-45.

#### Authority:

##### 10.08.010 Powers of the city council.

A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by this title or another ordinance.

B. The powers of the council, which may be exercised **by resolution**, include, but are not limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;
5. Designation of certain streets as bridle paths and prohibition of horses and animals on other streets, parks or property;
6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
7. Initiation of proceedings to change speed zones;

8. Establishment and revision of speed limits and traffic regulations in parks;
9. Temporary blocking or closing of streets;
10. Establishment of bicycle lanes and paths and traffic controls for such facilities;
11. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
12. Authorization of issuance of oversize or overweight vehicle permits;
13. Establishment, maintenance, removal or alteration of the following classes of traffic controls:
  - a. Crosswalks, safety zones and traffic lanes,
  - b. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when such prohibitions apply,
  - c. Parking, including but not limited to truck parking areas, parking for disabled persons, parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal), prohibited parking areas (one or both sides of the street), parking permits and metered parking,
  - d. Loading zones and stops for vehicles,
  - e. Traffic-control signals.

## Background

Several Resolutions have imposed temporary closures of NW 34<sup>th</sup> and NW 15<sup>th</sup> Street – to address dangers presented by uncontrolled beach access. Resolution 2021-38 is proposed to be amended by Resolution 2021-45 to extend the closure of NW 34<sup>th</sup> Court to April 30, 2022. Unless Council directs otherwise, the closure of NW 15<sup>th</sup> will not be reinstated at this time, but will be reviewed in April. An additional provision authorizes the Manager to close accesses during dangerous beach conditions- such as King Tides. A similar code provision permits the Police Chief to place traffic control measures for public safety – see LCMC 10.08.030.

## Council Options:

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

## Financial Impact

No financial impact except materials and crew time.

## Potential Motions:

Move to approve Resolution 2021-45.

Move to approve Resolution 2021-45, with the following amendments.

Move to reject the proposed Resolution.

**Attachments:**

Resolution 2021-45 revised(DOC)

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**RESOLUTION NO. 2021-45**

**A RESOLUTION OF THE CITY OF LINCOLN CITY AMENDING RESOLUTION 2021-38 PROVIDING FOR EXTENSION OF THE STREET CLOSURE OF A PORTION OF NW 34TH COURT**

**RECITALS**

Pursuant to LCMC 10.08.010, the City Council passed Resolution 2021-31, Resolution 2021-34, 2021-37 and 2021-38 which concern an exercise of Traffic and Parking Control authority in temporarily closing portions of NW 15<sup>th</sup> Street and NW 34<sup>th</sup> Court; and

The closures effectively eliminated vehicular access to the beach in Lincoln City, excepting provisions made for ADA access and emergency vehicles; and

The 15<sup>th</sup> Street closure has already lapsed; the 34<sup>th</sup> Court closure will lapse on December 31, 2021; and

Council requested a review of the 34<sup>th</sup> Court closure prior to the end of the year to determine if an extension is warranted; and

The Council desires to amend Resolution 2021-38 to extend the duration of the closure of NW 34<sup>th</sup> Court to April 30, 2022; and

The Council would like to review the status of NW 15<sup>th</sup> (which is currently open) in April 2022; and

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

**SECTION 1. RECITALS.**

The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2. EXTENSION OF CLOSURE OF NW 34<sup>th</sup> COURT.**

The temporary closure of NW 34<sup>th</sup> Court as directed in Resolution 2021-31, Resolution 2021-34 and Resolution 2021-38 is hereby extended to April 30, 2022.

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**SECTION 3. REVIEW OF NW 15<sup>th</sup> STREET.**

The Interim City Manager is directed to track complaints regarding beach access via NW 15<sup>th</sup> Street and report to Council in April 2022. The issue of any further closure of NW 15<sup>th</sup> will be addressed at that time.

**SECTION 4. OTHER CLOSURES DURING DANGEROUS CONDITIONS - KING TIDES.**

Without further order of the Council, the City Manager is hereby authorized to order the closure of NW 15<sup>th</sup> and NW 34<sup>th</sup> Court, or any other city street or city beach access during dangerous beach conditions such as, but not limited to, the occurrence of "King Tides." This provision does not limit or replace the code authority of the Police Chief to install temporary traffic control devices pursuant to LCMC 10.08.030 (Public Danger).

**SECTION 5. PENALTY.** Failure to observe the closure of NW 34<sup>th</sup> Court or any other closure by this or any other Council Traffic Control Resolution is a Class B violation and may be cited under Lincoln City Municipal Code Chapter 1.16.

**SECTION 6. EFFECTIVE DATE.** This Resolution is effective as of the date of its adoption.

**PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this 13<sup>th</sup> day of December, 2021.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_

1 RICHARD APPICELLO, CITY ATTORNEY

## Council Communication

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### Resolution 2021-46 Traffic and Parking Control Resolution - Overnight parking

Meeting Date:	December 13, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Lila Bradley
Approval:	Lila Bradley	Estimated Time:	

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#### Question:

Does the Council wish to approve Resolution 2021-46 authorizing the City manager to designate overnight metered parking and overnight resting spaces in certain City and URA parking lots?

#### Background:

For background please review the December 14, 2020 Council Communication item M.2.

The following motions passed on December 14, 2020:

*Motion to direct staff to create overnight metered parking spaces in city parking lots and prepare appropriate traffic control / parking resolutions?*

*Motion to direct staff to create a limited number of overnight camping spaces, with restrictions, in city parking lots and prepare appropriate traffic control resolutions?*

#### Portions of the prior Council communications are set forth below:

Allowing some overnight parking in City parking lots may alleviate some pressure on neighborhoods. Parking in a legal parking space on the street is free; staff recommends metered overnight parking be permitted in city parking lots, in designated parking spaces only. Council could choose not to require payment for such designated overnight spaces.

Allowing some overnight in-vehicle camping /resting in a limited number of designated parking spaces in City lots may help protect the city's camping ordinance from challenge. Overnight (2:30 am– 5:00 am) in vehicle camping /resting is not permitted in city rights-of-way, streets, parks or lots. If this law is overturned - overnight camping would occur throughout the city. A limited number of spaces, scattered around various city lots, should help avoid legal challenges by providing a legal place to persons to rest during overnight hours. Distribution around town (combined with time limits – e.g. overnight user must vacate by 9 am] should help avoid impromptu encampments.

\* \* \*

### **Overnight Use of Public Lots**

Council was not adverse to considering language for a revocable permit or license to authorize some overnight use of public parking lots. *[Also in June, staff related that a prior Councilor had suggested use of City park lots for VRD overflow (for a fee) thereby getting such vehicles out of neighborhoods].* Overnight parking is parking between 2:30 a.m. and 5:00 a.m. Currently overnight parking in a city lot, including beach accesses is prohibited. **By contrast, overnight parking on a city street is not.**

This issue was initially raised by owners of units who stated they did not have on-site parking. How that came to be is unclear, but unimportant. Residential units in cities often do not have on-site parking. Residents have to “circle the block” so to speak, to find an available on-street parking space. Some residents store their vehicles in a for-profit parking garage or lot, others rely on on-street parking. In Lincoln City, such on-street parking spaces are currently free; Council certainly does have the legal authority to meter spaces in desirable locations. So while it may be more convenient (closer to their units) for some residents to park in a city lot or beach access – it is by no means a requirement that the City provide free parking to such unit owners. (There is no land use based vested right to use public property for private use).

Accordingly, the first option here is - do not authorize such use of city parking lots in this way. The second option would be to authorize the manager to issue overnight 2:30-5:00 a.m. permitted placards for a set annual fee. The fee would likely be based on the yearly square footage fee used for encroachments – which is high. Such a placard program is more complicated, and would be best based only on a high fee. Other criteria for issuance of such a parking placard may invite criticism and legal challenge. [If this option is sought staff will attempt to come up with nondiscriminatory criteria for issuance of such placards]. *Another possible solution for these owners might be to*

*request a vacation of a portion of the right-of-way for development of their own private parking.] In lieu of the placard permit / license staff would recommend creating specifically designated metered “overnight parking permitted” spaces in all city lots. The draft code amendment above authorizing parking permits and metering (although metering was already authorized), is proposed for your consideration.*

The recommended alternative would be to install a limited number of clearly marked “metered” overnight parking spaces in certain city lots. These spaces would be available to anyone. Meters would be the credit card swipe variety that issue a sticker to be placed in the window for parking in specifically designated marked overnight parking spaces. VRD overflow could be directed to these pay parking spaces. The City storage ordinance (prohibiting storage of personal property or vehicles on city property or right-of-ways would still apply – that is you cannot use the space for more than 24 hours.

Alternatively, you could designate a few spaces in city lots “Overnight Parking 2:30 a.m. – 5:00 a.m. authorized” and not meter the spaces. The spaces would be available to anyone. Staff is not recommending this, as overnight parking is permitted, for free, in legal parking spaces in the city right-of-way.

If this option is pursued, a fee/meter rate will be brought forward in a Resolution before the effective date of the ordinance and such fee/rate structure would be somewhat consistent with square footage based encroachment permits for use of public right of way.

### **Threshold VRD Issue:**

Based on comments at the November 9, 2020 City Council meeting, clearly some councilors are interested in amending the land use or license codes regarding VRDs to require VRD businesses in residential areas to park all vehicles associated with the VRD use on the VRD property. Currently the law requires the VRD to have one on-site parking space for each bedroom in the VRD. Prior City Councils have discussed this issue as part of the City’s land use standards, and the current law reflects the decision to base parking on the number of bedrooms, not the expected number of vehicles anticipated to visit the rental during the rental term. For example, if five families rent a large VRD, five parking spaces on-site should be adequate to accommodate the vehicles used by the renters. If a relative from Newport drives up for the day to visit with the five families, they would park in an available legal parking space. There is no special rule prohibiting VRD use of a legal on-street parking space.

The problem may be that in Roads End, many VRDs are nonconforming in relation to City of Lincoln City land use parking requirements. That is, the VRD use was legally established under County regulations that did not require the on-site parking the City code requires. While license ordinance requirements concerning health and safety standards, (e.g numeric occupancy limits) are not protected by nonconformity issues, on-site parking is land use, and enjoys nonconforming status.

In an August 2020 memo to the City Manager, Richard Townsend explained the issue as follows:

***Issue 2: Parking.*** *Parking is one of the areas that receives the most complaints. Typically these complaints center on an excessive number of vehicles at a VRD and on VRD renters or their guests using on-street parking. The ordinance sets out a requirement for VRDs to have a certain number of off-street parking spaces and limits the number of vehicles that may be parked on the property to the number of designated off-street parking spaces. It is silent regarding the use of on-street parking by VRD occupants or their guests. It also is silent on whether the residents' or guests' violations of on-street parking rules set out in LCMC Title 10 amount to VRD violations.*

*Additionally, almost all Roads End VRDs were approved under the county's rules, which did not have parking standards. This means in Roads End things like excessive parking are not VRD violations. We have informed people of this over and over, but we still get numerous complaints about VRD parking in Roads End, often repeatedly from the same people.*

*Complicating the parking issue is that it is difficult or impossible to link cars that may be parked in violation of LCMC Title 10, or, if made applicable, VRD parking rules, to a specific VRD. The fact that a car is parked in front of or near a VRD does not amount to proof that the cars come from that VRD. There also is the philosophical issue of whether a VRD owner should be cited for a parking violation by their renters or their renters' guests.*

*Some things we can do about parking issues include the following:*

- 1. Increase public education efforts regarding parking issues in Roads End;*
- 2. Clarify the parking provisions in LCMC 17.80.050 to specify whether VRD renters or guests are allowed to use on-street parking;*

3. *Clarify the parking provisions in LCMC 17.80.050 to specify whether VRD residents' or guests' parking illegally on the street amount to VRD violations or just LCMC Title 10 violations.*
4. *Once these clarifications are undertaken, we will need to establish a clear procedure for how parking violations are handled between the Police Department and the Planning Department.*
5. *Decide whether to establish one or more residential parking permit programs, and if established, clearly post the streets with signs at frequent intervals and educate VRD owners and managers of the rules.*
6. *Clearly mark areas of legal or prohibited parking in highly concentrated VRD areas, or other areas where parking is a consistent problem.*

There is no special prohibition on use of public on-street parking spaces which is applicable only to persons renting or visiting a vacation rental. While residents may be annoyed by persons parking in the right-of-way in front of their homes, if such parking spaces are legal parking spaces, such use is legal and we do not discriminate based on who uses such spaces. Such on-street spaces are subject to the ordinance prohibiting use of the right-of-way for storage of personal property, vehicles, campers, trailers and the like. Residents and visitors alike who exceed 24 hours of use of on-street parking are subject to citation. Residents who move their cars to the street to prevent others from parking in front of their house may be risking citation. Similarly, residents who erect signs in city right-of-way (regardless of content but including signs which purport to prohibit parking) also risk citation.

The suggested delineation and marking of spaces, particularly in congested areas like Roads End, in conjunction with posting appropriate prohibitions on parking on one or both sides of the street, where right-of-way is inadequate – from an engineering perspective – should go a long way toward reducing conflict caused by inadequate parking land use standards used by the County in Roads End. The City can also develop off-street city lots for parking and other on-street parking where road/shoulder base is inadequate but can be improved. In addition, metered overnight spaces in city lots can be used by VRD overflow when legal parking is inadequate.

In sum, staff requests that the Council by motion, make a decision on this issue. Either direct staff to explore a code amendment to limit on-street parking for VRDs (which will require extensive work and outreach to VRD owners -owing to the Roads End nonconformities issues) or reject the often-repeated misstatement that VRD renters and visitors are not permitted to park in legal on-street parking spaces and further direct staff to add language to the Code to clarify this issue as suggested by Mr. Townsend.

### **Overnight Camping.**

The City prohibits overnight camping (between 2:30 a.m. and 5:00 a.m.) in city right-of-way, as well as city lots and parks. There are exceptions to the prohibition, including emergency resolutions, traffic and emergency orders. Earlier this year, at the outset of the COVID crisis, an emergency order was issued and later ratified and supplemented, permitting the designation of several individual parking spaces in the Taft parking lot for overnight in-vehicle use – that is, a legal place for someone to rest in their vehicle between 2:30 and 5:00 am.

The Order provided relief over the summer to those in need of a place to rest. Unfortunately, persons with large and expensive recreational vehicles in search of free storage and some in search of free recreational camping opportunities have overtaken the lot and the authorized spaces - parking in unauthorized spaces and even across several authorized spaces, converting the safety valve for those in need to a free, albeit illegal, camping spot. The governor's recent COVID freeze orders impacts this excessive and improper use of the lot and the manager has decided to order the lot closed to comply with the governor's order.

Council may want to consider whether or not a space or two in several of the City's parking lots (or even in designated rights-of-way) should be marked for such "rest in vehicle" use. One or two spaces marked "2:30 am-5:00 am in-vehicle use authorized" in several lots spread across the city (as opposed to a dozen in one lot) should provide relief for those in need of a place to rest but avoid the COVID risk and nuisance of an illegal campground.

#### **Attachments:**

Resolution 2021-46 ra12-7-21 (DOC)  
 RESOLUTION 2021 attachment (DOCX)  
 SysPark Pay Parking Stations (PDF)

**RESOLUTION NO. 2021-46**

**A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING THE CITY MANAGER TO DESIGNATE A LIMITED NUMBER OF METERED OVERNIGHT PARKING SPACES AND OVERNIGHT CAMPING / RESTING SPACES IN SOME CITY AND URBAN RENEWAL PARKING LOTS**

**RECITALS**

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic Control and Parking Control authority by Resolution of the Council; and

The establishment of parking limitations is expressly listed as within the authority of the City Council; and

In December 2020 Council passed a series of motions concerning traffic control studies and actions; one of those motions concerned overnight parking, another concerned overnight camping; and

For purposes of parking and camping, the term "overnight" is defined as between 2:30 a.m. and 5:00 a.m. Currently overnight parking is permitted in legal parking spaces of sufficient length and width located in the City street right-of-way, subject only to posted time limits and the 24 hour (Prohibited Storage) limit in LCMC 10.12.040; and

Overnight parking is prohibited in all city parks and city and urban renewal owned parking lots, and on any ocean shore; beach access lots have additional time limitations. LCMC 10.12.020. D. and 10.12.020.E. provide:

*D. No person shall park a vehicle on a city beach access between the hours of 10:00 p.m. and 6:00 a.m.*

*E. No person shall park a vehicle overnight on a public park, public parking lot, or any ocean shore area under the jurisdiction of the Oregon Parks and Recreation Division.*

The development of the city has not always required on-site parking such that there are some areas of the city where residents or their guests do not have available overnight off-street parking.

In such areas, residents must resort to on-street parking; a limited number of first come, first serve "metered" parking spaces, located in City and URA parking lots can relieve on-street parking congestion and provide an alternative to illegal parking; and

Similarly, overnight camping or resting (in your vehicle) is prohibited in City and URA parking lots, parks and in city street right-of-way; and

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Given court cases, to provide additional legal places for persons to rest, Council recently amended the overnight camping prohibition to expand the permitted camping exception to include in-vehicle camping / resting on lots owned by not-for profit entities under certain specified conditions (expanding the previous allowance under state law which was restricted to religious institutions). (See LCMC 9.08.055)

As an additional option, Council would like to designate certain public parking spaces for emergency in-vehicle overnight camping / resting, subject to conditions, including but not limited to time limitations and a permit requirement; and

The City Council finds and determines that there is a public benefit to establishment of parking controls (metered overnight parking) to alleviate street parking congestion and (limited overnight camping / resting) in certain public parking locations owned or controlled by the City and Urban Renewal Agency.

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

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

**SECTION 2. IMPOSING TRAFFIC AND PARKING CONTROL – OVERNIGHT PARKING.**

A. Effective upon posting of required signage, described below, "Overnight Parking with a Permit" spaces are hereby authorized and approved in the city and URA owned or controlled lots listed on Attachment 1. The Manager, after consultation with the City Engineer, shall be solely responsible for designation of spaces, not to exceed two spaces per lot.

1. The lot shall be signed:

**No Overnight Parking  
Except in authorized spaces  
with a valid 48 hour permit.  
Class C Violation.**

**Any parking use of this lot  
for more than 24 hours, without a  
permit, is Prohibited Storage.  
Class B Violation.**

2. The Overnight Space shall be signed or marked:

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**This space designated  
for Overnight Parking.  
A valid 48 hour permit  
must be displayed.**

- 3. Overnight Permits may be obtained through an authorized City vending machine or from the City Hall Finance Department upon payment of the appropriate permit fee [Initially the fee for a permit issued by the Finance Department for one 48 hour period shall be \$50.00]. Possession of a permit does not assign or reserve an overnight space – all designated overnight spaces are available to permit holders on a first- come first- serve basis. Permits must be clearly displayed.
- 4. Overnight Parking is a Class C violation, not an overtime parking violation. Overnight Parking in a designated overnight space without a permit, is a Class B violation. Exceeding the permit time (over 48 hours) is Prohibited Storage, a Class B violation. Moving to another public parking space in the City does not avoid the storage violation. Overnight Parking is at the vehicle owner’s own risk; the City does not provide security for vehicles parked overnight in city or urban renewal lots.
- 5. The City Manager is hereby directed to cause appropriate signage for the designated metered spaces to be installed and further to install meters or permit issuance machines or alternatively implement an annual permit process. The Manager may use alternate wording on the signage.

**SECTION 3. IMPOSING TRAFFIC AND PARKING CONTROL – OVERNIGHT RESTING / IN-VEHICLE CAMPING.**

- B. Effective upon posting of required signage, described below, “Overnight Camping / Resting with Permit” spaces are hereby authorized and approved in the City and URA owned or controlled lots listed on Attachment 1. The Manager, after consultation with the City Engineer, shall be solely responsible for designation of spaces, not to exceed one space per lot.
- 1. The Lot shall be signed:

**No Overnight Camping / Resting in vehicle  
Except in authorized space  
with a valid permit.**

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**Any use of this lot  
for more than 24 hours  
is Prohibited Storage.  
Class B Violation.**

2. The overnight Space shall be signed or marked:

**THIS SPACE ONLY Designated for  
Emergency Overnight [2:30 am -5:00 am]  
Resting In-Vehicle with a  
Permit from the Police Department.  
Vacate space by 9:00 A.M.**

**Any use of this lot  
for more than 24 hours  
is Prohibited Storage.  
Class B Violation.**

**Contact Police Department  
for Permit 541-994-3636.**

3. LCMC 9.08.055.A.3 expressly authorizes overnight camping in-vehicle resting if set forth in an approved traffic & parking control resolution. Overnight Camping / Resting in a designated overnight space without a permit, is a Class C violation. Failure to vacate an Overnight Camping / Resting space by 9:00 a.m. after permitted overnight use is a Class B violation.

4. The City Manager is hereby directed to cause appropriate signage for the designated spaces to be installed and further to implement a permit process at the appropriate city department. The Manager may use alternate wording on the signage.

**SECTION 4. THIS RESOLUTION DOES NOT AUTHORIZE OVERNIGHT PARKING OR CAMPING IN BEACH ACCESS LOTS OR ON THE OCEAN SHORE.**

**SECTION 5. EFFECTIVE DATE.** This Resolution is effective as of the date of its adoption.

**PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this 13<sup>th</sup> day of December 2021.

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SUSAN WAHLKE, COUNCIL PRESIDENT

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD APPICELLO, CITY ATTORNEY

RESOLUTION 2021-46 ATTACHMENT 1.

LIST OF LOTS ELIGIBLE FOR OVERNIGHT PARKING AND OVERNIGHT RESTING

**OVERNIGHT PARKING**

NE 15<sup>th</sup> Street  
NW 15<sup>th</sup> and 16<sup>th</sup> Street  
NW 17<sup>th</sup> Street  
SE 3<sup>rd</sup> Street  
SE Inlet Avenue  
SW 29<sup>th</sup> Street @ 101  
SW 50<sup>th</sup> and 51<sup>st</sup> Street  
SW 50<sup>th</sup> Street

**OVERNIGHT IN-VEHICLE RESTING / CAMPING**

NE 15<sup>th</sup> Street  
NW 15<sup>th</sup> and 16<sup>th</sup> Street  
NW 17<sup>th</sup> Street  
SE 3<sup>rd</sup> Street  
SE Inlet Avenue  
SW 29<sup>th</sup> Street @ 101  
SW 50<sup>th</sup> and 51<sup>st</sup> Street  
SW 50<sup>th</sup> Street

Call Us: (855) 290-4631 | Mon-Fri - 8:30am - 7pm EST



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## SysParc Pay Parking Station (Model PS-2020) | SYS-PS2020

**SYSPARC** SKU: SYS-PS2020



From Price: **\$17,952.00**

[Request Quote](#)

- ✓ Pickup available at 6929 NW 52nd Street  
Usually ready in 24 hours
- [View store information](#)

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### Model XP2020N Express Exit Pay Station | SYS-XP2020NEW

**SYSPARC** SKU: SYS-XP2020NEW



From Price: **\$10,500.00**

[Request Quote](#)

- ✓ Pickup available at 6929 NW 52nd Street  
Usually ready in 24 hours  
[View store information](#)

Share this product



The SysParc Model XP-2020N Express Exit Pay Station is a revenue control device that provides for rapid and accurate collection of the parking fee due upon exit from the parking facility. The parking fee is satisfied through the use of the parking patron's credit card, and is accomplished without the need for an attendant or cashier.

Call Us: (855) 290-4631 | Mon-Fri - 8:30am - 7pm EST

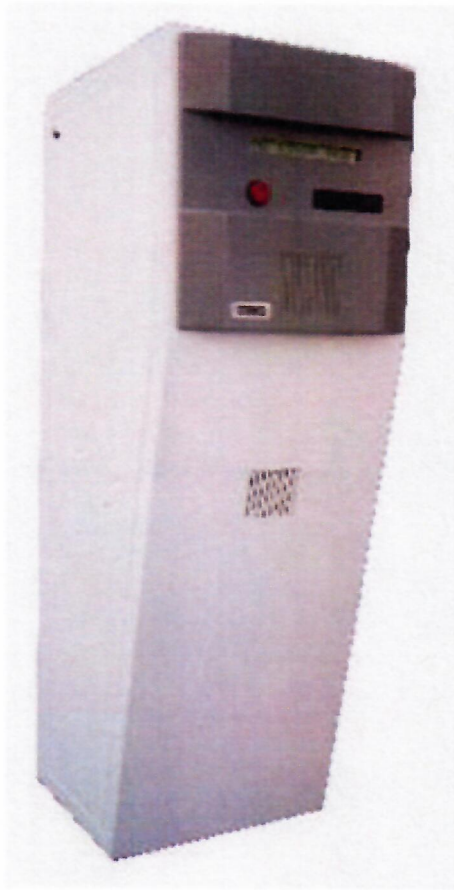
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## Council Communication

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### Planning Commission Interview-Smith

Meeting Date:	December 13, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	10 minutes

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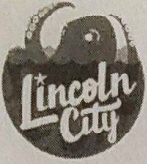
MacNeale Smith has applied for re-appointment to the City Resident position. This position is a 4-year term; The City Resident position is a new term beginning 1/1/22 and expiring 12/31/25, that will be left vacant by the term ending of Mr. Smith.

Mr. Smith's application is attached. Also attached, please find the questions that have been used in past Planning Commission interviews with the City Council. A copy of these questions have been sent to the candidate.

There are two other applications for the Planning Commission; Mr. Johnson was interviewed at the meeting held on September 13, 2021 and Mr. Petersen was interviewed at the October 25, 2021 meeting.

#### Attachments:

Smith, Mac\_ Planning Commission Application\_Redacted.pdf (PDF)  
 Committee applicant-MacNeale Smith ref 1 - Laura Joki completed.pdf (PDF)  
 Committee applicant-MacNeale Smith ref 2 completed.pdf (PDF)  
 MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-MacNeale Smith-Planning.pdf (PDF)  
 QUESTIONS FOR PLANNING COMMISSION APPLICANTS.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"/> Parks and Recreation Board     |
| <input type="checkbox"/> *Budget Committee                  | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Library Board                  |

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

<b>NAME:</b>	MacNeale Smith	<b>DATE:</b>	11/2/2021
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	Same as home address		
<b>CITY, STATE, ZIP:</b>			
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	[REDACTED]	<b>CELL PHONE:</b>	Same as home

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time 7 years

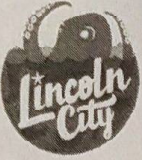
Do you reside within the Urban Growth Boundary?  Yes Length of Time 7 years

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? Rock Your World Gems, LLC



**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 am a current serving member of the Lincoln City Planning Commission and wish to continue serving the community in this capacity

List names of volunteer/work supervisors:

Anne Marie Skinner, Current planning director; Simon Kim and Richard Townsend, former plan

Please provide any previous experience with committees, boards or commissions and positions held:  
Currently serving a partial term on the Planning Commission due to expire December 2021

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

N/A

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

I would like to continue serving the community in the capacity of Planning Commissioner

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

Name: Laura Joki

Phone [REDACTED]

Name: Claire Hall

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]

11/2/2021

**SIGNATURE**

**DATE**



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

### COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

<b>FULL NAME:</b>	MacNeale Smith
<b>START DATE:</b>	
<b>NAME OF COMMITTEE, BOARD, OR COMMISSION:</b>	Planning Commission
<b>CITY STAFF REPRESENTATIVE:</b>	
<b>HOME ADDRESS:</b>	
	[REDACTED]
	Lincoln City, OR 97367
<b>MAILING ADDRESS:</b>	
<b>HOME PHONE:</b>	
<b>CELL PHONE:</b>	
<b>PERSONAL E-MAIL ADDRESS:</b>	

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

<b>DATE:</b>	
<b>VOLUNTEER SIGNATURE:</b>	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



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

**PLEASE READ CAREFULLY BEFORE SIGNING!**

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

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

[Redacted Signature]

SIGNATURE

11/2/2021

DATE



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** MacNeale Smith (**Planning Commission Committee Board**)

**Reference:** Laura Joki

**Reference taken by; date / time:** November 8, 2021

- What is your professional relationship with the applicant? Join Owner and CoManager of Rock Your World Gems. He is also my personal and professional bookkeeper and I hold other assets with him.
- How long have you known him/her?  
2013
- How long have you worked / served with him/her? 2015
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? I asked him to leave his job at the VA specifically to relocate and work with me
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our City Council be a good match based on your knowledge of the applicant? Would you recommend him/her for the Planning Commission? Yes, he has been an excellent, reasonable and timely member of the planning commission previously.
- Does the applicant possess good decision making / reasoning skills? Yes, critical with an eye for the big picture
- Does the applicant have good communication / interpersonal skills? Yes
- Is he/she responsible and reliable? Yes
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills? Ability to research and reason. Keep and manipulate numbers. Get along with others.



## Human Resources

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- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? Still here
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Planning Commission? I think the most trouble on the planning commission has been its tumultuous leadership from the city, lack of meetings for too long and an inability to commit to the community vision we paid so much for with the Citywide Vision Development project which has yet to be implemented into the long term city plan. Your members are impotent without a functioning system of government. Get it together. Pass the comp plan already and tie it to the budget! Otherwise your planning commission just farts in tin cans every 2 weeks.
- Do you have any other feedback you could provide that would help us make a decision? Mac is excellent and has shown his excellence as a standing member of the commission. This is a simple decision.



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** MacNeale Smith (**Planning Commission Committee Board**)

**Reference:** Claire Hall

**Reference taken by; date / time:** November 8, 2021

- What is your professional relationship with the applicant? Formerly my campaign treasurer
- How long have you known him/her? Approximately three years
- How long have you worked / served with him/her? Approximately two years
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? Yes, I hired him, and would hire him again
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our City Council be a good match based on your knowledge of the applicant? Would you recommend him/her for the Planning Commission?
  - Does the applicant possess good decision making / reasoning skills? Yes
  - Does the applicant have good communication / interpersonal skills? yes
  - Is he/she responsible and reliable? yes
  - What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills? Systems thinker, able to assess a situation from multiple aspects
  - If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? Campaign ended
  - Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Planning Commission? None to suggest
  - Do you have any other feedback you could provide that would help us make a decision? He's a personable, easy to get along with person.



## MEMORANDUM

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**To:** City of Lincoln City Mayor and Council  
**From:** Abigail Edwards, Human Resources Director  
**Date:** November 10, 2021  
**Re:** Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

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

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

Name: MacNeale Smith  
Position Applied For: Planning Committee Board

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

Respectfully,

Abigail Edwards  
HR Director

## QUESTIONS FOR PLANNING COMMISSION APPLICANTS

1. Why do you want to serve on the Planning Commission?
2. What are the top 3 planning issues facing Lincoln City?
3. What should the role of the public be in planning decisions?
4. How should the planning commission balance individual owners' interests with community interests?
5. What should be the role of the planning commission in creating a look or image for the city?
6. How should the city balance housing affordability with regulations?
7. What is the role of the planning commission when a person has a really good idea, but the city's regulations prohibit it? Or, a really bad idea and the regulations allow it?

## Council Communication

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### Planning Commission Interview-Folz

Meeting Date:	December 13, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	10 minutes

---

Adam Folz has applied for an appointment for the City Resident position. This position is a 4-year term; The City Resident position is a new term beginning 1/1/22 and expiring 12/31/25, that will be left vacant by the term ending of Mr. Smith.

Mr. Folz's application is attached. Also attached, please find the questions that have been used in past Planning Commission interviews with the City Council. A copy of these questions has been sent to the candidate.

There are three other applications for the Planning Commission; Mr. Johnson was interviewed at the meeting held on September 13, 2021. Mr. Petersen was interviewed at the October 25, 2021 meeting. Mr. Smith, who is being interviewed this evening.

#### **Attachments:**

Folz, Adam Application\_Redacted.pdf (PDF)  
 MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-Adam Folz Planning-Budget.pdf (PDF)  
 Committee applicant-Adam Folz ref 1-completed.pdf (PDF)  
 Committee applicant-Adam Folz ref 2 completed.pdf (PDF)  
 QUESTIONS FOR PLANNING COMMISSION APPLICANTS.pdf (PDF)

# CITY OF LINCOLN CITY Committee / Board / Commission Application

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

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

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

<b>NAME:</b>	Adam Folz	<b>DATE:</b>	11/17/2021
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	[REDACTED]		
<b>CITY, STATE, ZIP:</b>	Lincoln City, OR 97367		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	NA	<b>CELL PHONE:</b>	[REDACTED]

### RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits:  Yes Length of Time \_\_\_ 4 months \_\_\_\_\_

Do you reside within the Urban Growth Boundary?  Yes Length of Time \_\_\_ 4 months \_\_\_\_\_

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? \_\_\_\_\_

Revised 20210527



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

I served as a volunteer in the U.S. Peace Corps from 2009-2011. I was stationed in Belize where I worked as a business development officer and environmental liaison for rural communities around the country all while partnered with the Belize Audubon Society. The majority of my work focused on grant research and educating villages on the importance of sustainable farming practices. For the last 6 years I have worked in commercial real estate finance helping property owners acquire, refinance and develop commercial real estate nationwide. I also have a degree from Cal Poly-San Luis Obispo in Agricultural Business Management and served on the board of directors of the Alumni Association's Los Angeles Chapter.

List names of volunteer/work supervisors:

Nina Hernandez- U.S. Peace Corps Country Director, Belize

Valentino Shal- U.S. Peace Corps Program Director, Belize

Amanda Burgos-Acosta- Belize Audubon Society, Director

Ben Dunbar- Cal Poly Alumni Association Los Angeles Chapter, President

Lizka Mendoza- Westwood Recreation Center, Senior Recreation Director

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

I served on the board of the Cal Poly Alumni Association's Los Angeles Chapter for two years. I also served as the Chairman of the Board of the Westwood Dog Park Committee which was the driving force behind the development of a dog park in Veterans Park in West, Los Angeles. As Chairman I had to conduct regular public meetings following Robert's Rules of Order as well as coordinate efforts with multiple volunteer organizations and the Los Angeles Department of Recreation and Parks.

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

NA

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

I have always tried to be active and give back in the communities where I've lived and volunteering in city government seems like an exciting and challenging opportunity. My Father worked as a City Manager his entire life and the mechanics of local government have always intrigued me.

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

Name: Michael Kaplan (President of Slatt Capital) [Redacted]

Phone: [Redacted]

Name: Rod Wood (Father) [Redacted]

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] 11/17/2021

SIGNATURE 20210527  
DATE

2 of 2 – Application Revised



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

**COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM**

<b>FULL NAME:</b>	Adam Folz
<b>START DATE:</b>	11/17/2021
<b>NAME OF COMMITTEE, BOARD, OR COMMISSION:</b>	Planning Commission or Budget Committee
<b>CITY STAFF REPRESENTATIVE:</b>	
<b>HOME ADDRESS:</b>	[REDACTED]
	Lincoln City, OR 97367
<b>MAILING ADDRESS:</b>	Same as above
<b>HOME PHONE:</b>	
<b>CELL PHONE:</b>	[REDACTED]
<b>PERSONAL E-MAIL ADDRESS:</b>	[REDACTED]

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

<b>DATE:</b>	11/17/2021
<b>VOLUNTEER SIGNATURE:</b>	[REDACTED]

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





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

**PLEASE READ CAREFULLY BEFORE SIGNING!**

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

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

[REDACTED SIGNATURE]

\_\_\_\_\_  
SIGNATURE DATE



## MEMORANDUM

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**To:** City of Lincoln City Mayor and Council  
**From:** Abigail Edwards, Human Resources Director  
**Date:** November 24, 2021  
**Re:** Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

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

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

Name: Adam Folz  
Position Applied For: Budget and Planning Committee Board

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

Respectfully,

Abigail Edwards  
HR Director



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** Adam Folz (**Budget, Planning Committee Board**)

**Reference:** Michael Kaplan

**Reference taken by; date / time:** November 19, 2021

- What is your professional relationship with the applicant?  
**Adam is a mortgage banker working for my company Slatt Capital.**
- How long have you known him/her?  
**Adam has been a member of our firm since 2015, but I had previously known him before he joined our firm through mutual friends.**
- How long have you worked / served with him/her?  
**Since 2015**
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? **I personally hired him for the position.**
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Budget & Planning Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Budget Committee?  
**Previous Board position was with CalPoly Alumni Association Los Angeles Chapter and was previously the chairman for Westwood Dog Park Committee in West Los Angeles.**
- Does the applicant possess good decision making / reasoning skills?  
**Yes.**
- Does the applicant have good communication / interpersonal skills?  
**Yes.**
- Is he/she responsible and reliable?  
**Yes.**
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?  
**Adam is extremely punctual, engaging, and selfless. He has been a great member of our firm and has shown to be a team player. He is organized and a forward thinker.**
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? **Not applicable.**
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget & Planning



## Human Resources

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Committee? **Adam is a solid communicator and writer. I do not have any suggestions on what would need to be provided to Adam to perform his duties. I think as long as you communicate clearly what the goals of the committee are, he will perform well.**

- Do you have any other feedback you could provide that would help us make a decision?  
**Adam is part of our young leadership group at Slatt Capital. Ownership relies heavily on this group for ways to improve our firm from a technological, social and financial perspective.**



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** Adam Folz (**Budget, Planning Committee Board**)

**Reference:** Rod Wood

**Reference taken by; date / time:** November 19, 2021

- What is your professional relationship with the applicant?

*I am a retired city manager who spent ten years as a city planner and 30 years in city management. I continue to provide consulting to public agencies. In full disclosure I am his stepfather and have been since he was one years old. I have offered Adam both life and professional counsel. I use the word counsel because we most frequently I cased him more then directed him. He is very effective at reasoning through issues when presented with the facts and valid experience-based advice. He is a person you don't have to direct; you need to simply explain the facts and circumstances and he gets it.*

How long have you known him/her?

*40 years*

- How long have you worked / served with him/her?

*40 years*

- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?

*While I have not hired or technically worked with Adam, I have and still do frequently seek his viewpoint on issues. Because he thoroughly understands government affairs but is not burdened by the bureaucratic perspective, he often adds an assessment that can present latent community issues. For the record, I often sought other people's views including individual elected and appointed officials to assure the end work product is as comprehensive and inclusive of all issues and presents all the facts the decision-making body needs to make fully informed*



## Human Resources

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*decisions. This is a trait I believe Adam also has developed. Said differently, that 5 people can almost always out-think one every time hence the foundation of teams.*

- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Budget & Planning Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Budget Committee?

*He has a lifetime of observing and discussing municipal matters in depth. It was something we both enjoyed doing. He frequently offered up some very good perspectives on things. I consider him an excellent candidate for the Budget Committee and a solid choice for prudent review and consideration of land use matters.*

- Does the applicant possess good decision making / reasoning skills?

*He is very intelligent and very through in reasoning through issues before forming conclusions. He makes sound judgments based on facts and the defined criteria. He is gifted at finding solutions to difficult problems and to use a cliché he can “think outside the box” to find those solutions. He was often the go to person in the Peace Corps to contribute ideas to tough problems.*

- Does the applicant have good communication / interpersonal skills?

*This is one of his truest strengths, people like and trust him.*

- Is he/she responsible and reliable?

*He is one of those people not hesitant to spend whatever time and effort is needed to get the job done. He will do his homework. He cares most about solving the problem and not recognition hence is a good team member.*

- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?

*He is a very creative problem solver and will pursue a matter until it is resolved. He is also a pragmatist in assessing the tradeoffs involved with different options to the problem.*

- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together?



## Human Resources

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*This is not applicable to this position.*

- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget & Planning Committee?

*The issues, history, and facts relevant to the issue.*

- Do you have any other feedback you could provide that would help us make a decision?

*He is grateful for all he has received and enjoys giving back to community. It was core to his decision to join the Peace Corps, serve on the Chapter Board for Calpoly Alumni and serve on the Dog Parks Committee for the City of Los Angeles. I believe any community would be pleased and fortunate to have him or anyone like him on a commission od board.*

## QUESTIONS FOR PLANNING COMMISSION APPLICANTS

1. Why do you want to serve on the Planning Commission?
2. What are the top 3 planning issues facing Lincoln City?
3. What should the role of the public be in planning decisions?
4. How should the planning commission balance individual owners' interests with community interests?
5. What should be the role of the planning commission in creating a look or image for the city?
6. How should the city balance housing affordability with regulations?
7. What is the role of the planning commission when a person has a really good idea, but the city's regulations prohibit it? Or, a really bad idea and the regulations allow it?

## Council Communication

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### Planning Commission Interview-Folino

Meeting Date:	December 13, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	10 minutes

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Leonard Folino has applied for an appointment for the City Resident position. This position is a 4-year term; The City Resident position is a new term beginning 1/1/22 and expiring 12/31/25, that will be left vacant by the term ending of Mr. Smith.

Mr. Folino's application is attached. Also attached, please find the questions that have been used in past Planning Commission interviews with the City Council. A copy of these questions has been sent to the candidate.

There are four other applications for the Planning Commission; Mr. Johnson was interviewed at the meeting held on September 13, 2021. Mr. Petersen was interviewed at the October 25, 2021 meeting. Mr. Smith and Mr. Folz who are being interviewed this evening.

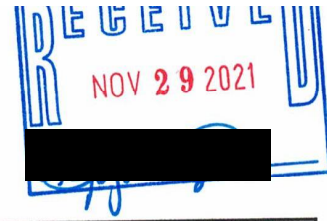
**Please Note for all interviews:** Interviews [only] are being conducted on December 13, 2021. Appointments will occur on January 10, 2022.

#### Attachments:

QUESTIONS FOR PLANNING COMMISSION APPLICANTS.pdf (PDF)  
 Folino, Leonard\_ Application Multi\_Redacted.pdf (PDF)

## QUESTIONS FOR PLANNING COMMISSION APPLICANTS

1. Why do you want to serve on the Planning Commission?
2. What are the top 3 planning issues facing Lincoln City?
3. What should the role of the public be in planning decisions?
4. How should the planning commission balance individual owners' interests with community interests?
5. What should be the role of the planning commission in creating a look or image for the city?
6. How should the city balance housing affordability with regulations?
7. What is the role of the planning commission when a person has a really good idea, but the city's regulations prohibit it? Or, a really bad idea and the regulations allow it?



**CITY OF LINCOLN CITY  
Committee / Board / Commission Application**

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

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

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

<b>NAME:</b>	Leonard Leo Folino	<b>DATE:</b>	11/25/2021
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	Same as above		
<b>CITY, STATE, ZIP:</b>	Lincoln City OR. 97367-[REDACTED]		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	None	<b>CELL PHONE:</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time 14 months

Do you reside within the Urban Growth Boundary?  Yes Length of Time 14 months

Do you reside within the Lincoln County School District North:  Yes  No

Are you a registered voter in Lincoln County?  Yes  No

Are you a Lincoln City business owner or Manager?  Yes  No

If yes, please indicate which business you own/manage? \_\_\_\_\_



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

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

Volunteer Firefighter / EMT King County Fire District 40  
Washington State Fire Training Operations Support Instructor  
Black Diamond Community Center / Food Bank and Historical Society Black Diamond WA

List names of volunteer/work supervisors:

Damina Harper [redacted]  
Patrica Bauccio [redacted]  
Keith Watson [redacted]

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

Washington State Governor's Committee on Disability Issues and Employment  
Washington State Governor's Committee on Disability Issues Outreach Subcommittee  
National Membership Committee OSDIA

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

None

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

I enjoy giving back to the community sometimes you can accomplish more and have a greater impact and positive outcome being appointed to a position than if you are an elected official.  
I have a lot of available time so why not do something positive with it.

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

Name: Cheryl Hanson [redacted] Phone: [redacted]

Name: Tony Anderson [redacted] 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** 11/25/2021  
**DATE**



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

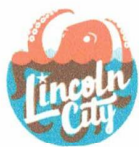
**COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM**

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

<b>EMERGENCY CONTACT NAME/RELATIONSHIP:</b>	[REDACTED]
<b>HOME PHONE:</b>	None
<b>CELL PHONE:</b>	[REDACTED]

<b>DATE:</b>	11/25/2021
<b>VOLUNTEER SIGNATURE:</b>	[REDACTED]

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



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

**PLEASE READ CAREFULLY BEFORE SIGNING!**

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

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

[Redacted Signature]

**SIGNATURE**

11/25/2021

**DATE**

## Council Communication

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### Interview for Budget Committee- Folz

Meeting Date:	December 13, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	15 Minutes

---

Appointments to the City Budget Committee are made after the applicants are interviewed by the full City Council. There is three candidates 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 two City Resident full term expiring 12/31/2024. Mr. Michelson was previously interviewed on 10/25/2021; Mr. Folz and Mr. Smith will be interviewed this evening.

#### Attachments:

Budget committee questions.pdf (PDF)

Committee applicant-Adam Folz ref 1-completed.pdf (PDF)

Committee applicant-Adam Folz ref 2 completed.pdf (PDF)

Folz, Adam Application\_Redacted.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-Adam Folz Planning-Budget.pdf (PDF)

**BUDGET COMMITTEE APPLICANT QUESTIONS**

- 1) Tell us about yourself and why you are interested in serving on the budget committee.
- 2) If you could eliminate one Lincoln City service, what would it be?
- 3) How can Lincoln City better engage the public in the budget process?
- 4) When one reads the budget, what should it tell them?
- 5) How do you know if the City is spending too much or too little on a City service?
- 6) What are the biggest opportunities and challenges facing Lincoln City?
- 7) How do you prioritize where the City spends its funds?



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** Adam Folz (**Budget, Planning Committee Board**)

**Reference:** Michael Kaplan

**Reference taken by; date / time:** November 19, 2021

- What is your professional relationship with the applicant?  
**Adam is a mortgage banker working for my company Slatt Capital.**
- How long have you known him/her?  
**Adam has been a member of our firm since 2015, but I had previously known him before he joined our firm through mutual friends.**
- How long have you worked / served with him/her?  
**Since 2015**
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? **I personally hired him for the position.**
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Budget & Planning Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Budget Committee?  
**Previous Board position was with CalPoly Alumni Association Los Angeles Chapter and was previously the chairman for Westwood Dog Park Committee in West Los Angeles.**
- Does the applicant possess good decision making / reasoning skills?  
**Yes.**
- Does the applicant have good communication / interpersonal skills?  
**Yes.**
- Is he/she responsible and reliable?  
**Yes.**
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?  
**Adam is extremely punctual, engaging, and selfless. He has been a great member of our firm and has shown to be a team player. He is organized and a forward thinker.**
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? **Not applicable.**
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget & Planning



## Human Resources

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Committee? **Adam is a solid communicator and writer. I do not have any suggestions on what would need to be provided to Adam to perform his duties. I think as long as you communicate clearly what the goals of the committee are, he will perform well.**

- Do you have any other feedback you could provide that would help us make a decision?  
**Adam is part of our young leadership group at Slatt Capital. Ownership relies heavily on this group for ways to improve our firm from a technological, social and financial perspective.**



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** Adam Folz (**Budget, Planning Committee Board**)

**Reference:** Rod Wood

**Reference taken by; date / time:** November 19, 2021

- What is your professional relationship with the applicant?

*I am a retired city manager who spent ten years as a city planner and 30 years in city management. I continue to provide consulting to public agencies. In full disclosure I am his stepfather and have been since he was one years old. I have offered Adam both life and professional counsel. I use the word counsel because we most frequently I cased him more then directed him. He is very effective at reasoning through issues when presented with the facts and valid experience-based advice. He is a person you don't have to direct; you need to simply explain the facts and circumstances and he gets it.*

How long have you known him/her?

*40 years*

- How long have you worked / served with him/her?

*40 years*

- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?

*While I have not hired or technically worked with Adam, I have and still do frequently seek his viewpoint on issues. Because he thoroughly understands government affairs but is not burdened by the bureaucratic perspective, he often adds an assessment that can present latent community issues. For the record, I often sought other people's views including individual elected and appointed officials to assure the end work product is as comprehensive and inclusive of all issues and presents all the facts the decision-making body needs to make fully informed*



## Human Resources

---

*decisions. This is a trait I believe Adam also has developed. Said differently, that 5 people can almost always out-think one every time hence the foundation of teams.*

- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Budget & Planning Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Budget Committee?

*He has a lifetime of observing and discussing municipal matters in depth. It was something we both enjoyed doing. He frequently offered up some very good perspectives on things. I consider him an excellent candidate for the Budget Committee and a solid choice for prudent review and consideration of land use matters.*

- Does the applicant possess good decision making / reasoning skills?

*He is very intelligent and very through in reasoning through issues before forming conclusions. He makes sound judgments based on facts and the defined criteria. He is gifted at finding solutions to difficult problems and to use a cliché he can “think outside the box” to find those solutions. He was often the go to person in the Peace Corps to contribute ideas to tough problems.*

- Does the applicant have good communication / interpersonal skills?

*This is one of his truest strengths, people like and trust him.*

- Is he/she responsible and reliable?

*He is one of those people not hesitant to spend whatever time and effort is needed to get the job done. He will do his homework. He cares most about solving the problem and not recognition hence is a good team member.*

- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?

*He is a very creative problem solver and will pursue a matter until it is resolved. He is also a pragmatist in assessing the tradeoffs involved with different options to the problem.*

- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together?



## Human Resources

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*This is not applicable to this position.*

- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget & Planning Committee?

*The issues, history, and facts relevant to the issue.*

- Do you have any other feedback you could provide that would help us make a decision?

*He is grateful for all he has received and enjoys giving back to community. It was core to his decision to join the Peace Corps, serve on the Chapter Board for Calpoly Alumni and serve on the Dog Parks Committee for the City of Los Angeles. I believe any community would be pleased and fortunate to have him or anyone like him on a commission od board.*

**CITY OF LINCOLN CITY**  
**Committee / Board / Commission Application**

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

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

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

<b>NAME:</b>	Adam Folz	<b>DATE:</b>	11/17/2021
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	[REDACTED]		
<b>CITY, STATE, ZIP:</b>	Lincoln City, OR 97367		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	NA	<b>CELL PHONE:</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time \_\_\_ 4 months \_\_\_\_\_

Do you reside within the Urban Growth Boundary?  Yes Length of Time \_\_\_ 4 months \_\_\_\_\_

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? \_\_\_\_\_

Revised 20210527



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

I served as a volunteer in the U.S. Peace Corps from 2009-2011. I was stationed in Belize where I worked as a business development officer and environmental liaison for rural communities around the country all while partnered with the Belize Audubon Society. The majority of my work focused on grant research and educating villages on the importance of sustainable farming practices. For the last 6 years I have worked in commercial real estate finance helping property owners acquire, refinance and develop commercial real estate nationwide. I also have a degree from Cal Poly-San Luis Obispo in Agricultural Business Management and served on the board of directors of the Alumni Association's Los Angeles Chapter.

List names of volunteer/work supervisors:

Nina Hernandez- U.S. Peace Corps Country Director, Belize

Valentino Shal- U.S. Peace Corps Program Director, Belize

Amanda Burgos-Acosta- Belize Audubon Society, Director

Ben Dunbar- Cal Poly Alumni Association Los Angeles Chapter, President

Lizka Mendoza- Westwood Recreation Center, Senior Recreation Director

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

I served on the board of the Cal Poly Alumni Association's Los Angeles Chapter for two years. I also served as the Chairman of the Board of the Westwood Dog Park Committee which was the driving force behind the development of a dog park in Veterans Park in West, Los Angeles. As Chairman I had to conduct regular public meetings following Robert's Rules of Order as well as coordinate efforts with multiple volunteer organizations and the Los Angeles Department of Recreation and Parks.

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

NA

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

I have always tried to be active and give back in the communities where I've lived and volunteering in city government seems like an exciting and challenging opportunity. My Father worked as a City Manager his entire life and the mechanics of local government have always intrigued me.

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

Name: Michael Kaplan (President of Slatt Capital) [Redacted]

Phone: [Redacted]

Name: Rod Wood (Father) [Redacted]

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] 11/17/2021

SIGNATURE 20210527  
DATE

2 of 2 – Application Revised



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

**COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM**

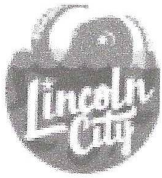
<b>FULL NAME:</b>	Adam Folz
<b>START DATE:</b>	11/17/2021
<b>NAME OF COMMITTEE, BOARD, OR COMMISSION:</b>	Planning Commission or Budget Committee
<b>CITY STAFF REPRESENTATIVE:</b>	
<b>HOME ADDRESS:</b>	[REDACTED]
	Lincoln City, OR 97367
<b>MAILING ADDRESS:</b>	Same as above
<b>HOME PHONE:</b>	
<b>CELL PHONE:</b>	[REDACTED]
<b>PERSONAL E-MAIL ADDRESS:</b>	[REDACTED]

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

<b>DATE:</b>	11/17/2021
<b>VOLUNTEER SIGNATURE:</b>	[REDACTED]

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





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

**PLEASE READ CAREFULLY BEFORE SIGNING!**

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

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

[REDACTED SIGNATURE]

\_\_\_\_\_  
SIGNATURE DATE



## MEMORANDUM

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**To:** City of Lincoln City Mayor and Council  
**From:** Abigail Edwards, Human Resources Director  
**Date:** November 24, 2021  
**Re:** Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

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

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

Name: Adam Folz  
Position Applied For: Budget and Planning Committee Board

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

Respectfully,

Abigail Edwards  
HR Director

## Council Communication

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### Interview for Budget Committee- Smith

Meeting Date:	December 13, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	15 Minutes

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Appointments to the City Budget Committee are made after the applicants are interviewed by the full City Council. There are three candidates 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 two City Resident full term expiring 12/31/2024. Mr. Michelson was previously interviewed on 10/25/2021; Mr. Folz and Mr. Smith will be interviewed this evening.

#### Attachments:

Smith, Ross\_Budget Committee Application redacted.pdf (PDF)  
 Committee applicant-Ross Smith ref 1 completed.pdf (PDF)  
 Committee applicant-Ross Smith ref 2 completed.pdf (PDF)  
 MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-  
 Ross Smith--Budget.pdf (PDF)  
 Budget committee questions.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 type="checkbox"/> Parks and Recreation Board     |
| <input type="checkbox"/> Building Board of Appeals          | <input type="checkbox"/> Planning Commission            |
| <input type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Transient Room Tax Committee   |
| <input type="checkbox"/> Library Board                      | <input 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.*

<b>NAME:</b>	Ross Smith	<b>DATE:</b>	11/17/2021
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	[REDACTED]		
<b>CITY, STATE, ZIP:</b>	[REDACTED]		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	[REDACTED]	<b>CELL PHONE:</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time years

Do you reside within the Urban Growth Boundary?  Yes Length of Time 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? Ross R. Smith (city/state DBA)



**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:

Prepared annual budgets, and Reserve Study materials as President of our HOA for years.  
Long-term rental management (30+ years), Microsoft Excel expert (30+ years). Back-end web site developer (20+ years). Strong project management skills.

List names of volunteer/work supervisors:

Jesse Noble [redacted] Operation Manager, Lincoln County Vaccine Clinics.  
Rob Dahlman [redacted] Fire Chief, North Lincoln Fire and Rescue.  
Jain Sekular [redacted] Production Manager, Siletz Bay Music Festival.

Please provide any previous experience with committees, boards or commissions and positions held:  
President, 832 Euclid St Homeowners Association.

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:  
I have met Councilor Rick Mark as he is my neighbor down the street. I have had discussions with Ward III Councilor Judy Casper and Mayor Susan Wahlke at several public events.

Explain why you would like to serve on this board, commission, or committee:  
I want to be in service to our community. I have strong budgeting and financial modeling skills and can make a real contribution. I am effectively retired, so I have time to delve into complex issues. Several friends have asked that I serve. It is very rewarding to volunteer.

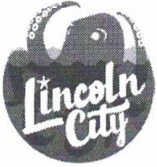
List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Jesse Noble [redacted] Phone: [redacted]

Name: Rob Dahman [redacted] 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] Digitally signed by Ross Smith II  
Date: 2021.11.17 10:57:39 -08'00' 11/17/2021  
**SIGNATURE** **DATE**



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

### COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

<b>FULL NAME:</b>	Ross Ronald Smith
<b>START DATE:</b>	1/1/2022
<b>NAME OF COMMITTEE, BOARD, OR COMMISSION:</b>	Budget
<b>CITY STAFF REPRESENTATIVE:</b>	
<b>HOME ADDRESS:</b>	[REDACTED]
<b>MAILING ADDRESS:</b>	[REDACTED]
<b>HOME PHONE:</b>	[REDACTED]
<b>CELL PHONE:</b>	[REDACTED]
<b>PERSONAL E-MAIL ADDRESS:</b>	[REDACTED]

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

<b>DATE:</b>	11/17/2021
<b>VOLUNTEER SIGNATURE:</b>	[REDACTED] Digitally signed by Ross Smith II Date: 2021.11.17 10:58:01 -08'00'

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](http://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](http://www.pinnacleprof.com)** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

 Digitally signed by Ross Smith II  
Date: 2021.11.17 10:58:25  
-08'00'

**SIGNATURE**

11/17/2021

**DATE**



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** Ross Smith (**Budget Committee Board**)

**Reference:** Jesse Noble

**Reference taken by; date / time:** November 19, 2021

- What is your professional relationship with the applicant?  
I oversee the mass and mobile Covid 19 vaccination clinics for Lincoln County; Ross has been a dedicated volunteer in data entry and scheduling.

- How long have you known him/her?

Ross has volunteered with us since the beginning of vaccination clinics, so early January, 2021

- How long have you worked / served with him/her?  
I did not know Ross prior to the clinics, but he has been one of our most dedicated and reliable volunteers since they began. We are beyond grateful for his work. He has not only mastered the Alert system via our training and instruction, but he has gone above and beyond to study the system and learn more of it's in-depth processes in his free time, and now assists in training new volunteers, and keeping us all updated to the system's ever changing functions.
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?  
I did not; volunteers signed up for positions, however, had I the opportunity to do so, I would ABSOLUTELY hire Ross. As someone who admittedly lacks computer skills, I rely on Ross's knowledge and abilities a great deal during clinics.
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Budget Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Budget Committee?  
I do not have any personal knowledge pertaining to this, but gauging by his capabilities in client services, his calm demeanor in the face of challenges, and his skill with computer systems and numbers, he would be an excellent candidate for the budget committee.
- Does the applicant possess good decision making / reasoning skills?  
Very much so! The ALERT system changes frequently when vaccines do, and often does not keep up with Covid vaccinations as they evolve. Ross is always able to troubleshoot a solution, and



## Human Resources

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when one simply can't be found, (as can be the case when dealing with a novel virus and constant technological updates that accompany it), he makes himself available to double check files, re-enter data, and ensure all info is properly accounted for when the system allows.

- Does the applicant have good communication / interpersonal skills?  
His interpersonal skills are wonderful! He is a very effective communicator and remains calm under all circumstances. He is an incredibly kind person, very easy to work with, and I very much enjoy having him as part of my team.
- Is he/she responsible and reliable?  
Extraordinarily so. He will take on extra tasks if needed, assist those who need training or guidance, and goes out of his way to ensure that any and all team needs are met.
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?  
Ross is just a great person! He is punctual, works efficiently and independently, but is also an amazing team member who truly puts the good of the whole first. His feedback on our data systems, ability to chart our progress and efficacy, and willingness to step up and guide others have been invaluable. Anyone who gets the opportunity to hire or work with Ross is very lucky, he makes all of our jobs easier, and does so with a smile, even in the face of challenges.
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together?  
He still volunteers with s regularly. He is here now, in fact!
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget Committee?  
Ross is a self-motivated employee; he wants to do his best, and will go out of his way to make sure that he has learned everything he can about your organization, the role he will play, and how that position effects the entirety of his team, so that he can be as effective and efficient as possible. If you provide him with information, he will soak it up like a sponge, then seek out more. He requires very little guidance, but the more you provide, the more he will learn.
- Do you have any other feedback you could provide that would help us make a decision?  
You will be hard-pressed to find a better candidate than Ross. He is a wonderful person, a joy to work with, reliable, professional and possesses an absolutely brilliant mind. We at public health



## Human Resources

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are so grateful he has chosen to share those skills and attributes with us, and I truly hope the budget committee gives him the opportunity to do the same. He would make a wonderful addition to any team!



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** Ross Smith (**Budget Committee Board**)

**Reference:** Rob Dahaman

**Reference taken by; date / time:** November 19, 2021

- What is your professional relationship with the applicant?  
**Mr. Smith assisted me with COVID vaccination Clinics doing data entry at registration**
- How long have you known him/her?  
**6 months**
- How long have you worked / served with him/her?  
**6 months**
- Did you hire or select him/her? **Yes, he offered his assistance and was recommended by County Public Health.** If not, would you hire/select him/her given the opportunity to do so?
- Do you have personal knowledge of the applicant serving on any boards? **No** If so, please describe. If not, would serving on our Budget Committee be a good match based on your knowledge of the applicant? **Yes** Would you recommend him/her for the Budget Committee? **Yes, he seems like a very knowledgeable person with community service in mind.**
- Does the applicant possess good decision making / reasoning skills?  
**Yes**
- Does the applicant have good communication / interpersonal skills?  
**Yes**
- Is he/she responsible and reliable?  
**Yes, absolutely**
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills? **Well organized and very computer literate. He is also a very pleasant person and was well received by the public.**
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? **N/A**
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget Committee?  
**I believe all he would need to be successful with Budget Committee are the preliminary numbers and justifications.**
- Do you have any other feedback you could provide that would help us make a decision? **No**



## MEMORANDUM

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**To:** City of Lincoln City Mayor and Council  
**From:** Abigail Edwards, Human Resources Director  
**Date:** November 24, 2021  
**Re:** Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

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

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

Name: Ross Smith  
Position Applied For: Budget Committee Board

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

Respectfully,

Abigail Edwards  
HR Director

**BUDGET COMMITTEE APPLICANT QUESTIONS**

- 1) Tell us about yourself and why you are interested in serving on the budget committee.
- 2) If you could eliminate one Lincoln City service, what would it be?
- 3) How can Lincoln City better engage the public in the budget process?
- 4) When one reads the budget, what should it tell them?
- 5) How do you know if the City is spending too much or too little on a City service?
- 6) What are the biggest opportunities and challenges facing Lincoln City?
- 7) How do you prioritize where the City spends its funds?

# Council Communication

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## Community Center Gym Roof Project

Meeting Date: December 13, 2021      Primary Staff Contact: Stephanie Reid  
 Department: Public Works              E-Mail: SReid@lincolncity.org  
 Secondary Dept: Parks and Recreation      Secondary Contacts:  
 Approval: Lila Bradley                  Estimated Time: 10 min

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### Question:

Should the City Council award the Best Value Construction Contract for the Community Center Reroof to Roof Toppers.

### Staff Recommendation:

City Council should award the Best Value Construction Contract for NE 14<sup>th</sup> Street Sidewalk Improvement and Sanitary Sewer LID Project to K&E Excavating, Inc.

### Authority:

**LCMC 2.05.060.** (Public improvement contracts shall be awarded by competitive bid or as provided by the Public Contracting Code or these rules) In this case, the Council approved the exemption from competitive bid.

### Background:

The Public Works Department advertised the "Invitation to Submit Proposals for Best Value" on October 6, 2021. Public Works Department received four proposals on November 4, 2021.

PROPOSERS	BID
Vitan Construction, LLC	\$233,761.35
TT & L Sheet Metal	\$375,353.00
Roof Toppers	\$346,600.00
Artic Sheet Metal	\$182,170.00

After the proposal were submitted additional information was pointed out by one of the proposers that the type of roof system that was on the building was different than what was stated in the proposal. Staff sent out a request to the proposers to update their proposal based on the new information. Below are the results of the upgraded proposals:

PROPOSERS	BID
Vitan Construction, LLC	\$233,761.35
TT & L Sheet Metal	\$352,245.00
Roof Toppers	\$329,000.00
Artic Sheet Metal	No Response

During the review of the revised proposals, staff requested clarifying information from all three proposers. The proposals from Vitan and TT&L Sheet Metal scored lowest. The evaluation team recommends accepting the proposal from Roof Toppers, Alternative 3 with a cost of \$329,000.00.

#### **Council Options:**

City Council can award the Best Value Construction Services for Community Center Reroof to Roof Toppers or not award the project to Roof Toppers.

#### **Financial Impact**

The 2021/22 Fiscal Year budget included \$276,000.00 for this project. The bid including contingency is \$361,900.00, leaving a difference of \$85,900.00. The \$85,900.00 would come from the Facilities Capital Fund Contingency.

#### **Potential Motions:**

Move to award the Best Value Construction Contract for Community Center Reroof to Roof Toppers, Inc. in the amount of \$329,000.00 with a contingency amount of \$32,900.00 (10%) for a total amount of \$361,900.00.



The status of the pandemic will, of course, dictate how far we go in building a substantial festival in 2022. Our long-term intent is to create a world-class, day-long event. We are hoping 2022 will allow us to make a big step in that direction.