

**CITY OF LINCOLN CITY**

**LINCOLN CITY COUNCIL AGENDA**

**MONDAY JANUARY 13, 2020 6:00 PM**

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

**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 Cathy Steere, 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 "Agenda, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour. If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

1. Regular Meeting – Minutes of Regular Meeting – October 28, 2019 6:00 PM
2. Regular Meeting – Minutes of Special Meeting – November 4, 2019 1:00 PM
3. Regular Meeting – Minutes of Regular Meeting – November 25, 2019 6:00 PM

**E. COUNCIL DELIBERATIONS**

4. RESOLUTION 2020-02 A RESOLUTION AUTHORIZING DISPOSITION OF REAL PROPERTY FOR PURPOSES OF TRANSITIONAL HOUSING

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

**G. PRESENTATIONS**

5. FY2018-19 Submission of Audited Statements

**H. PUBLIC HEARING / ORDINANCE**

6. ZOA 2019-13 Transitional Housing

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

7. Public Hearing: Supplemental Budget

**J. ORDINANCES**

8. ORDINANCE 2020-01 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (ADOPTION AND ENFORCEMENT OF CONSTRUCTION AND CONSTRUCTION-RELATED CODES) TO REMOVE THE ADOPTION BY REFERENCE OF THE 1997 UNIFORM HOUSING CODE AND THE 1997 UNIFORM SIGN CODE.

**K. RESOLUTIONS**

9. RESOLUTION 2020-01 A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2019-2020, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS

**L. SPECIAL ORDER OF BUSINESS**

10. Interview for Planning Commission Vacant Position - Applicant: Kim Blackerby

11. Interviews for Budget Committee Applicants: Jean Celia, Chester Noreikis and Kevin Hohnbaum

12. Request for Appointment to Parks and Recreation Board - David Jamieson or Megan Sorensen

13. Proposed Annual Meeting Dates

**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

October 28, 2019, 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: January 13, 2020**

**A. CALL TO ORDER**

*Mayor Anderson called the meeting to order at 6:00 pm.*

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Diana Hinton	Councilor Ward 1	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Diane Kusz	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

**C. PLEDGE OF ALLEGIANCE**

*Mayor Anderson led The Pledge of Allegiance.*

**D. CONSENT AGENDA**

1. Minutes of Meeting - August 12, 2019
2. Regular Meeting – Minutes of Regular Meeting – August 26, 2019 6:00 PM
3. Regular Meeting – Minutes of Regular Meeting – September 9, 2019 6:00 PM
4. Regular Meeting – Minutes of Regular Meeting – September 23, 2019 6:00 PM
5. Regular Meeting – Minutes of Special Meeting – October 7, 2019 5:00 PM
6. Regular Meeting – Minutes of Regular Meeting – October 14, 2019 6:00 PM

**Motion to approve the Consent Agenda with corrections.**  
**MOVER:** Diana Hinton, Councilor Ward 1  
**SECONDER:** Rick Mark, Councilor Ward 3  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed Via Voice Vote

**E. COUNCIL DELIBERATIONS - NONE**

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

*Bob Huckaby, President of Lincoln Shores Star Resort, requests a revision to the tree removal ordinance. Proposes a revision to allow the removal of trees over 20' tall, and replace with shorter trees. Would like to remove and replace the trees in 2020.*

*Chester Noreikis, Lincoln City - Thanked Council for attending to City business week after week, and for holding the demarcation line on NW Jetty with regard to vacation rental dwellings.*

*Mayor Anderson notes that there is a change in the agenda. Items K 14 and K15 under Special Order of Business were to be placed under Public Hearings, however not enough time has run on the public notice so both public hearings will be moved to the November 25, 2019 meeting.*

**G. PRESENTATIONS - NONE**

**H. PUBLIC HEARINGS / PUBLIC COMMENTS**

**7.** Continuance: ZOA 2019-08 - Design Review Standards Public Hearing  
*Rescheduled/continued to February 24, 2020 City Council Meeting.*

**8.** Bard Road Sewer Local Improvement District Public Hearing  
*Mayor Anderson opened the public hearing. No script was available. No conflicts of interest announced from Council members. Stephanie Reid, City Engineer, presented the staff report noting that if the district is approved/created at this meeting, a formal resolution with details will be brought forward at a later date.*

*Council discussion occurred with regard to the total lots, number of total units, non-developed property, how closely this project fits with the previous LID created, financing options, and confirmed with Mr. Appicello and Ms. Reid that the trunk line and system development charges are eligible for financing, however it does not include the pump. Also discussed was an option to add the pump, and the number of properties not needing a pump. Discussion held with regard to the 36th Street LID versus this proposed LID. Robert M. Thomas, Bard Road, provided comment on his property, and advised that he cannot afford the debt. He offered that Jim Drayton might be willing to do part of the digging on the trunk line to reduce the costs to the city. Mayor Anderson notes that Mr. Drayton can bid on the project.*

**MOTION:** Motion to close the public hearing and the record.  
**MOVER:** Riley Hoagland, Councilor Ward 2  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

**MOTION:** Motion to direct staff to return with a formation resolution for the construction of the Local Improvement, and assess the cost against the benefited property owners.

**MOVER:** Rick Mark, Councilor Ward 3

**SECONDER:** Mitch Parsons, Councilor Ward 1

**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons

**RESULT:** Passed by Voice Vote

## I. ORDINANCES

9. ORDINANCE NO. 2019-40 AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RECREATION RESORT MIXED USE" (RRMU), TO 22.29 ACRES OF REAL PROPERTY OWNED AND CONTROLLED BY THE CITY OF LINCOLN CITY WITHIN THE PROJECT KNOWN AS THE VILLAGES AT CASCADE HEAD

*Richard Appicello, City Attorney, completed first reading by title only. Considerable discussion occurred with regard to variations as to the name, noting that the name be reconsidered in the Master Plan project and it has not been presented before Council. Noted was that there are multiple ordinances and staff reports that have the existing name that might be changed in the near future. Councilor Hinton advised that if a proper name exists, the spelling needs to be consistent in the City documents, and notes that consideration should be given as to a new name for The Villages at Cascade Head. Councilor Hinton added that all references for "The Knoll" needs to be consistent as well, and that it also needs a new name.*

*Corrections are needed with reference to The Knoll, map on packet page 122, paragraphs 5, 6, 7, 8, 9, 10 and 11; and under 11, and 11 under the City Goals the flume amendment requires the preservation of additional of Open Space with a conservation easement directly protecting resources protected by this goal, and that language is repeated again in paragraph 12 for "Shoreline Resources". The exhibits will be modified so the concept plan would show the plus or minus 35 acres to the east, and exhibit D would clearly delineate the 35 acres as well. In summary, there will be about 70 acres of Open Space as well as the 58 acres that were originally dedicated by the original developer.*

*Mr. Chandler notes that on packet page 122, the concept plan map numbers associated with the different land uses - the acres referenced are not correct and all of the numbers need to be struck out or the numbers corrected. The correct numbers need to be added, even though it will be an estimate, as a survey has not been completed.*

*Richard Appicello completed a revision of the ordinance and findings, and read the changes into the record.*

**MOTION:** Motion to approve first reading of Ordinance 2019-40 with corrections as read.

**MOVER:** Riley Hoagland, Councilor Ward 2

**SECONDER:** Judy Casper, Councilor Ward 3

**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons

**RESULT:** Passed by Roll Call Vote

**MOTION:** Motion to approve second reading and adoption of Ordinance 2019-40 with corrections as read,  
**MOVER:** Diana Hinton, Councilor Ward 1  
**SECONDER:** Judy Casper, Councilor Ward 3  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Voice Vote

10. ORDINANCE NO. 2019-41 AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RESORT RESIDENTIAL MIXED STRUCTURE" (RRMS), TO +/- 306 ACRES OF REAL PROPERTY OWNED AND CONTROLLED BY THE CITY OF LINCOLN CITY WITHIN THE PROJECT KNOWN AS THE VILLAGES AT CASCADE HEAD

**MOTION:** Motion to approve first reading of Ordinance 2019-41.  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Diana Hinton, Councilor Ward 1  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

**MOTION:** Motion to approve second reading and adoption of Ordinance 2019-41 with changes as read.  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Diana Hinton, Councilor Ward 1  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

11. ORDINANCE NO. 2019-38 AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RESORT RESIDENTIAL MIXED STRUCTURE" (RRMS), TO +/- 42.65 ACRES OF PRIVATELY OWNED REAL PROPERTY WITHIN THE PROJECT KNOWN AS THE VILLAGES AT CASCADE HEAD

*Mr. Appicello explained the difference between ordinances 2019-38 and 2019-41.*

**MOTION:** Motion to approve first reading of Ordinance 2019-38 with notation to correct the names and map as discussed.  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Rick Mark, Councilor Ward 3  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

**MOTION:** Motion to approve second reading and adoption of Ordinance 2019-38 with the notation to correct the names and map as discussed.  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Diane Kusz, Councilor Ward 2  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

## J. RESOLUTIONS - NONE

**K. SPECIAL ORDER OF BUSINESS**

**12.** Explore Lincoln City Committee Request for Appointment: One vacancy (Applicant Megan Sorensen)  
*Councilors Kusz and Hinton completed the interview of applicant Sorensen.*

<b>MOTION:</b>	<b>Motion to appoint Megan Sorensen to Explore Lincoln City Committee for a term commencing 11/06/2019 and expiring 11/05/2022.</b>
<b>MOVER:</b>	<b>Diane Kusz, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Diana Hinton, Councilor Ward 1</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

**13.** Parks and Recreation Board Request for Appointment - One Vacancy: Applicants Megan Sorensen and Rob Crouch  
*Councilors Kusz and Hinton interviewed both applicants Megan Sorensen and Rob Crouch.*

<b>MOTION:</b>	<b>Motion to appoint Rob Crouch to the Parks Board for a term expiring 12/31/2019.</b>
<b>MOVER:</b>	<b>Diana Hinton, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Diane Kusz, Councilor Ward 2</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

<b>MOTION:</b>	<b>Motion to appoint Rob Crouch to the Parks and Recreation Board for an additional term commencing on 1/01/2020 and expiring 12/31/2022.</b>
<b>MOVER:</b>	<b>Diana Hinton, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Diane Kusz, Councilor Ward 2</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

**14.** Highway 101 Neotsu to West Devils Lake Rd. bike/pedestrian Improvement Project design and construction  
*Moved to the meeting on February 24, 2020.*

**15.** Wastewater Dewatering Screw Press Competitive Bidding Exemption  
*Moved to the meeting on February 24, 2020.*

**16.** Approval of Final Order 2019-02  
*Mr. Appicello described the revisions, including a referent to a "unanimous" vote that was not unanimous.*

<b>MOTION:</b>	<b>Motion to approve Final Order 2019-02 with the correction as discussed.</b>
<b>MOVER:</b>	<b>Diana Hinton, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

**L. CITY MANAGER/CITY ATTORNEY REPORTS**

*Mr. Chandler notes there is a Joint Work Session meeting tomorrow (10/29/2019) with the Planning Commission at 9:00 am; and topics for discussion are the proposed sign ordinance and the proposed design ordinance. There is a November 4th Work Session Meeting only for City Council scheduled for 1:00 pm. As a reminder, there is only one meeting in November on the 25th due to a holiday. Councilor Hinton has asked for a field trip to drive through The Villages at Cascade Head and a hike up The Knoll to view the property. The meeting will need to be noticed and a map of the area available for the tour.*

*Mayor Anderson notes the meeting needs the word "cancelled" on the City calendar.*

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

*Mayor Anderson spoke on the Comment from the Public about the proposed revision to the tree ordinance for Lincoln Shore Star Resort.*

<b>MOTION:</b>	<b>Motion to direct staff to review the proposal and make recommendations to Council.</b>
<b>MOVER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Diane Kusz, Councilor Ward 2</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

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

*None*

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

*Councilor Casper notes the new receptacle cans in Lincoln City look nice. She also notes that while traveling, they have a "renter's class", and that a renter's certificate issued. Mayor Anderson notes that program exists in Lincoln County, noting that Family Promise uses it. Councilor Casper also spoke on the visuals (mobiles) that other areas use for a waste management program.*

*Councilor Hinton asked if she could work with the City Manager on the field trip, and Council consented to the request.*

*Councilor Hoagland spoke on the Celebrity fundraiser for Family Promise on November 6, 2019, 6:00 pm at the Pig n Pancake.*

*Councilor Mark spoke on the K-9 Fund, noting that the Oksenholt companies will donate \$10,000 if there is a matching amount also donated before the end of the year.*

*Mayor Anderson spoke on the volunteer work at the new city park. Mayor Anderson asked for Council's permission to send a letter on behalf of the City with regard to the Dundee Bypass, encouraging the Oregon Department of Transportation to apply for the federal grant as well as their \$32,000,000. A correction to the word "commissioners" was noted. Daylight Savings time is November 3 and coffee with the Mayor at S.A.L.T will be at 9:00 am on Halloween, as well as Sunday afternoon at 4:00 pm there will be beer with the Mayor at The Black Squid. Mayor Anderson encouraged property owners on Northeast 14th Street to stop by the Public Works counter to look at the new plan for sidewalks.*

*The City Recorder read from a list of volunteer opportunities available.*

**P. ADJOURNMENT**

*Mayor Anderson adjourned the meeting at 7:45 pm.*

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**DICK ANDERSON, MAYOR**

**ATTEST:**

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**CATHY STEERE, MMC  
CITY RECORDER**

CITY OF LINCOLN CITY

CITY COUNCIL

MINUTES OF SPECIAL MEETING

November 4, 2019, 1:00 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: January 13, 2020

A. **CALL TO ORDER** - Mayor Anderson called the meeting to order at 1:00 pm.

B. **ROLL CALL**

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	1:00 PM
Judy Casper	Councilor Ward 3	Present	1:00 PM
Diana Hinton	Councilor Ward 1	Present	1:00 PM
Riley Hoagland	Councilor Ward 2	Present	1:00 PM
Diane Kusz	Councilor Ward 2	Present	1:00 PM
Rick Mark	Councilor Ward 3	Present	1:00 PM
Mitch Parsons	Councilor Ward 1	Present	1:00 PM

C. **PLEDGE OF ALLEGIANCE** - No Pledge of Allegiance performed.

D. **RECESS TO EXECUTIVE SESSION MEETING (NW CONFERENCE ROOM)**

**ORS 192.660(2)(e) - Real Property Transactions**

**ORS 192.660(2)(F) - Exempt Public Records**

1. Executive Session

1:03 pm - Recessed to Executive Session in NW Conference room

E. **RECONVENE SPECIAL CITY COUNCIL MEETING**

1:50 pm - Reconvened meeting

F. **CONSENT AGENDA - NONE**

**G. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS - None**

**H. COUNCIL DELIBERATIONS**

**1. Long-Term Water Planning**

*Mayor Anderson asked to move "Waste Stream Discussion" to before "Long Term Water Planning".*

*Ron Chandler, City Manager, Lila Bradley, Public Works Director, and Stephanie Reid, City Engineer, reviewed a history on the Rocky Creek Water Project, noting it is still an option for a dam site. Mentioned was the Water Rights Application.*

*Mayor Anderson spoke on the future of City water and if the City could be the leader for regional water issues, spoke on the City of Newport's proposed dam and on the request from the special interest group. Also discussed was the possibility of Lincoln City taking the lead on finding federal/state grant money, and research to see if Rocky Creek is a viable water solution. Stephanie Reid, City Engineer, advised that the City is currently working with Mid-Coast Water Partnership on water issues and two (2) Oregon State University individuals will work on a water management economic assessment model. Mayor Anderson believes there is an interest from other cities for researching a regional water source.*

*Mayor Anderson asked if it is possible to use City resources (staff) to research grant money available, and to check to see if Rocky Creek is a viable water source for a solution. Mr. Chandler advised that it appears the City of Newport is moving forward with a dam. Council acknowledged that City staff are busy and suggested a consultant. Ms. Bradley suggested adding this to the Master Plan update.*

*Mr. Chandler used a graph via PowerPoint to present statistical information with regard to water. Mr. Chandler spoke on the possibility of giving a break to gardeners, opportunities available to use non-treated water for gardens, incentives to use less water, reviewing the water rates, and looking at the existing Water Rights.*

*Ms. Bradley spoke on the City's property in the watershed and the importance of monitoring the activity in the watershed. Ms. Reid spoke on the value of protecting Schooner Creek, and pursuing the purchase of additional properties for sale to protect the watershed. Mayor Anderson suggested a map that describes the watershed area, and possibly stronger management agreements with owners. Discussed was the timber management companies and possibly forming a better relationship with the City, as well as stream temperature management.*

*Mr. Chandler notes that the City should have money in the budget should water rights become available, as well as non-traditional waters for reuse. Mayor Anderson asked if the City could consider trucking the wastewater back to the water treatment plant as opposed to placing it in Schooner Creek. Mr. Chandler spoke of the new DEQ standards that are difficult to meet, and spoke in favor of the wastewater treated through the water treatment plant.*

*Mayor Anderson asked what action the City should be planning for the next 30 years; and Mr. Chandler responded that the City should review the rates.*

*Councilor Hoagland asked about management of the rainwater collection systems and the watershed protection areas. Ms. Bradley and Ms. Reid responded that the city has an erosion control plan in place, and will attempt to work closer private companies and the Forest Service, and look for ways to keep the creek temperature cooler.*

*Mayor Anderson clarified that it is the temperature of the water and not the content of the water that is of concern. Ms. Bradley confirmed that the City is meeting the requirements for content. Council spoke on the possibility of drilling a well for additional water, and Ms. Bradley responded that studies were completed, the possibility looked at, and there is not enough available well water to make a difference.*

## **2. Waste Stream Discussion**

*Mr. Chandler used a PowerPoint to present this agenda item. Discussed was "zero waste", establishing goals, and the Sustainability Committee and the need for Council to bring into focus what Council would like accomplished. Also mentioned was educational opportunities on waste and changing people's behavior, having recycling bins with the City trash cans, and how to reduce white paper, reuse and reduce, zero waste campaign on reducing, reusing and recycling, financial incentives, new services, and composting including costs associated.*

*Mayor and Councilors spoke on the Sanitary Waste Advisory Committee noting that the priority as a group is public education for citizens and tourists on how to reduce, reuse, and recycle. An additional priority is providing educational opportunities and working with schools to become a green school, and to tour the schools to promote reduce, reuse and recycle.*

*The four (4) top items listed as priorities from the Solid Waste Advisory Committee (SWAC) are:*

- 1. Public education for citizens and tourists*
- 2. Countywide green school program*
- 3. Countywide organics recovery program*
- 4. Countywide visitor impact fee and annual events for waste management*

*Tina French from North Lincoln Sanitary spoke in opposition to a suggested Visitor Tax noting that the costs are already covered in the fees, and clarified a composting program and that North Lincoln Sanitary Service is launching a new application that will assist the public with where items can be recycled.*

*Council also discussed using recycling containers at public events, reducing white paper by changing the fonts and maximizing the margins, and discussed a possible tax incentive for recycling. Also discussed was the composting program costs for pickup, the program would not be optional, and a suggested across the board increase for the new program. Also discussed was commercial composting and issues with contamination, the difference between contamination between residential and commercial businesses, the 3-strikes and your out with regard to clean recycling, having a zero-waste team at events for one-on-one assistance for recycling, keeping the wild animals out of the containers, and discontinuing the wood-waste*

*program as it would go toward composting. The composting location for Lincoln City will be at a facility near Adair Village outside of Corvallis.*

*Council consensus is to direct staff to concentrate on residential composting, and allow a pilot program to work with commercial businesses. Also mentioned was the lack of discussion on single use plastic film, Styrofoam in restaurants and grocery stores, and the City moving forward with banning certain items. Discussed was moving forward with a ban on Styrofoam and Ms. French advised that DEQ in June 2019 came out with a white paper on compostable food containers noting they are not allowed in any facilities in the northwest. Ms. French also believes the State will be moving forward with bans on the exact same items as the City is considering banning. Discussion continued on Styrofoam and Ms. French advises that no matter what package you take out of a restaurant the container goes into the landfill.*

*Mayor Anderson spoke on the Sustainability Committee and a direction for the committee to move toward; and identified was reduction, changing behavior, suggested banning all bags and giving out bags with City of Lincoln City logo, and using the City as an example for businesses to change behavior.*

**RECESS AT 3:08 PM**

**RECONVENE AT 3:15 PM**

**3. Food Truck Ordinance**

*Mr. Chandler and Anne Marie Skinner, Public Works Director, presented this item, reviewing the proposed revisions to the ordinance. Council discussed the allowed vending locations, the definition of mobile food unit, reasoning behind limiting the size when it is located on private property, what happens to the wastewater/grey water and if the unit is required to have a holding tank. Discussed was consideration in limiting permits issued, that approved locations must be paved, parking requirements, required biodegradable packaging (no plastic products), food unit locations dictated by zones and proximity to other restaurants, food units on City park property, preferential treatment for licenses will not be a factor, requirements for restrooms/hand-washing facilities (eliminating the temperature requirement), serving of alcohol, parking spaces required, and the elimination of most of the area west of Hwy 101 which was stricken by the Planning Commission. Also discussed was the required ten (10) foot clearance requirement, and the requirement of no drive-through, shared dining area for customers and identifying the "dining areas", hours of operation and when to lock the portable toilets. Mayor Anderson notes this is review of a draft and it will come back again.*

*On behalf of the City Attorney, Richard Appicello, Mayor Anderson affirmed with Council that with regard to the appeal before the Land Use Board of Appeals (LUBA), Council's instruction is not to file a response to the appeal. There was no opposition to not filing the response.*

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

**MOTION:** Motion to direct staff to move forward with the Logan Road transfer from Lincoln County to Lincoln City by accepting Lincoln County's offer.

**MOVER:** Diana Hinton, Councilor Ward 1

**SECONDER:** Judy Casper, Councilor Ward 3  
Mayor Anderson suggested an amendment the motion.

**AMENDED MOTION:** Motion to direct staff to move forward with the Logan Road transfer from Lincoln County to Lincoln City by accepting Lincoln County's offer, and direct staff or the City Attorney to negotiate possible flooding liability.

**MOVER:** Diana Hinton, Councilor Ward 1

**SECONDER:** Judy Casper, Councilor Ward 3

**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons

**RESULT:** Passed by Roll Call Vote

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

*Councilor Hoagland advised that Wednesday, 5:30 pm at Pig n Pancake is the "Battle of Bachelors" for Family Promise.*

*Councilor Casper notes that some school districts create a map that shows the flow of water in their county and the various treatment plants and resources. It is an interesting topic and consideration given for it to be a great learning resource for our local schools.*

**K. ADJOURNMENT**

*Mayor Anderson adjourned the meeting at 5:00 pm.*

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**DICK ANDERSON, MAYOR**

**ATTEST:**

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**CATHY STEERE, MMC  
CITY RECORDER**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

November 25, 2019, 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: January 13, 2020**

**A. CALL TO ORDER**

*Mayor Anderson called the meeting to order at 6:00 pm.*

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Diana Hinton	Councilor Ward 1	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Diane Kusz	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

**C. PLEDGE OF ALLEGIANCE**

*Mayor Anderson led The Pledge of Allegiance.*

*Mayor Anderson announced a change in the order of the agenda. Agenda items 9 and 10 (public hearings) are moved to "I".*

**D. CONSENT AGENDA – None**

**E. COUNCIL DELIBERATIONS – None**

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

*Sandra Roth, Happy Valley - Owner of the shoreline condominiums, spoke on changes to the City code that resulted in a parking issue at the condominiums. Ms. Roth submitted a photo and her statement.*

*Kevin Koffel, Lincoln City - Spoke on proposed changes to fees to North Lincoln Sanitary Service, the recycling program, and asked for clarification suggesting revisions and other options. He also spoke in opposition to food trucks in Lincoln City.*

*Carol Koffel, Lincoln City - Spoke on sanitation issues and the costs associated, and added that there is a lack of enforcement of the collection requirement.*

*Joyce Nagel, Salem, OR - Spoke on receiving a parking ticket at the beach access, and submitted her statement.*

## **G. PRESENTATIONS**

**1.** 15 Year Service Recognition for Paul Compton  
*Jerry Palmer, Police Chief, thanked Paul Compton for his 15 years of service to Lincoln City, and presented him with a Certificate of Appreciation.*

## **H. PUBLIC HEARING / ORDINANCE**

### **I. PUBLIC HEARINGS / PUBLIC COMMENTS**

**1.** Public Hearing: proposed vacation of a portion of NW 44TH Place, (Request to be continued to December 9, 2019)

*Council consensus is to continue this to the meeting on December 9, 2019.*

### **J. ORDINANCES**

**2.** ORDINANCE 2019-42 AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE VACATION OF A PORTION OF NW 44th PLACE (Request to be continued to December 9, 2019)

*Consensus is to continue this item to December 9, 2019.*

**3.** ORDINANCE NO. 2019-33 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 10.12.040 (STORING MOTOR VEHICLES ON STREETS) TO INCREASE PENALTIES AND STRENGTHEN ENFORCEMENT.

*Richard Appicello, City Attorney, presented this item noting that the Police Department requested that the ordinance be updated.*

*Discussion occurred with regard to how to document/record the violation/case, concerns with other residents in town not having sufficient parking, possibility of parking stickers for residents, increase in penalties, storage and abandonment violations versus parking violations, whether it will be complaint driven or proactively looking for the violations, and concerns for 24 hours versus the current 72 hour limit.*

*Due to a no vote, this returns for second reading at the meeting on December 9<sup>th</sup>, 2019.*

**MOTION:** Motion to approve first reading of Ordinance 2019-33.  
**MOVER:** Riley Hoagland, Councilor Ward 2  
**SECONDER:** Diane Kusz, Councilor Ward 2  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Parsons  
**NAYS:** Mark  
**RESULT:** Passed by Roll Call Vote

4. ORDINANCE NO. 2019-26 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 13 (PUBLIC SERVICES), CHAPTER 13.12 (WATER AND SEWER SYSTEM RATES AND CHARGES), AMENDING SECTION 13.12.060 (SEWER USER RATES AND CHARGES) TO ADD A PROVISION FOR SEASONAL RELIEF OF SEWER CHARGES FOR HOME FOOD PRODUCTION.

*After considerable discussion, the ordinance died.*

#### K. RESOLUTIONS

5. RESOLUTION NO. 2019-26 A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING AND ESTABLISHING THE FORMATION OF THE "SW BARD ROAD SEWER LOCAL IMPROVEMENT DISTRICT" AND ORDERING THE CONSTRUCTION OF IMPROVEMENTS, CONSISTING OF GRAVITY AND LOW PRESSURE SANITARY SEWER FACILITIES AND RELATED APPURTENANCES AND AUTHORIZING THE CITY TO BORROW MONEY AND ISSUE AND SELL NOTES FOR THE PURPOSE OF PROVIDING FOR THE ACTUAL COST OF THE LOCAL IMPROVEMENT.

*Mr. Appicello presented this item, and Stephanie Reid, City Engineer provided information during discussion. Council discussion occurred with regard to the area designated for the LID, state or federal funding available to assist with hardship cases (City Engineer is checking for available funding), the inclusion of the City's Open Space parcel in the designated area.*

**MOTION:** Motion to approve Resolution 2019-26 that establishes the formation of the SW Bard Road Sewer Local Improvement District.  
**MOVER:** Diana Hinton, Councilor Ward 1  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

6. RESOLUTION NO. 2019 - 24 A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING A "CERTIFICATE OF RECORDS AUTHORIZED TO BE DESTROYED" IN COMPLIANCE WITH ORDINANCE NO. 2019-35

**MOTION:** Motion to approve Resolution 2019-24.  
**MOVER:** Riley Hoagland, Councilor Ward 2  
**SECONDER:** Rick Mark, Councilor Ward 3  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

## L. SPECIAL ORDER OF BUSINESS

### 7. City Manager Communications

*This agenda item was not titled correctly. It was named City Manager Communications, and was to be named PERS Employer Incentive Fund Discussion.*

*Debbie Bridges, Finance Director, and Ron Chandler, City Manager, provided information on the Public Employee Retirement Fund (PERS) financial deficit issues. Council discussed the repayment options. Ms. Bridges asked for Council's approval to complete and submit the application. Ms. Bridges recommends submitting a payment in the next calendar year, and spoke on the investment side of the issue and what type of account the state is placing the money. Also discussed was that there are projects that will not be able to be completed due to the payment. Ms. Bridges confirmed that the \$1,500,000 will go through the budget process, and the \$500,000 will be taken out of contingency. Mr. Chandler confirmed that 25% is paid by the state on top of the City's payment.*

<b>MOTION:</b>	<b>Motion to make an application in December [2019] for \$500,000, and to make a second application for \$1,500,000 by August 2020.</b>
<b>MOVER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Diana Hinton, Councilor Ward 1</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

### 8. Spyglass Wastewater Pump Station Upgrade Design Award

*Stephanie Reid presented information on this agenda item, recommending that the contract be awarded to HBH [Consulting Engineers, Inc.] in the amount of \$61,990.00, which includes design and some construction management.*

<b>MOTION:</b>	<b>Motion to award the engineering design and construction management contract for the Spyglass Sanitary Pump Station Upgrade to HBH Consulting Engineers, Inc. for \$61,990.00.</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

### 9. Highway 101 Neotsu to West Devils Lake Rd. bike/pedestrian Improvement Project design and construction

*This is actually a public hearing. Moved up to I.*

*Stephanie Reid, City Engineer, presented this item, and asked Council to authorize an exemption from the competitive bidding process and adopt the findings. Mayor Anderson notes this project was as an Oregon Department of Transportation (ODOT) project back in 2014.*

*No comments received.*

**MOTION:** Motion to close the public hearing and the record.  
**MOVER:** Rick Mark, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed via Voice Vote

**MOTION:** Motion to approve the exemption to the competitive bid process for the Highway 101 Sidewalk Project from Neotsu to West Devil's Lake Road based on draft findings.  
**MOVER:** Rick Mark, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

**10. Wastewater Dewatering Screw Press Competitive Bidding Exemption**  
*This is actually a public hearing. Moved up to I.*

*Stephanie Reid, City Engineer presented this item. No public comment received.*

**MOTION:** Motion to close the public hearing and the record.  
**MOVER:** Riley Hoagland, Councilor Ward 2  
**SECONDER:** Judy Casper, Councilor Ward 3  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed via Voice Vote

**MOTION:** Motion to approve the exemption of the competitive bidding process for the wastewater treatment plant dewatering screw press design and installation based on the draft findings.  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Diane Kusz, Councilor Ward 2  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

**11. Water Main Replacement SW Beach**

*Stephanie Reid, City Engineer, presented this item providing a history on the main breaks that have occurred and possible causes for the breaks. The design was completed in-house, and many bids were received on the project. The lowest response and responsible bidder was K&E Excavating. Mr. Chandler added that this project was not a scheduled funded project, and proposes that funding come from the reserves for future years that has \$986,000 in the fund. This financing for this project will affect future scheduled projects. The line needing replaced is approximately 2,000 feet in length.*

**MOTION:** Motion to award the construction contract for the SW Beach Avenue water main to K&E Excavating, Inc. in the amount of \$286,165.00, with a construction contingency of \$28,616.00 (10 percent of the bid amount), for a total award of \$314,781.00.

**MOVER:** Riley Hoagland, Councilor Ward 2

**SECONDER:** Mitch Parsons, Councilor Ward 1

**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons

**RESULT:** Passed by Roll Call Vote

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

*Mr. Chandler advises there will be an Urban Renewal Agency work meeting on next Monday, December 2, 2019, 9:00 am and the topics will be 4th of July, possible excise tax and a possible gas tax.*

*Mr. Appicello advises the City did not file a brief in the Land Use Board of Appeals (LUBA) appeal, so the City will not be participating.*

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

*Mayor Anderson asked about the parking issue brought up during Comments from Citizen's Present, and Mr. Appicello advises there may not be any private parking at the location of Shoreline Condominiums, and notes they may be able to use an existing process to alleviate the issue. Mr. Appicello added that Mr. Chandler has the authority to sign a license agreement.*

*Council discussed the Level 2 environmental assessment, and how to receive the responses to the questions posed in the executive session meeting.*

**MOTION:** Motion to direct the City Manager to assess and determine whether or not to perform a Level 2 Environmental Assessment, and on objections to the title report.

**MOVER:** Diana Hinton, Councilor Ward 1

**SECONDER:** Judy Casper, Councilor Ward 3

**AYES:** Anderson, Casper, Hinton, Kusz, Mark, Parsons

**NAYS:** Hoagland

**RESULT:** Adopted by Voice Vote

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

*None*

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

*Councilor Casper spoke on Broadband, and asked the public to complete the survey at:*

[www.broadband.or.gov](http://www.broadband.or.gov)

*Ms. Casper also notes that internet exists for low-income residents.*

*Councilor Parsons thanked Mr. Appicello for the work he put into the Ordinance (Garden Water) that Council let die.*

*Councilor Hinton advised that several Councilors attended the Small Cities Regional Meeting where Kenneth Murphy, Emergency Preparedness Coordinator for Lincoln City spoke. Councilor Hinton asked for an update on Council Priorities for this year, and the future Budget Meetings. Mr. Chandler advised that he will update Council in a report this week where the City is with the priority projects.*

*Councilor Hoagland reported that he attended a realtor meeting and spoke on comments at that meeting with regard to system development charges in relation to tiny homes/dwelling size, accessory dwelling units and 4-flats. Councilor Hoagland pressed the Rocky Creek Water issue with the Newport Planning Director and the response was that Newport has to move forward; and Lincoln County is now aware that Lincoln City is interested. Councilor Hoagland also spoke on a complaint that he received with regard to a tree that was cut down located at the Lincoln City pump station. He also received comments from the public on the "Chance" warming shelter. Mr. Appicello confirmed that the record is still open, and advised if the Mayor or Council receives an ex parte` communication to please let them know you cannot discuss it as the record is still open.*

*Mayor Anderson wished all a Happy Thanksgiving and that there is a Lincoln City Cultural Center tree lighting ceremony on Friday after Thanksgiving at 5:30 pm. Coffee with the Mayor will be on December 4, 2019, at the Hilltop Restaurant. Chapel by the Sea is hosting the Headstart Gallery opening and sale on December 10, 2019. Mayor Anderson advised that he attended a community health assessment meeting in Lincoln City where mental health was found to be at the top of the list for issues in Lincoln City, and viewed the long list of resources available.*

*Mr. Chandler advises that the Villages Tour/field trip will be at 9:00 am on December 10, 2019.*

**Q. ADJOURNMENT**

*Mayor Anderson adjourned the meeting at 8:45 pm.*

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**DICK ANDERSON, MAYOR**

**ATTEST:**

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**CATHY STEERE, MMC  
CITY RECORDER**

## Council Communication

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### Resolution 2020-02 (Disposition of Real Property for Transitional Housing)

Meeting Date:	January 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	Alison Robertson
Approval:	Ronald F Chandler	Estimated Time:	10 minutes

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#### Question:

Should the City Council approve Resolution 2020-02 authorizing and directing the disposition of real property for transitional housing purposes?

#### Staff Recommendation:

None.

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

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

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

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

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

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

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

**271.310 Transfer or lease of real property owned or controlled by political subdivision; procedure in case of qualified title; notice; rules.** (1) Except as provided in subsection (2) of this section and subject to subsection (3) of this section, whenever any political subdivision possesses or controls real property ***not needed for public use, or whenever the public interest may be furthered, a political subdivision may sell, exchange, convey*** or lease for any period not exceeding 99 years ***all or any part of the political subdivision's interest in the property to a governmental body or private individual or corporation. The consideration for the transfer or lease may be cash or real property, or both.***

\* \* \*

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

\* \* \*

**271.330 Relinquishing title of property not needed for public use.** (1) Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property not needed for public use to any governmental body, providing the property shall be used for not less than 20 years for a public purpose by the governmental body in the State of Oregon. These transfers for public purposes may include transfers without consideration of property held by counties as a result of tax foreclosures.

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

***(A) Low income housing;***

***(B) Social services; or***

(C) Child care services.

(b) As used in this subsection:

(A) ***"Qualifying nonprofit corporation" means a corporation that is a public benefit corporation as defined in ORS 65.001 (35) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.***

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

(3) Any political subdivision is granted express power to convey real property to a nonprofit or municipal corporation to be used by the nonprofit or municipal corporation for the creation of open space, parks or natural areas for perpetual public use. The instrument conveying the real property shall include a restriction on the use of the property that limits the uses of the property to those uses described in this subsection. The instrument conveying the property shall also contain a provision for the reversion of the property to the political subdivision if the property is not used in conformance with the restriction. Real property conveyed under this subsection may include real property held by a political subdivision as a result of tax foreclosures.

### **Background:**

On December 9, 2019, the City Council conducted a public hearing as required by ORS 221.725. After the hearing, the Council closed the hearing and the record. Council postponed a decision on the proposed Resolution authorizing real property disposition until the pending land use authorization for transitional housing is final.

On December 17, 2019 the Planning Commission approved the final order with conditions, approving the transitional housing conditional use for the subject real property. The Notice of Decision was mailed on December 19, 2019. An appeal of the decision must be filed within 10 calendar days of the mailing of the Notice. No appeals were filed.

Note: The Code includes a time limitation for all conditional uses. This timeframe was not modified with any condition of approval by the Planning Commission. Accordingly, pursuant to LCMC 17.60.080, (below) the conditional use permit will become void one year after approval [i.e. December 17, 2020] unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued, or if no construction is required, the permitted activity is being regularly conducted on the premises. Similarly, the proposed deed requires the use be commenced within one year of closing [i.e. January 21, 2021].

#### **17.60.080 Time limitation.**

A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The planning commission may extend a use permit

for an additional period of one year, subject to the requirements of this title. No more than one such extension may be granted. (Ord. 92-3 § 2; Ord. 84-2 § 6.080)

**From the December 9, 2019 Staff Report:**

*Council goals have prioritized the provision of needed housing. Goal 10 requires that the City address needed housing, including government-assisted housing. The City's Comprehensive Plan does not mention transitional housing. Whether Goal 10 includes or requires the social services provided by this operator in their transitional housing program is not clear.*

*Transitional housing is the subject of a pending zoning code amendment – the current proposed definition is as follows:*

**Transitional housing means a facility that is designed to provide housing and assist with obtaining appropriate supportive services, such as social or psychological therapy or vocational rehabilitation, to homeless persons in the subject community\*, to facilitate movement to independent living; wherein the facility manager or supervisor determines the length of housing term for each individual on a case-by-case basis in accordance with the terms of that facility's program.**

**\* Note: not in original text sent to DLCD - recommended by legal**

*Siting of transitional housing is protected from discrimination under federal law – i.e. the Fair Housing Act.*

*Council has entered into a purchase and sale agreement for the acquisition of real property at **3454 NE Hwy 101 Lincoln City, Oregon**. The purpose of the property acquisition is to provide for transitional housing. In addition to normal real estate closing conditions (e.g. inspections, clear title) the contract to acquire the property includes as a condition to closing two important special conditions:*

- *Subject to final approval of the proposed use of the subject property in City/ State land use process. Seller authorizes City to make any and all land use/building applications during the contingency period.*

- *Subject to final Lincoln City Council approval (following public hearing) of property disposition agreement with Helping Hands Reentry Outreach Centers.*

### **Land use**

*As regards the first condition above, the proposed transitional housing use, the prior Planning Director determined that the proposed use was similar to “emergency sheltering” use, which is a conditional use in the GC zone. [See LCMC 17.32.040.S.] The Director’s decision including this interpretation was noticed and the appeal period has run. City Manager Ronald Chandler signed the conditional use application. The application was submitted and deemed complete on Tuesday November 12, 2019. On December 3, 2019, the Planning Commission approved the application for conditional use approval for a transitional housing facility at 3454 NE Hwy 101 Lincoln City, Oregon. The decision of the Planning Commission can be appealed to the City Council.*

### **Terms of disposition of property to Helping Hands Re-Entry Outreach Centers (Helping Hands)**

*As regards the second condition above, the approval of property disposition, the disposition terms and conditions are the subject of this public hearing.*

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

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

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

*(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the*

notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

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

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

City legal staff noticed this public hearing in accordance with ORS 221.725. The public hearing notice was published in the News Guard on Wednesday December 3, 2019. [See Proof of publication ORS 193.070, in the record].

- The property interest to be conveyed / sold is the real property located at 3454 NE Hwy 101 and 2201 NE 34<sup>th</sup>, Lincoln City, Oregon together with all improvements thereon.
- The proposed use of the property and improvements is "transitional housing" (as defined in the pending LCMC code amendment to Chapter 17.08 (Definitions) and Chapter 17.32. (General Commercial Zoning District).
- The reasons why the City finds it necessary or convenient to convey / sell the property to "Helping Hands Re-Entry Outreach Centers" is the City Council's desire to provide transitional housing to City of Lincoln City's homeless population.

**The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing.**

The nature of the proposed sale / conveyance is a sale / conveyance to a domestic non-profit corporation of a real property with improvements recently acquired by the City for \$400,000. The consideration for the conveyance will include a deed restriction (fee simple determinable) on the subject property - that the property must be used for transitional housing – and if not so used, the property will automatically revert to the City.

The evidence of market value is the recent purchase price by the city of \$400,000.00, however the seller is preparing an appraisal (for tax purposes) which may indicate a higher value, and may be available in time for the hearing. (Attached to this agenda item is the Lincoln County Property Report for the two lots which are the subject of this request – combined assessed value \$543,810.)

Optional Consideration (likely to be imposed by Council): As additional consideration for this transaction, the City Council may sell the \$400,000.00 property to the domestic nonprofit and retain a note and trust deed for the recent purchase price of \$400,000.00. The note and trust deed would require an annual payment from Helping Hands of +/- \$14,000 per year, which payment will be waived, if and only if, the non-profit "Helping Hands Re-Entry Outreach Centers" operates a transitional housing facility on the subject property meeting certain minimum service thresholds for that year and the operator is not delinquent in any City Economic Development and/or Urban Renewal improvement rehabilitation/construction loan payments. [The City previously used this arrangement with regard to the food bank land exchange.]

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

\* \* \*

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

**(A) Low income housing;**

**(B) Social services; or**

(C) Child care services.

(b) As used in this subsection:

**(A) "Qualifying nonprofit corporation" means a corporation that is a public benefit corporation as defined in ORS 65.001 (35) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.**

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

The attached Resolution includes proposed findings consistent with ORS 221.725 and ORS 271.310 and 271.330. In sum:

*It appears the Council can find that the property is not needed for public use or that the conveyance of the property "furthers the public interest." It appears the operator "**Helping Hands Re-Entry Outreach Centers**" is a registered domestic non-profit organization. [Registration number 638900-90]. The purpose of the conveyance is for the provision of transitional housing which would appear to meet the "social services" definition in ORS 271.330 (2)(b)(B). It is not clear whether the low income housing definition is also met.*

*While it appears the City can "relinquish title" (without consideration) there is no requirement that the City do so. The conveyance can be for other real property or cash. The City is proposing one or more mechanisms to protect the City's investment in, and commitment to, transitional housing. First, the conveyance to the operator will be by deed with a fee simple determinable condition. This consideration for the conveyance to Helping Hands, requires that the property be used to provide transitional housing to those in need in this community. The deed restriction operates to automatically revert the property to city ownership, in the event the transitional housing use ends. The City has some experience with this "textbook" automatic reverter:*

*\* ". . . to the City of Oceanlake . . . only so long as used . . . for the purpose of providing the Grantee with a sewage drying basin . . . , and this conveyance shall be for only so long as used for this purpose." Oceanlake has a fee simple determinable because the grant contains the words "so long as" and the language makes clear that the duration of the fee is limited by its use as a sewage-drying basin. This grant is in a deed from the State Highway Commission to Oceanlake (now Lincoln City), recorded June 6, 1961, at book 216, page 386, Lincoln County Oregon Deed Records, Lincoln County, Oregon.*

*See Oregon State Bar, Oregon Real Estate Deskbook Chapter 4 (Estates in Land) p. 4-11*

*Note: a few years back ODOT made it clear that since the City has failed to use the above referenced property as a "sewage-drying basin", the property reverted to ODOT.*

***A Bargain and Sale deed (or Statutory Warranty deed) with the Fee simple determinable condition will be executed by the City Manager and approved as to form by City Attorney (see delegation in Resolution).***

*With this condition, it is possible for Council to make the finding that the conveyance furthers the public interest.*

*Optional Consideration. The City Council will also likely require that the purchase price paid by the City be repaid by Helping Hands and secured by a note, guaranty and a trust deed. Staff has provided notice of this possible additional consideration in the required notice. This additional measure to protect the City's investment in transitional housing would include a note and trust deed for the purchase price. The City may convey the property to the operator secured by a note and Trust Deed for the full purchase price of \$400,000.00. The note and Trust deed would provide that the City would require an annual installment payment from the operator every year. (Assuming +/- \$14,000.00) This installment payment would however be waived if the non-profit operator meets certain minimum operational conditions such as: (1) Operator must maintain nonprofit status; (2) Operator must not be delinquent on repayment of City /URA loans (e.g. Operator is applying for \$350,000.00 rehab loan); (3) Operator must commence use per conditional use approval and provide Transitional Housing service to homeless in this community within one year; (4) Operator must operate the facility on a continuous basis; and (5) Operator will obey all laws and not be cited for any City code violations; (6) other conditions to be determined in the contract. [As an alternative to the Trust Deed, Council can also do all the above with a Land Sale Contract.]*

*The City Manager and City Attorney are delegated the authority to approve the form of Trust Deed and Note to secure the \$400,000.00 purchase price (or land sale contract if desired).*

*Again, Council may simply decide to convey the \$400,000.00 property to Helping Hands with the only consideration being the fee simple determinable deed restriction. The above note & trust deed option is available but Council may find it to be redundant.*

*Please note: The City economic development and/or URA loan will be secured with a note and trust deed on the subject property. The option noted above would be in addition to this construction/rehabilitation loan trust deed.*

*With this condition, it is possible for Council to make the finding that the conveyance furthers the public interest.*

*Council may also wish to execute a standard purchase and sale agreement with the non-profit, and such documentation is similarly delegated to the City manager and attorney to approve.*

### **Council Options:**

1. Approve the Resolution, with or without modifications.

3. Postpone for additional information.
4. Do not approve the resolution or proceed with the transaction.

**Potential Motions:**

*Council:*

1. Motion to approve Resolution 2020-02.

**Attachments:**

Lincoln County Property Report (PDF)  
Resolution 2020-02 1-6-20 rev (DOC)

# Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R252290	Neighborhood:		Owner and	
Map Taxlot:	07-11-02-CC-00500-00	L116		Mailing Address:	
Tax Map:	07s11w02CC	Property Class:	201	Site Address(es):	3454 NE HWY 101
Web Map:	<a href="#">View Map</a>				
Info:	TWNShp 07, RNg 11, ACRES 0.20, DOC200803685				
Tax Code:	412				
Acres:	0.20				

Improvements							Value History				
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value	YearImp.	Land	Total Market	Total Assessed
MAIN AREA	6396 sq ft	1947			3HB		\$174,260				
<a href="#">Foundation Code List</a> <a href="#">Heating/AC Code List</a> <a href="#">Plumbing Code List</a>											
								2018	174,260	161,660	335,920
								2017	174,260	161,660	335,920
								2016	187,170	171,190	358,360
								2015	179,420	150,310	329,730
								2014	179,420	150,310	329,730
								2013	161,350	137,780	299,130
								2012	180,710	137,780	318,490
							Sales History				
Sale Date	Price	Document	Type	Code							
08/14/2006	\$550,000	200612719	27	WD							
02/15/2005	\$290,000	200502518	33	WD							

Land				Related Accounts		Disclaimer	
Description	Acres	Market Value	Special Use Value				
COMMERCIAL DEV SITE	0.21	147,410				For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. <b>Tax data exported 10/2018.</b>	
COMMERCIAL SITE DEVELOPMENT		14,250					
Today's Date: 12/02/2019							

## Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R247720	Neighborhood:		Owner and	
Map Taxlot:	07-11-02-CC-00300-00	<a href="#">L216</a>		Mailing Address:	
Tax Map:	<a href="#">07s11w02CC</a>	Property Class:	<a href="#">201</a>	Site Address(es):	2201 NE 34TH ST
Web Map:	<a href="#">View Map</a>				
Info:	TWNShp 07, RNg 11, ACRES 0.48, DOC200803685				
Tax Code:	402				
Acres:	0.48				

Improvements						Value History			
Description	Area	Yr Built	Found	Heat Plumb	BDMS Value	YearImp.	Land	Total Market	Total Assessed
MAIN AREA	2296 sq ft		CB;CS	FA	2HB			\$79,380	
ASPHALT	10000 sq ft							\$0	
<a href="#">Foundation Code List</a> <a href="#">Heating/AC Code List</a> <a href="#">Plumbing Code List</a>						2018	79,380	263,760	343,140
						2017	79,380	263,760	343,140
						2016	85,260	281,090	366,350
						2015	81,730	245,750	327,480
						2014	81,730	245,750	327,480
						2013	373,500	224,550	298,050
						2012	282,320	224,550	306,870
						<b>Sales History</b>			
						No Sales Data			

Land				Related Accounts		Disclaimer
Description	Acres	Market Value	Special Use Value			For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. <b>Tax data exported 10/2018.</b>
COMMERCIAL DEV SITE	0.48	249,510				
COMMERCIAL SITE DEVELOPMENT		14,250				
Today's Date: 12/02/2019						

RESOLUTION NO. 2020-02

A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING AND DIRECTING DISPOSITION OF CITY REAL PROPERTY FOR TRANSITIONAL HOUSING

RECITALS

- A. The City is under contract to purchase a real property with improvements located at 3454 NE Hwy 101, Lincoln City, Oregon and 2201 NE 34th Street, Lincoln City, Oregon said property being identified as 07-11-02CC Tax Lots 300 and 500 (hereinafter subject property) being more particularly described and shown in Exhibit A attached hereto and made a part hereof by this reference.
B. On December 9, 2019, the Lincoln City City Council, at the Council Chambers at 801 SW Highway 101, Lincoln City, Oregon conducted an advertised public hearing on the proposed sale / conveyance of the subject property, pursuant to ORS 221.725, ORS 271.310 and ORS 271.330.
C. The advertised purpose of the conveyance / sale, and the reason the City Council finds it necessary or convenient to sell the property, to the domestic non-profit organization "Helping Hands Re-Entry Outreach Centers" is the City Council's desire to provide transitional housing to the City of Lincoln City's homeless population.
D. The nature of the sale / conveyance was advertised as a conveyance to a domestic non-profit corporation of a \$400,000 City-acquired property with a deed restriction (fee simple determinable) that the property must be used for transitional housing to benefit the City's homeless population, - and if not, the property automatically reverts to the City. As additional security, the City may [as an additional option] retain a note, guaranty and trust deed for the purchase price of \$400,000 and require an annual payment of +/- \$13,333.33 per year which payment shall be waived annually if the non-profit entity operates a transitional housing facility on the subject property meeting certain minimum thresholds as described in the note and the operator is not delinquent in any City economic development or Urban Renewal rehabilitation loan payments. The option above is in addition to any security required for economic development or rehabilitation loans. A standard real estate purchase and sale agreement may also be required.

1

2 E. The December 9, 2019 City Council Public Hearing and Resolution staff reports  
3 are incorporated herein by this reference. All evidence of market value (in  
4 addition to the purchase price paid by the City) was fully disclosed and entered  
5 into the record at the public hearing on December 9, 2019.

6

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

10

11 G. After hearing the staff report and public input, Council closed the hearing and  
12 record and continued deliberations of the proposed Resolution to January 13,  
13 2020. The primary reason for the continuation was to facilitate final resolution of  
14 the pending land use application before the Planning Commission. On January  
15 13, 2020, after due deliberation, Council made the findings of fact set forth herein  
16 and directed the sale / conveyance of the real property with the conditions  
17 identified in the staff report and this Resolution.

18

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

21

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

24

25 **SECTION 2. FINDINGS.**

26

27 The Council finds and determines that the relevant statutory criteria for disposition  
28 of City real property are found in or referenced in ORS Chapter 271 (specifically ORS  
29 271.310 and ORS 271.330) as well as ORS 221.725.

30

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

33

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

1 consideration for the transfer or lease may be cash or real property, or  
2 both.

3  
4 \*\*\*

5  
6 (4) Unless the governing body of a political subdivision determines under  
7 subsection (1) of this section that the public interest may be furthered,  
8 real property needed for public use by any political subdivision owning or  
9 controlling the property shall not be sold, exchanged, leased or conveyed  
10 under the authority of ORS 271.300 to 271.360, except that it may be  
11 exchanged for property which is of equal or superior useful value for  
12 public use. Any such property not immediately needed for public use may  
13 be leased if, in the discretion of the governing body having control of the  
14 property, it will not be needed for public use within the period of the  
15 lease.

16  
17 **271.330 Relinquishing title of property not needed for public use.**

18  
19 \* \* \*

20  
21 (2)(a) Any political subdivision is granted express power to relinquish the  
22 title to any of the political subdivision’s property to a qualifying nonprofit  
23 corporation or a municipal corporation for the purpose of providing any of the  
24 following:

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

29 (A) "Qualifying nonprofit corporation" means a corporation that is a public  
30 benefit corporation as defined in ORS 65.001 (35) and that has obtained a  
31 ruling from the federal Internal Revenue Service providing that the corporation  
32 is exempt from federal income taxes under section 501(c)(3) of the Internal  
33 Revenue Code.

34 (B) "Social services" and "child care services" include but are not limited to  
35 education, training, counseling, health and mental health services and the  
36 provision of facilities and administrative services to support social services and  
37 child care services.

38  
39 **221.725 Sale of city real property; publication of notice; public hearing.**

40

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

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

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

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

23 (5) As used in this section and ORS 221.727, "sale" includes a lease-option  
24 agreement under which the lessee has the right to buy the leased real property  
25 in accordance with the terms specified in the agreement.  
26

27 The Council finds that it has received all information necessary to make a decision based  
28 on the Staff Report, public hearing testimony and the exhibits and evidence received.  
29 The Staff Report and the findings therein are specifically incorporated herein by this  
30 reference.  
31

32 The Council finds and determines that this proposal to sell / convey the subject property  
33 to "Helping Hands Re-Entry Outreach Centers," a "Qualifying non-profit corporation"  
34 meets all applicable statutory minimum criteria for eligibility to sell real property, as  
35 more fully set forth herein. Further the City Council finds and determines that the  
36 proposed disposition of real property is deemed "necessary or convenient" to the City,  
37 and "furthers the public interest" as the sale will further the City Council's desire to  
38 provide transitional housing for the City of Lincoln City's homeless population. The  
39 Council further finds and determines that the property identified herein is not necessary

1 for City use. The findings herein are supported by competent substantial evidence in  
2 the whole record, incorporated herein by this reference.

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

21  
22 **SECTION 4. EFFECTIVE DATE.** This resolution is effective as of the date of its  
23 adoption and signature by the Mayor.

24  
25 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13th day of  
26 January, 2020.

27  
28  
29  
30 \_\_\_\_\_  
31 DICK ANDERSON, MAYOR

32  
33 ATTEST:

34  
35  
36 \_\_\_\_\_  
37 CATHY STEERE, CITY RECORDER  
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39

EXHIBIT A

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

PARCEL I:

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

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

PARCEL II:

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

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

# Council Communication

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## FY2018-19 Submission of Audited Statements

Meeting Date:	January 13, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	20 Minutes

---

### Comments:

The FY2018-19 audited financial statements for the City and for the Urban Renewal Agency have been posted on our website. I am pleased to report both audits received an unmodified audit opinion, which means Talbot, Korvola & Warwick, LLP, (TKW) concluded from their audit that the financial statements do not contain any material errors.

Included in this packet are four communications from our auditors:

### Independent Auditor's Report

The primary purpose of an audit is to provide assurance to the users of the financial statements that the statements are reliable. The independent auditor's report states that the examination was performed in conformity with generally accepted auditing standards, and it expresses an opinion that the City's financial statements are presented fairly in conformity with generally accepted accounting principles. This letter also details management's responsibility for the financial statements and the auditor's responsibility, and discusses the Required Supplementary Information and Other Information sections of the statements.

### Independent Auditor's Report on Compliance and Internal Control over Financial Reporting based on an Audit of Financial Statements Performed in Accordance with Oregon State Regulations

This letter discusses the auditor's review of the City's compliance with certain provisions of laws, regulations, contracts, and grants. It notes the following items in regards to compliance:

- The City's General fund – Library expenditures over by \$15,006
  - *Other Supplies was \$11,023 over budget.*
  - *Training was \$8,041 over budget. This was mostly offset by library grant revenue being \$6,988 higher than budget.*

The City's General fund – Building Inspection expenditures over by \$9,452

- *Salaries and benefits were \$4,693 over budget, largely due to a term vacation cash-out.*
- *Contracted services was \$5,219 over budget; this was offset by building permit revenues being higher than budget.*

The Water Operations fund – Personal Services over by \$18,481

- *Full time salaries were \$29,494 over budget due to unbudgeted change in on duty pay per labor negotiations.*

The Sewer Operations fund – Capital Outlay over by \$2,122

- *Capital outlay was \$2,122 over budget, due to a year end correcting entry that moved an expenditure from fund 252 Sewer System construction fund to the sewer operations fund capital outlay.*

### **SAS 114 Letter: Ending Communications with Those Charged with Governance**

This letter is an AICPA (American Institute of CPAs) required communication letter for all financial statement audits. The purpose of the letter is to communicate to those charged with governance the scope of audit procedures performed, significant findings, and other information, such as disagreements with management, audit adjustments and significant estimates, that aren't communicated in the audited financial statements. Another important portion of the letter is the presentation of any passed journal entries. These are entries that were not posted to the audited financials, because, in total, they have no material effect on the financial statements, but are presented to you in this letter in order to bring to your attention other known errors that were found during the audit.

### **SAS 115 Letter: Communicating Internal Control Related Matters Identified in an Audit**

One of the requirements of an audit is that the auditor must gain an understanding of the City's internal controls, how they are implemented and their operating effectiveness. This is typically done during preliminary fieldwork while conducting walkthroughs of certain key areas, such as the cash receipt and cash disbursement processes. In some cases, an internal control may not be operating as intended or may not be in place at all. This is when the SAS 115 letter is utilized. While any significant deficiencies or material weaknesses would have been discussed with management during the audit, the AICPA requires the auditor to communicate them to management in writing. Along with identifying deficiencies in the controls, the auditor may also offer recommendations for ways to improve these controls that will help to mitigate risk and strengthen the City's accounting processes.

This letter notes the following significant deficiency:

- *During the audit we noted a general lack of timely review. There were multiple instances of untimely review of journal entries, bank reconciliations, accounts payable sub-ledger reconciliations and fuel card invoices. In addition, we noted several instances where an approver had not indicated the date of their review on their sign off.*

**Council Action:**

None needed

**Attachments:**

City IAR-2019 (PDF)  
City OMS IAR-2019 (PDF)  
SAS 114-2019 (PDF)  
SAS 115-2019 (PDF)



ACHIEVE MORE

**Talbot, Korvola  
& Warwick, LLP**

4800 Meadows Road, Suite 200  
Lake Oswego, OR 97035

P 503.274.2849  
F 503.274.2853

[www.tkw.com](http://www.tkw.com)

## INDEPENDENT AUDITOR'S REPORT

Honorable Mayor and Members of City Council  
City of Lincoln City  
Lincoln City, Oregon

### REPORT ON THE FINANCIAL STATEMENTS

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Lincoln City, Oregon (the City), as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the Table of Contents.

### MANAGEMENT'S RESPONSIBILITY FOR THE FINANCIAL STATEMENTS

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### AUDITOR'S RESPONSIBILITY

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.



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**INDEPENDENT AUDITOR'S REPORT (Continued)**

Honorable Mayor and Members of City Council  
City of Lincoln City

**OPINIONS**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City, as of June 30, 2019, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

**OTHER MATTERS*****Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that Management's Discussion and Analysis and the Pension and OPEB schedules, as listed in the Table of Contents in the Required Supplementary Information section, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the Required Supplementary Information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Accounting principles generally accepted in the United States of America require that the budgetary comparison information for the General Fund and Visitor and Convention Bureau Fund, listed in the Table of Contents as Required Supplementary Information, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. This budgetary comparison information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the budgetary comparison information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

**INDEPENDENT AUDITOR'S REPORT (Continued)**

Honorable Mayor and Members of City Council  
City of Lincoln City

**OTHER MATTERS (Continued)*****Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The individual fund and combining schedules and statements, and other schedules listed in the Table of Contents as Other Supplementary Information, are presented for purposes of additional analysis and are not a required part of the basic financial statements. The Other Supplementary Information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Other Supplementary Information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The Additional Schedules, as listed in the Table of Contents, have not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on them.

**OTHER REPORTING REQUIRED BY OREGON MINIMUM STANDARDS**

In accordance with *Minimum Standards for Audits of Oregon Municipal Corporations*, we have also issued our report dated December 20, 2019, on our consideration of the City's compliance with certain provisions of laws and regulations, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing and not to provide an opinion on compliance.

**TALBOT, KORVOLA & WARWICK, LLP**

By Brad W. Anderson  
Brad W. Anderson, Partner

Lake Oswego, Oregon  
December 20, 2019



**Talbot, Korvola  
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**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE AND INTERNAL  
CONTROL OVER FINANCIAL REPORTING BASED ON AN AUDIT OF  
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH  
OREGON STATE REGULATIONS**

Honorable Mayor and Members of the City Council  
City of Lincoln City  
Lincoln City, Oregon

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Lincoln City, Oregon (the City), as of and for the year ended June 30, 2019, which collectively comprise the City's basic financial statements, and have issued our report thereon dated December 20, 2019. We conducted our audit in accordance with auditing standards generally accepted in the United States of America.

**COMPLIANCE**

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules 162-10-000 through 162-10-330 of the *Minimum Standards for Audits of Oregon Municipal Corporations*, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

We performed procedures to the extent we considered necessary to address the required comments and disclosures which included, but were not limited to the following:

- Deposit of public funds with financial institutions (ORS Chapter 295).
- Indebtedness limitations, restrictions and repayment.
- Budgets legally required (ORS Chapter 294).
- Insurance and fidelity bonds in force or required by law.
- Programs funded from outside sources.
- Highway revenues used for public highways, roads, and streets.
- Authorized investment of surplus funds (ORS Chapter 294).
- Public contracts and purchasing (ORS Chapters 279A, 279B, 279C).

In connection with our testing, nothing came to our attention that caused us to believe the City was not in substantial compliance with certain provisions of laws, regulations, contracts, and grants, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules 162-10-000 through 162-10-330 of the *Minimum Standards for Audits of Oregon Municipal Corporations*, except as follows:



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**INDEPENDENT AUDITOR'S REPORT ON  
COMPLIANCE AND INTERNAL CONTROL OVER  
FINANCIAL REPORTING BASED ON AN AUDIT OF  
FINANCIAL STATEMENTS PERFORMED IN  
ACCORDANCE WITH OREGON STATE REGULATIONS (Continued)**

Page 2

**COMPLIANCE (Continued)**

- The General Fund reported an over expenditure of \$15,006 in library appropriations and \$9,452 in building inspection appropriations.
- The Water Fund reported an over expenditure of \$18,481 in personal services appropriations.
- The Sewer Fund reported an over expenditure of \$2,122 in capital outlay appropriations.

**INTERNAL CONTROL OVER FINANCIAL REPORTING**

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, as communicated in a separate letter to management dated December 20, 2019, we identified certain deficiencies in internal control that we consider to be significant deficiencies.

**PURPOSE OF THIS REPORT**

This report is intended solely for the information and use of the City Council, Oregon Secretary of State Audits Division, and management and is not intended to be and should not be used by anyone other than these specified parties.

*Talbot, Korvola & Wawirek, LLP*

Lake Oswego, Oregon  
December 20, 2019



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& Warwick, LLP**

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Honorable Mayor and Members of City Council  
City of Lincoln City  
Lincoln City, Oregon

This letter is to inform the City Council of the City of Lincoln City, Oregon (the City) about significant matters related to the conduct of our audit for the year ended June 30, 2019 so that it can appropriately discharge its oversight responsibility, and that we comply with our professional responsibilities.

The following summarizes various matters that must be communicated to you under auditing standards generally accepted in the United States of America.

### **The Respective Responsibilities of the Auditor and Management**

Our responsibility under auditing standards generally accepted in the United States of America has been described to you in our arrangement letter dated August 8, 2019. The audit of the financial statements does not relieve management or those charged with governance of their responsibilities, which are also described in that letter.

### **Overview of the Planned Scope and Timing of the Financial Statement Audit**

We have issued a separate communication dated August 8, 2019 regarding the planned scope and timing of our audit and have discussed with you our identification of and planned audit response to significant risks of material misstatement.

### **Significant Accounting Practices, Including Policies, Estimates and Disclosures**

Under accounting principles generally accepted in the United States of America, in certain circumstances management may select among alternative accounting practices. In our view, in such circumstances, management has selected the preferable accounting practice. Management has the ultimate responsibility for the appropriateness of the accounting policies used by the City. We are not aware of any significant accounting policies or their applications that were initially selected or changed during the year.

We did not identify any significant or unusual transactions or significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Accounting estimates are an integral part of the preparation of financial statements and are based upon management's current judgment. The process used by management encompasses their knowledge and experience about past and current events and certain assumptions about future events. You may wish to monitor throughout the year the process used to determine and record these accounting estimates. The following describes the significant accounting estimates reflected in the City's June 30, 2019, basic financial statements.



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### Significant Accounting Practices, Including Policies, Estimates and Disclosures (Continued)

- User Charges and Allowance for Doubtful Accounts, as described in Note 1 of the Notes to Basic Financial Statements, is based on estimated collectability of outstanding amounts, based on management experience and trends in collections.
- Net pension liability and related deferred outflows and inflows, as described in Note 1 of the Notes to the Basic Financial Statements, are based on an actuarial valuation prepared by the Oregon Public Employees Retirement System (OPERS) using information provided by the City to OPERS.
- Land Held for Resale, as described in Note 1 of the Notes to Basic Financial Statements, is recorded at the lower of cost or estimated market value.
- Capital Assets and Related Depreciation, as described in Note 1 of the Notes to Basic Financial Statements, are recorded at cost and depreciated over the estimated useful lives of respective assets on a straight-line basis.
- Post Closure Costs, as described in Note 7 of the Notes to Basic Financial Statements, is based on a relative percentage of total costs as determined through a combination of engineering estimates, construction bids and projected monitoring costs.
- Other Postemployment Benefits, as described in Note 9 of the Notes to Basic Financial Statements, are based on information provided by the actuary to the City.

### Uncorrected Misstatement

We identified an uncorrected misstatement, detailed in the attached representation letter, that management has concluded is not material to the financial statements. We agree with management's conclusion in that regard.

### Internal Control Matters

We have issued a separate communication dated December 20, 2019 regarding certain deficiencies in internal control that we identified during the planning or performance of our audit of the financial statements.

### Consultation with Other Accountants

We are not aware of any consultations management had with other accountants about accounting or auditing matters.

### Recently Issued Accounting Standards

The Governmental Accounting Standards Board (GASB) has recently issued the following statements:

- **GASB Statement No. 84, *Fiduciary Activities***  
 This Statement will be effective for fiscal years beginning after December 15, 2018. The Statement establishes criteria for identifying fiduciary activities of all state and local governments and clarifies whether and how business-type activities should report their fiduciary activities. It also provides that governments should report activities meeting certain criteria in a fiduciary fund in the basic financial statements and present a statement of fiduciary net position and a statement of changes in fiduciary net position. The Statement describes four fiduciary funds that should be reported, if applicable: pension/employee benefit trust funds; investment trust funds; private purpose trust funds; and custodial funds with fiduciary activities that are not held in a trust or equivalent arrangement that meets specific criteria.

Honorable Mayor and Members of City Council  
 City of Lincoln City  
 Page 3

### Recently Issued Accounting Standards (Continued)

- **GASB Statement No. 87, Leases**

This Statement will be effective for fiscal years beginning after December 15, 2019 for all leases other than short-term leases. Among other things, the Statement requires that government lessees:

- Recognize the following: (a) a lease liability and (b) an intangible asset representing the lessee's right to use the leased asset; and
- Report in its financial statements: (a) amortization expense for using the leased asset over the shorter of the term of the lease or the useful life of the underlying asset, (b) interest expense on the lease liability and (c) note disclosures about the lease.

Under this Statement, government lessors must:

- Recognize: (a) a lease receivable and (b) a deferred inflow of resources and continue to report the leased asset in its financial statements; and
- Report in its financial statements: (a) lease revenue, recognized over the term of the lease, corresponding with the reduction of the deferred inflow, (b) interest income on the receivable; and (c) note disclosures about the lease.

### Management Representations

Attached is a copy of the management representation letter.

### Closing

We will be pleased to respond to any questions you have about the foregoing. We appreciate the opportunity to continue to be of service to the City.

This report is intended solely for the information and use of the City Council and is not intended to be, and should not be, used by anyone other than these specified parties.

*Talbot, Karvola & Warwick, LLP*

Lake Oswego, Oregon  
 December 20, 2019



**Talbot, Korvola  
& Warwick, LLP**

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Honorable Mayor and Members of City Council  
City of Lincoln City  
Lincoln City, Oregon

In planning and performing our audit of the basic financial statements of the City of Lincoln City, Oregon (the City), as of and for the year ended June 30, 2019, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, we did not identify any deficiencies in internal control during our audit that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Our audit was also not designed to identify deficiencies in internal control that might be significant deficiencies. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiency in the City's internal control to be a significant deficiency:

During the audit we noted a general lack of timely review. There were multiple instances of untimely review of journal entries, bank reconciliations, accounts payable subledger reconciliations and fuel card invoices. In addition, we noted several instances where an approver had not indicated the date of their review on their sign off. Due to the lack of timely review, we identified several instances where transactions were either misclassified or not recorded in the correct period. Reviews are considered an important part of internal controls and should be completed and documented in a timely manner.

This communication is intended solely for the information and use of the City Council and management, and is not intended to be, and should not be, used by anyone other than these specified parties.

*Talbot, Korvola & Warwick, LLP*

Lake Oswego, Oregon  
December 20, 2019



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## PLANNING COMMISSION STAFF REPORT

MEETING DATE: January 13, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

### ZOA 2019-13 Transitional Housing

#### PROJECT INFORMATION

<b>Applicant/Owner</b>	City of Lincoln City 801 SW Hwy 101 Lincoln City, OR 97367
<b>Map &amp; Lot No.</b>	City-wide zoning code amendment
<b>Comprehensive Plan &amp; Zoning</b>	City-wide zoning code amendment
<b>Surrounding Land Uses And Zoning</b>	City-wide zoning code amendment
<b>Public Notice</b>	Mailed on November 12, 2019
<b>Relevant Substantive Criteria</b>	LCMC 17.88.020

#### BACKGROUND

City Council requested a zoning code amendment to provide a definition for transitional housing and to add it to the list of conditional uses in the General Commercial (GC) zone.

The Planning Commission held a public hearing on the proposed amendment on December 3, 2019. The Commission unanimously recommended approval of the ordinance amendment with the additional recommendation the City Council consider in the future whether transitional housing is appropriate as a conditional use in other zones, besides General Commercial. Final Recommendation No. 2019-10 was signed on December 17, 2019 by the Planning Commission Chair.

#### AUTHORIZATION

This amendment was initiated by the Planning and Community Development Director pursuant to LCMC 17.88.020.

The Planning Commission reviews proposed amendments to the Title 17 for compliance with the Lincoln City Comprehensive Plan, state statutes, and state-wide planning goals and makes recommendations to City Council (within 60 days of referral).

Upon receipt of the report from the Planning Commission or upon the expiration of such 60 days as aforesaid, a public hearing is automatically set for the next regular City Council meeting. At the conclusion of the public hearing, the Council may enact an ordinance granting the comprehensive plan and zoning map or textual amendment, or may by motion deny the granting of the amendment. The Council shall in any event render its decision on any application within 60 days after the receipt of the report and recommendation of the Planning Commission or after the expiration of such 60 days as aforesaid; provided, however, that nothing shall prohibit the City Council from, by motion, postponing disposition of the application to a definite time past the 60-day period, provided mutual agreement is made for such postponement by the parties having an interest in the proceedings.

### **ANALYSIS**

Chapter 17.08 of Title 17 does not contain a definition for transitional housing. The proposed amendment adds a definition for transitional housing as well as adding it as a conditional use in the General Commercial (GC) zone. Findings supporting the proposed ordinance amendment are being prepared and will be available for the ordinance adoption on the next Council meeting following City Council's January 13, 2020 public hearing on this matter.

The current proposed definition is as follows:

**Transitional housing means a facility that is designed to provide housing and assist with obtaining appropriate supportive services, such as social or psychological therapy or vocational rehabilitation, to homeless persons *in the subject community*\*, to facilitate movement to independent living; wherein the facility manager or supervisor determines the length of housing term for each individual on a case-by-case basis in accordance with the terms of that facility's program.**

***\* Note the text in italics is not in original ordinance text sent to DLCD – it is recommended by legal so that Transitional housing here in Lincoln city serves the homeless in this community. (This is not a requirement that they originally be from here, only that residents are drawn from this homeless population locale and not brought in from facilities in other cities).***

Siting transitional housing is protected from discrimination under federal law – i.e. the Fair Housing Act.

No written comments were received regarding the proposed amendment.

### **STAFF RECOMMENDATION**

Conduct Public Hearing, Close Public Hearing

*After close of the hearing and record...*

Move to approve ZOA 2019-13 Transitional Housing and direct staff to prepare findings and final order for adoption at the next City Council meeting.

Draft Trans Hsng CC(PDF)

Final Rec 2019-10 for ZOA 2019-13 (PDF)

1  
2  
3 **ORDINANCE NO. 2020-\_\_\_**  
4

5 **AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING),**  
6 **CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS) ADDING A**  
7 **DEFINITION OF TRANSITIONAL HOUSING; AMENDING CHAPTER 17.32 (GENERAL**  
8 **COMMERCIAL (GC) ZONE), SECTION 17.32.040 (CONDITIONAL USES PERMITTED) ADDING**  
9 **A NEW CONDITIONAL USE OF TRANSITIONAL HOUSING**  
10

11  
12 *Annotated to show deletions and additions to the code sections being modified. Deletions are **bold***  
13 *~~lined through~~ and additions are **bold underlined**.*  
14

15 **The City Council finds:**

- 16 A. The amendments to the Lincoln City Municipal Code are in conformance with the  
17 Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in  
18 attached Exhibit "A".  
19
- 20 B. The amendments are in conformance with the Zoning Ordinance, including, but not  
21 limited to, required initiation, processing and noticing requirements.
- 22 C. On October 29, 2019, the City duly notified the Oregon Department of Land  
23 Conservation and Development pursuant to ORS 197.610 of its consideration of the  
24 proposed amendment(s); staff determined that the proposed amendments to add a new  
25 a new definition of transitional housing and a new conditional use of transitional housing  
26 in the General Commercial zone does not rezone any existing property or require  
27 rezoning any property and therefore an ORS 227.186(4) notice is not required.  
28
- 29 D. The Planning Commission, on December 3, 2019, conducted a public hearing and  
30 considered the amendments contained within this ordinance. On December 3, 2019, the  
31 Planning Commission voted to transmit the amendments to the City Council with a  
32 recommendation that the ordinance be adopted.
- 33 E. The City Council conducted a public hearing on January 13, 2020, closed the hearing,  
34 closed the record and deliberated on the proposed amendments, providing direction to  
35 return with the Ordinance for required readings and adoption.  
36
- 37 F. All persons were given an opportunity to provide written and/or oral testimony on the  
38 proposed ordinance amendments.  
39

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

1 **SECTION 1.** Lincoln City Municipal Code Title 17(*Zoning*), Chapter 17.08 (*Definitions*), Section  
 2 17.08.010 (*Definitions*), is amended by adding a new definition of transitional housing as follows:

3  
 4 **Transitional housing means a facility that is designed to provide housing and assist**  
 5 **with obtaining appropriate supportive services, such as social or psychological**  
 6 **therapy or vocational rehabilitation, to homeless persons in the subject**  
 7 **community, to facilitate movement to independent living; wherein the facility**  
 8 **manager or supervisor determines the length of housing term for each individual**  
 9 **on a case-by-case basis in accordance with the terms of that facility's program.**

10  
 11 **SECTION 2.** The Lincoln City Municipal Code Title 17(*Zoning*), Chapter 17.32 (*General*  
 12 *Commercial (GC) Zone*), Section 17.32.040 (*Conditional Uses Permitted*) is hereby amended to  
 13 add a new conditional use of Transitional Housing as a new paragraph T, as follows:

14  
 15 **17.32.040 Conditional uses permitted.**

16 In a GC zone, the following are given as examples of those uses which meet the  
 17 intent of this zone on a conditional basis, subject to the provisions of Chapter  
 18 17.60 LCMC:

- 19 A. A use listed in this zone with drive-in service facilities and including, but  
 20 not limited to, drive-in restaurants, service stations, car washes and photo  
 21 processing booths;  
 22 B. Places of worship;  
 23 C. Indoor commercial recreation establishments;  
 24 D. Passenger terminals;  
 25 E. Public utility;  
 26 F. Utility substation;  
 27 G. Outdoor commercial recreational establishments, such as swimming  
 28 pool and miniature golf;  
 29 H. Automobile and trailer sales; provided, that any incidental repair  
 30 activities shall be conducted and confined wholly within a building;  
 31 I. Light fabrication establishments entailing the assembly of electronic or  
 32 precision equipment, the sewing of fabric or materials or similar activities;  
 33 J. Recreational vehicle parks;  
 34 K. Multifamily dwellings developed under the standards and provisions of  
 35 the high density section of the R-M zone;  
 36 L. Motor vehicle repair facility;  
 37 M. Tire shops;  
 38 N. Kennels;  
 39 O. Aggregate sales and storage;  
 40 P. Manufactured dwelling sales and service;  
 41 Q. Mortuary;

1 R. Wireless communications facilities, subject to the provisions of LCMC  
2 17.52.270;  
3 S. Emergency shelters.

4 **T. Transitional Housing.**

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

10  
11 **SECTION 4. Severability.** The sections, subsections, paragraphs and clauses of this ordinance  
12 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
13 validity of the remaining sections, subsections, paragraphs and clauses.

14  
15 **SECTION 5. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance  
16 takes effect 30 days after the date of its adoption.

17  
18 **SECTION 6. Codification.** Provisions of this Ordinance shall be incorporated in the City of  
19 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",  
20 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or  
21 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 3-6) need  
22 not be codified and the City Recorder is authorized to correct any cross-references and any  
23 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 \_\_\_\_ day of \_\_\_\_\_ (First Reading)  
27 and on the \_\_\_\_ day of \_\_\_\_\_ (Second Reading).

28  
29 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of  
30 \_\_\_\_\_, 2020.

31  
32  
33 \_\_\_\_\_  
34 DICK ANDERSON, MAYOR

35  
36  
37 ATTEST:

38  
39  
40 \_\_\_\_\_  
41 CATHY STEERE, CITY RECORDER

1 APPROVED AS TO FORM:  
2  
3 \_\_\_\_\_  
4 RICHARD APPICELLO, CITY ATTORNEY

1  
2

**Exhibit A**  
Findings

**LINCOLN CITY  
PLANNING COMMISSION**

**IN THE MATTER OF**

Amendments to Title 17, Zoning, concerning ) Final Recommendation  
Amendments for Transitional Housing Facilities ) No. 2019-10  
Standards )

**NATURE OF THE APPLICATION**

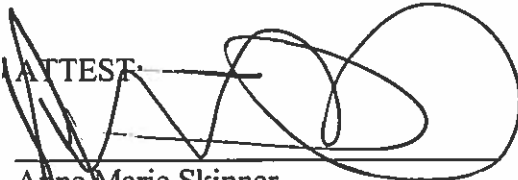
ZOA 2019-13 amends Title 17 (Zoning) in Chapter 17.08 (Definitions), Section 17.08.010 (Definitions) by adding a definition of transitional housing and amending Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.040 (Conditional Uses Permitted) by adding a new conditional use of transitional housing.

**FINAL RECOMMENDATION**

Based on the evidence presented at the public hearing on December 3, 2019, including the staff report, the Planning Commission recommends on a 7-0 vote that the City Council approve the draft ordinance, with the additional recommendation the City Council consider in the future whether transitional housing is appropriate as a conditional use in other zones, besides General Commercial.

APPROVED THIS 17th DAY OF December, 2019.

  
Patti Kroen  
Planning Commission Chair

ATTEST:   
Anne Marie Skinner  
Planning & Community Development Director

# Council Communication

---

## Public Hearing Supplemental Budget

Meeting Date:	January 13, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	15 Minutes

---

**Authority:**

ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning.

**Background:**

Following are the items for which staff is requesting appropriation changes in the FY2019-20 budget. This supplemental budget request does require a public hearing; notice has been published in the News Guard.

**PERS Employer Incentive Match**

At its November 25, 2019 meeting, City Council authorized transmitting \$500,000 to PERS in December 2019 for the PERS Employer Incentive match. Using an allocation based on FY18-19 actual PERS expense, staff is requesting an increase to the following Personal Services appropriation. This will be funded by contingency, except in the internal service fund departments.

General Fund	\$300,460
Lincoln Square	\$ 6,074
Vehicle Maint	\$ 6,648
Information Technology	\$ 9,766
GIS	\$ 3,724
Streets	\$ 23,565
Water	\$ 57,008
Sewer	\$ 43,565
Parks	\$ 24,896
Explore Lincoln City	\$ 20,493

URA	\$ 3,801
Total	\$500,000

**General Fund**

Miscellaneous Revenue:	\$ 63,036
Contingency:	-\$367,000
Police Department:	\$ 63,036
Recreation Center:	\$ 17,000
General Fund Non-Dept:	\$350,000

1) Request to provide additional appropriation of \$2,436 for Police overtime. This is funded by a reimbursement from Oregon Impact of \$996, and from the Lincoln City Invitational Mushball Tournament of \$1,440.

2) In FY18-19 the Lincoln City PD began a fundraising campaign to raise funds to begin a K-9 program. To date they have raised the \$60,600 needed for initial costs as follows:

a. Dog	\$11,500
b. Dog Training	\$ 6,000
c. Used Vehicle	\$30,000
d. Equipment	\$10,100
e. Food / Vet	<u>\$ 3,000</u>
Total	\$60,600

3) In the FY19-20 budget there is an appropriation for body cameras of \$17,247. This was budgeted in capital and should have been budgeted in operations. Staff would like to move this budget from capital to operations. This request does not change the police legal budget limit and is therefore not included in the resolution.

4) In calculations for the Recreation Center salaries and benefits, finance budgeted one position at the wrong pay grade. Request is for an additional \$17,000 for salary, taxes and PERS to correct this error, funded by contingency.

5) Per City Council priorities, staff is requesting appropriation for \$350,000 from general fund contingencies for a loan to Helping Hands.

**Street Capital Fund**

Intergovernmental Revenue:	\$647,603
Materials and Services:	-\$200,000
Capital Outlay:	\$847,603

At its September 23, 2019 meeting, City Council approved the Lincoln Square ADA Improvements project with a total project cost of 939,272. Per the staff memo, this project is partially funded by moving the \$200,000 budgeted SW 29<sup>th</sup> Street Improvements Overlay project into a future year. Other sources of funding include \$513,008 from ODOT. The current FY19-20 budget has \$150,000 appropriated for this project, with the remaining \$76,264 funded from capital reserves.

At its August 26, 2019 meeting, City Council approved the NE WDLR Bridge Replacement Project for a total project cost of 1,330,500. ODOT has committed \$1,193,857 towards this project. Staff estimates approximately \$150,000 will be spent this fiscal year and is requesting additional appropriation of \$134,595 funded by intergovernmental revenue, with the remaining \$15,405 to be funded from capital reserves.

**N Hwy 101 Improvement Program**

Intergovernmental Revenue: \$174,500  
Capital Outlay: \$174,500

At its November 25, 2019 meeting, City Council approved the Hwy 101 Neotsu to West Devils Lake Road bike/pedestrian Improvement project. This project is funded primary through a State Transportation Improvement Program grant. The total project cost is estimated at \$3,051,500 with state funds limited to 2,661,500. In addition, the Confederated Tribe of Siletz Indians are contributing \$360,000, with the City funding the remaining cost.

Staff estimates that approximately \$200,000 will be spent this fiscal year and is requesting additional appropriation of \$174,500 funded by intergovernmental revenue, with the remaining \$25,500 to be funded by capital reserves.

**Facilities Capital Fund**

Per City Council priorities, staff would like to move \$400,000 from capital reserves to capital outlay, in anticipation of the purchase of property for transitional housing. Since both these line items are in the capital category and the legal budget amount is not changing, this item is not included in the resolution.

**Water SDC Reimbursement Fund**

Beginning fund balance: \$307,063  
Capital Outlay: \$307,063

The FY18-19 budget anticipated the completion of the SE 48<sup>th</sup> Place retaining wall, however only \$5,185 was spent in FY18-19. This request is to increase beginning fund balance for unspent funds by \$307,063 and appropriate this for completion of the SE 48<sup>th</sup> Place retaining wall.

**Water Capital Fund**

At its November 25, 2019 meeting, City Council approved the Water main replacement at SW beach project for \$314,781, funded from budgeted capital reserves. Staff would like to move \$314,781 from capital reserves to capital outlay for this project. Since both these line items are in the capital category and the legal budget amount is not changing, this item is not included in the resolution.

**Sewer Operating Fund**

Materials and Services: \$32,152  
Beginning Fund Balance: \$32,152

The FY18-19 budget included \$50,000 in funding for a membrane roof sealing for the lab and shop building roofs; however this expenditure did not happen in FY18-19. This request is to rollover \$32,152 of that funding (which is the actual cost) from FY18-19 to FY19-20, and is funded by higher than budgeted for beginning fund balance.

**Sewer Sys Capital Reserve Fund**

Capital Outlay: \$321,068  
Beginning Fund Balance: \$321,068

The FY18-19 budget included \$361,802 for the wastewater screwpress purchase and install; however only \$40K was spent in FY18-19. This request is to rollover the unspent amount of \$321,068 from FY18-19 to FY19-20, funded by higher than budgeted for beginning fund balance.

**Revised Contingencies**

The net effect of all of the above requests on contingencies are as follows:

General Fund

Current contingency \$2,000,000      Revised contingency \$1,332,540

Lincoln Square

Current contingency \$129,354      Revised contingency \$123,280

Street Operations Fund		
Current contingency	\$648,785	Revised contingency \$625,220
Street Capital Fund		
Current contingency	\$362,316	Revised contingency \$270,647
N Hwy 101 Improvement Fund		
Current contingency	\$214,866	Revised contingency \$189,366
Facilities Capital Fund		
Current contingency	\$1,198,366	Revised contingency \$798,366
Water Operations Fund		
Current contingency	\$748,815	Revised contingency \$691,807
Water capital fund		
Current contingency	\$986,057	Revised contingency \$671,276
Sewer Operations Fund		
Current contingency	\$697,881	Revised contingency \$654,316
Parks Operations Fund		
Current contingency	\$931,527	Revised contingency \$906,631
Explore Lincoln City		
Current contingency	\$1,748,006	Revised contingency \$1,727,513

## Council Communication

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### Ordinance 2020-01 Amending Chapter 15.04

Meeting Date:	January 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

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#### Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-01 entitled:

#### ORDINANCE 2020-01

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (ADOPTION AND ENFORCEMENT OF CONSTRUCTION AND CONSTRUCTION-RELATED CODES) TO REMOVE THE ADOPTION BY REFERENCE OF THE 1997 UNIFORM HOUSING CODE AND THE 1997 UNIFORM SIGN CODE.**

#### Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2020-01 and, *if unanimous*, Conduct and approve Second Reading and adopt the Ordinance. 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:**

The Planning and Community Development Director has requested that two 1997 codes adopted by reference in Chapter 15.04 be removed from the Municipal Code as they are not used. The State of Oregon uses different codes which we are using and are referenced in LCMC Chapter 15.04.010. The Codes being removed are the 1997 Sign code and the 1997 Housing Code.

**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 27, 2020 [or]
3. Continue First Reading to January 27, 2020.
4. Do not proceed with proposed ordinance.

**Potential Motions:**

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

**ORDINANCE 2020-01**

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15  
(BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (ADOPTION AND  
ENFORCEMENT OF CONSTRUCTION AND CONSTRUCTION-RELATED CODES)  
TO REMOVE THE ADOPTION BY REFERENCE OF THE 1997 UNIFORM HOUSING  
CODE AND THE 1997 UNIFORM SIGN CODE.**

*Council:*

1. Motion to approve First Reading of Ordinance 2020-01.

*If unanimous: conduct Second Reading*

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

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2020-01.

**[or]**

2. Motion to set Second Reading for January 27, 2020.

**Attachments:**

ORDINANCE 2020-01      (DOCX)

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**ORDINANCE NO. 2020-01**

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**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15  
(BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (ADOPTION AND  
ENFORCEMENT OF CONSTRUCTION AND CONSTRUCTION-RELATED CODES) TO  
REMOVE THE ADOPTION BY REFERENCE OF THE 1997 UNIFORM HOUSING CODE  
AND THE 1997 UNIFORM SIGN CODE**

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

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

2.1 Powers of the City

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

2.2 Construction of Charter

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

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

**WHEREAS**, Chapter 15.04 adopts by reference two uniform codes (the 1997 Uniform Housing Code and the 1997 Uniform Sign Code); and

**WHEREAS**, the Planning Director and Building Official have determined that these construction codes are unnecessary and can be removed from the Lincoln City Municipal Code; and

**WHEREAS**, Council desires to update the City Code to remove antiquated materials; and

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

2  
3 **SECTION 1.** Chapter 15.04 (*Adoption and Enforcement of Construction and*  
4 *Construction-Related Codes*) is hereby amended to remove paragraphs B. and C. to read  
5 as follows:

6  
7 **15.04.020 Construction-related codes adopted.**

8  
9 A. The city of Lincoln City adopts, administers, and enforces the Uniform Code for the  
10 Abatement of Dangerous Buildings, 1997 Edition, by the International Conference of  
11 Building Officials (UCADB), a copy of which is on file and available for reference with the  
12 city building official. UCADB, Chapter 4, Section 403, Section 1.3 is not an available  
13 remedial option for a building declared to be dangerous under this code, except that any  
14 repair order (Section 1.1) or demolition order (Section 1.2) of the building official may  
15 require a premises to be secured and maintained against entry during the period when  
16 repair is authorized or prior to scheduled demolition. All references in the UCADB to the  
17 "Building Code" shall mean the applicable Oregon State Building Code in effect,  
18 including all currently enforced specialty codes or, when the context requires, the  
19 applicable predecessor code.

20  
21 ~~**B. The city of Lincoln City adopts, administers, and enforces the Uniform Housing**~~  
22 ~~**Code, 1997 Edition, by the International Conference of Building Officials, a copy of**~~  
23 ~~**which is on file and available for reference with the city building official.**~~

24 ~~**C. The city of Lincoln City adopts, administers, and enforces the Uniform Sign**~~  
25 ~~**Code, 1997 Edition, by the International Conference of Building Officials, Whittier,**~~  
26 ~~**California, a copy of which is on file and available for reference with the city**~~  
27 ~~**building official. (Ord. 2014-17 § 1; Ord. 2010-01 § 1 (Exh. A))**~~

28  
29 **SECTION 2. Findings adopted.** Findings contained in the Whereas Clauses of this  
30 ordinance, as well as the competent substantial evidence in the whole record of this  
31 legislative proceeding are incorporated into this section by reference as if fully set forth  
32 herein, and are adopted in support of this legislative action.

33  
34 **SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this  
35 ordinance are severable. The invalidity of one section, subsection, paragraph, or clause  
36 shall not affect the validity of the remaining sections, subsections, paragraphs and  
37 clauses.

38  
39 **SECTION 4. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this  
40 ordinance takes effect 30 days after the date of its adoption.

1  
 2 **SECTION 5. Codification.** Provisions of this Ordinance shall be incorporated in the City  
 3 of Lincoln City Municipal Code and the word "ordinance" may be changed to "code",  
 4 "article", "section", "chapter" or another word, and the sections of this Ordinance may be  
 5 renumbered, or re-lettered, provided that any Whereas clauses and boilerplate  
 6 provisions (i.e. Sections 2-5) need not be codified and the City Recorder is authorized to  
 7 correct any cross-references and any typographical errors.

8  
 9 **The foregoing ordinance was distinctly read by title only in accordance with**  
 10 **Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13<sup>th</sup> day of**  
 11 **January, 2020 (First Reading) and on the 13<sup>th</sup> day of January, 2020 (Second**  
 12 **Reading).**

13  
 14 **PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13<sup>th</sup>**  
 15 **day of January, 2020.**

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 21 **DICK ANDERSON, MAYOR**

22 **ATTEST:**  
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 24 \_\_\_\_\_  
 25 **CATHY STEERE, CITY RECORDER**

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 27 **APPROVED AS TO FORM:**  
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 29 \_\_\_\_\_  
 30 **RICHARD APPICELLO, CITY ATTORNEY**

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## Council Communication

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### Resolution 2020-01 Supplemental Budget

Meeting Date:	January 13, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	10 min

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**See staff report under public hearings**

**Attachments:**

Resolution 2020-01 - Supplemental Budget FY2019-20 (DOC)

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**RESOLUTION 2020-01**

**A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2019-2020, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS**

WHEREAS, ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning; and

WHEREAS, the publication of the supplemental budget was given in the manner provided in ORS 294.311;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lincoln City as follows:

Section 1. That it hereby adopts the supplemental budget for 2019-2020, and is now on file in the office of the Finance Director.

Section 2. BE IT FURTHER RESOLVED that the additional amounts for the fiscal year ending June 30, 2020, for the purposes shown below are hereby appropriated as follows:

SEE EXHIBIT "A"

This resolution shall be effective upon passage.

PASSED AND APPROVED by the City Council of the City of Lincoln City this 13<sup>th</sup> day of January 2020.

\_\_\_\_\_  
DICK ANDERSON, Mayor

ATTEST:

\_\_\_\_\_  
CATHY STEERE, City Recorder

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**EXHIBIT A**  
**SUMMARY OF SUPPLEMENTAL BUDGET**

**FUND: GENERAL FUND**

Resource	Amount	Requirement	Amount
1 Miscellaneous Revenue	63,036	1 Police Department	63,036
2		2 Recreation Center	17,000
3		3 General Non-Dept.	650,460
4		4 Contingencies	-667,460
<b>Revised Total Resources</b>	<b>16,798,178</b>	<b>Revised Total Requirements</b>	<b>16,798,178</b>

**Comments:**

To provide additional budget appropriation of \$2,436 for overtime, funded by reimbursement from Oregon Impact and from the Mushball Tournament. To provide \$60,600 funding for a K-9 program, funded by donations. To provide additional funding for salaries for Recreation Center to correct budgeting error. To provide appropriation for PERS Employer Incentive match of \$300,460. To provide appropriation for a \$350K loan to Helping Hands.

**FUND: LINCOLN SQUARE**

Resource	Amount	Requirement	Amount
1		1 Personal Services	6,074
2		2 Contingencies	-6,074
<b>Revised Total Resources</b>	<b>574,729</b>	<b>Revised Total Requirements</b>	<b>574,729</b>

**Comments:**

To provide appropriation for PERS Employer Incentive match.

**FUND: INTERNAL SERVICE FUND**

Resource	Amount	Requirement	Amount
1 Miscellaneous Revenue	20,138	1 Vehicle Maintenance	6,648
2		2 Information Technology	9,766
3		3 Geographical IS	3,724
<b>Revised Total Resources</b>	<b>1,064,906</b>	<b>Revised Total Requirements</b>	<b>1,064,906</b>

**Comments:**

To provide appropriation for PERS Employer Incentive match.

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**FUND: STREET OPERATIONS**

Resource	Amount	Requirement	Amount
1 _____		1 Personal Services	23,565
2 _____		2 Contingencies	-23,565
<b>Revised Total Resources</b>	<b>2,453,600</b>	<b>Revised Total Requirements</b>	<b>2,453,600</b>

**Comments:**

*To provide appropriation for PERS Employer Incentive match.*

**FUND: STREET CAPITAL**

Resource	Amount	Requirement	Amount
1 Intergovernmental Revenue	647,603	1 Materials and Services	-200,000
2 _____		2 Capital Outlay	847,603
<b>Revised Total Resources</b>	<b>3,973,349</b>	<b>Revised Total Requirements</b>	<b>3,973,349</b>

**Comments:**

*\$200,000 appropriation for overlay on SW 29th, Hwy 101 to Beach Ave postponed to future year to provide funding for Lincoln Square ADA Improvements & US 101 SE 8th to SE 14th ramps. ODOT is funding of \$513,008 for this project. Appropriation for \$150,000 towards the NE WDLR Bridges Replacement project with \$134,595 intergovernmental revenue.*

**FUND: N HWY 101 IMPROVEMENT PROGRAM**

Resource	Amount	Requirement	Amount
1 Intergovernmental	174,500	1 Capital Outlay	174,500
<b>Revised Total Resources</b>	<b>389,366</b>	<b>Revised Total Requirements</b>	<b>389,366</b>

**Comments:**

*\$200,000 appropriation towards the Hwy 101 Neotsu to WDLR bike/pedstrian improvement project; \$174,500 from intergovernmental revenue and \$25,500 from capital reserves.*

**FUND: WATER OPERATIONS**

Resource	Amount	Requirement	Amount
1 _____		1 Personal Services	57,008
2 _____		2 Contingency	-57,008
<b>Revised Total Resources</b>	<b>4,787,150</b>	<b>Revised Total Requirements</b>	<b>4,787,150</b>

**Comments:**

*To provide appropriation for PERS Employer Incentive match.*

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**FUND: WATER SDC REIMBURSEMENT**

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	307,063	1 Capital Outlay	307,063
<b>Revised Total Resources</b>	<b>701,321</b>	<b>Revised Total Requirements</b>	<b>701,321</b>

**Comments:**

To rollover unspent appropriation for SE 48th Place Retaining Wall from FY18-19 to FY19-20.

**FUND: SEWER OPERATIONS**

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	32,152	1 Personal Services	43,565
2		2 Materials and Services	32,152
3		3 Contingencies	-43,565
<b>Revised Total Resources</b>	<b>5,157,779</b>	<b>Revised Total Requirements</b>	<b>5,157,779</b>

**Comments:**

To rollover \$32,152 funding for membrane roof sealing of lab and shop buildings budgeted for in FY18-19 but not completed. To provide appropriation for PERS Employer Incentive match.

**FUND: SEWER SYS CAPITAL RESERVE**

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	321,068	1 Capital Outlay	321,068
<b>Revised Total Resources</b>	<b>1,659,060</b>	<b>Revised Total Requirements</b>	<b>1,659,060</b>

**Comments:**

To rollover funding for Wastewater Screwpress budgeted in FY18-19 but not spent.

**FUND: PARKS OPERATIONS**

Resource	Amount	Requirement	Amount
1		1 Personal Services	24,896
2		2 Contingencies	-24,896
<b>Revised Total Resources</b>	<b>2,470,407</b>	<b>Revised Total Requirements</b>	<b>2,470,407</b>

**Comments:**

To provide appropriation for PERS Employer Incentive match.

**FUND: VISITOR & CONVENTION BUREAU**

Resource	Amount	Requirement	Amount
1		1 Personal Services	20,493
2		2 Contingencies	-20,493
<b>Revised Total Resources</b>	<b>4,522,385</b>	<b>Revised Total Requirements</b>	<b>4,522,385</b>

**Comments:**

To provide appropriation for PERS Employer Incentive match.

## Council Communication

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### Interview for Planning Commission Vacant Position - Applicant - Kim Blackerby

Meeting Date:	January 13, 2020	Primary Staff Contact:	Cathy Steere
Department:	Administration	E-Mail:	cathys@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

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#### Question:

Should the City Council approve the appointment of Mr. Kim Blackerby for a position on the Planning Commission?

#### Background:

The vacant position was advertised on November 6, 2019 in the News Guard, 2019, posted at City Hall, at [www.lincolncity.org](http://www.lincolncity.org), and at the Driftwood Public Library. Pursuant to LCMC 2.06.015(C) (5), a public interview is required for this position at a regular council meeting.

The applicant has met the background and address verification requirement for this position.

#### Council

#### Options:

After the public interview, Council may make a motion to appoint the applicant.

The positions available are a City Resident/UGB position for a term expiring 12/31/2023; and a City Resident position for a partial term expiring 12/31/2021.

If appointment is recommended, the second position (City Resident with partial term expiring 12/31/2021) is recommended to leave free the City Resident/UGB position.

#### Attachments:

20191106 Blackerby(Planning)\_Redacted

#### Attachments:

20191106 Blackerby(Planning)\_Redacted.pdf (PDF)



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

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

- |   |   |
|---|---|
| <input type="checkbox"/> Ad Hoc Committee (Committee Name: _____) | <input type="checkbox"/> Open Space Committee             |
| <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"/> Building Board of Appeals                | <input type="checkbox"/> Transient Room Tax Committee     |
| <input type="checkbox"/> Community Sustainability Committee       | <input type="checkbox"/> Visitor and Convention Committee |
| <input type="checkbox"/> Library Board                            |   |

\* If applying for the Budget Committee or Planning Commission, 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>	KIM L. BLACKERBY (MR.)	<b>DATE:</b>	NOVEMBER, 4, 2019
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	- SAME -		
<b>CITY, STATE, ZIP:</b>	LINCOLN CITY, OR 97367		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	N/A	<b>CELL PHONE:</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

- Do you reside within the City limits:  Yes Length of Time OWN-3 YRS PERM-2.5 YRS
- Do you reside within the Urban Growth Boundary?  Yes Length of Time N/A
- 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? \_\_\_\_\_

**RECEIVED**  
NOV 04 2019

BY: \_\_\_\_\_



**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:

*40 YEARS CORPORATE HUMAN RESOURCES W/2500 EMPLOYEES; 37 YRS MANAGEMENT  
15 YEARS EXECUTIVE MANAGEMENT; \$10M BUDGET; 10+ DIRECT REPORTS  
50+ EMPLOYEES ON TEAM; SERVED ON MANY COMMITTEES, MERGERS/ACQUISITION  
LABOR NEGOTIATIONS SEE ATTACHED RESUME*

List names of volunteer/work supervisors:

*Mrs JULIE RICH 1999-2007  
MR STEVE HARADOT 2007-2016*

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

*MEMBER - AURORA CO EDUCATION FOUNDATION; VOLUNTEER SUNGATE RIOS  
VOLUNTEER - NO BARRIERS USA; VOLUNTEER - UNIVERSITY OF COLORADO  
NUMEROUS CORPORATE COMMITTEES; MERGERS/ACQUISITION TEAM LEAD  
MEMBER - RONA'S END NEIGHBORHOOD WATCH STEERING COMMITTEE*

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

*NONE - ONLY CASUAL ACQUAINTANCES*

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

*I FEEL MY CAREER EXPERIENCE WILL BE VERY BENEFICIAL TO THE PLANNING  
COMMISSION. MY 40 YEARS OF CORPORATE HUMAN RESOURCE EXPERIENCE HAS  
REQUIRED ME TO CONSIDER ALL ASPECTS OF AN ISSUE, COMPLY WITH  
APPLICABLE POLICIES/REGULATIONS, COMMUNICATE EFFECTIVELY AND  
REACH CONSENSUS. I LOVE LIVING IN LINCOLN CITY AND WANT TO SUPPORT  
ITS SUCCESS.*

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

Name *Mrs MEREDITH MACKERT* Phone [REDACTED]

Name *MR. STEVE HARADOT* 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] 11/14/19  
DATE:

# MR. KIM L. BLACKERBY

Executive level Human Resource professional with broad expertise in all HR functions with extensive experience in a variety of industries, U.S. and international. Acknowledged for developing strong, strategic partnerships between Human Resources and business operation units. In-depth experience leading teams through varying stages of organizational change. **Key Qualities** - Strategic Leader, Business Partner, Employee Coaching/Development

## EXPERIENCE

### RISE BROADBAND (aka Skybeam)

2016-4/2017

#### Vice President Human Resources

- Reorganized Human Resource function to align with corporate direction/IPO preparedness.
- Established new strategic direction.
- Assumed accountability for Risk Management, Safety & Facilities.
- Redesigned Employee Benefits Programs and significantly reduced expense.
- Directed establishment of new compensation and bonus programs.
- Lead responsibility for 401k and redirected 401k investments.
- 5 direct reports, Total HR team = 16.

### LEVEL 3 COMMUNICATIONS (acquired tw telecom-2014)

1999 – 2016

#### Highlights:

- Led various HR functions during tw telecom tenure to support:
  - Employee base growth from 860 to 3,500 (300+ %).
  - Employee location growth from 12 to 85.
  - HR growth from 20 to 57,
    - Direct reports from 2 to 28.
- Budgetary accountability growth from \$1M annually to \$8M annually.
- Primary contact for all unionized employee events,
  - Negotiated 5 collective bargaining agreements.
  - Successfully resolved all grievance activities.
  - Supported decertification of union upon acquisition.
- Primary HR acquisition lead for 3 acquisitions and 6 due diligence events.
- Selected to attend tw telecom's Summit of Leaders events in 2001 and 2007.

#### Vice President – Talent Management (Level 3 Communications & tw telecom.)

2011 – Present

- Strategically led the Performance Management, Talent Acquisition, Talent Development, HRIS and HR Operations functions supervising 4 direct and 28 indirect employees.
- Strategically Directed:
  - High volume talent acquisition activities.
  - Improvements of performance management activities (goal setting, employee systems and evaluations).
  - Legal, governmental and policy compliance.
  - Strategic shift in Talent Development.
  - Evaluation and implementation of multiple systems and improvement in processes.

#### Vice President – Organization Effectiveness (tw telecom)

2008 – 2011

- Provided OE/Business Partner support to various business units.
- Led clients through organizational design activities (strategy/structure/processes/people/rewards).
- Partnered on the implementation of formal People Plans to support leader development, replacement and succession.
- Facilitated change management activities using Prosci methodology.

# MR. KIM L. BLACKERBY

Page 2

- Vice President/Sr. Director/Director – Employee Relations (tw telecom) 1999 – 2008**
- Established Employee Relations/Generalist function.
  - Directed all compliance activities during periods of high growth and major reductions in force.
  - Led HR team through two major acquisitions (2001, 2006) and associated integration activities.
  - Facilitated major downsizing activities during significant downturn in the industry; coached leaders on processes and procedures to ensure effective and legally compliant processes.
  - Solidified accountability for processes and procedures.

**INTERNATIONAL MULTIFOOD CORPORATION (acquired Leprino Foods Company-1994) 1988 – 1999**

- Vice President – Human Resources (Multifoods Distribution Group) 1997 – 1999**
- Served as HR lead during mergers and integrations with \$250M and \$100M competitors.
  - Collaborated with leadership on organizational design for new company.

- Director – Human Resources (Multifoods Distribution Group) 1995 – 1997**
- Coordinated executive compensation programs; served on the compensation committee.
  - Assisted with the design of benefit program changes; directed all related communications.

- Manager – Human Resources (Leprino Foods & Multifoods Distribution Group) 1988 – 1995**
- Led team of 15 employees on all HR activities during integration from Leprino to Multifoods.
  - Coordinated the Human Resource related due diligence responses during an acquisition.
  - Designed and conducted employee development programs.
  - Served as quality team facilitator and directed the evolution of division quality teams.
  - Reduced employee turnover by over 50%; significantly improved division safety performance.
  - Designed and established innovative incentive based compensation programs.

**TIME WARNER CABLE (formerly American Television & Communications) 1986 – 1988**

**Manager – Human Resources Development**

- Served as an internal management consultant to decentralized business units.
- Designed and implemented customized developmental programs.
- Appointed chairperson of the first company-wide management conference.
- Directed all outplacement activities during relocation of executive offices and company reorganization.

**CONTINENTAL AIRLINES INC. (presently United Airlines) 1976 – 1986**

**Highlights:**

- Served as an internal consultant to major operating divisions of the company.
- Established new regional HR function at major domestic/international hub.
- Assisted with integration of employees during hostile acquisition/merger/Chapter 11 reorganization.
- Designed and implemented participative management/Quality Circle processes and conducted seminars.
- Implemented operations and policies at new international locations – Australia, New Zealand.
- Supported international operations in Pacific (Micronesia, Guam, and Japan).
  - Held roles in Customer Service, Recruitment, Employee Relations, Organizational Development

**EDUCATION**

**B.S. Business University of Colorado Boulder** Emphasis: Organizational Behavior/Transportation Management  
 Certified in Prosci Change Management.

Personal training and interaction with dominant theorists (i.e., M. Knowles, P. Block, J., Harvey, K. Blanchard).

National Training Lab for Behavioral Science (Bethel, Maine).

## Council Communication

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### Interviews for Budget Committee Applicants: Jean Celia, Chester Noreikis and Kevin Hohnbaum

Meeting Date:	January 13, 2020	Primary Staff Contact:	Cathy Steere
Department:	City Council	E-Mail:	cathys@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

---

#### Question:

Should the City Council appoint Jean Celia, Chester Noreikis, or Kevin Hohnbaum to a position on the Budget Committee?

#### Staff

#### Recommendation:

Staff recommends that Council conduct public interviews of three applicants for the two vacant positions.

#### Authority:

Appointment to the Lincoln City Budget Committee is authorized under LCMC Chapters 2.06 and 2.70.

#### Background:

There are two City Resident positions on the Budget Committee that became vacant on December 31, 2019. Three applications were submitted for the two vacant positions as follows:

Jean Celia  
 Chester Noreikis  
 Kevin Hohnbaum

All three have successfully completed the background check and residency requirements.

**Council****Options:**

After the public interview process is complete, you can use the ballot method to nominate two, or make a motion to appoint two to the vacant positions. If the ballot method is used for nominations, you will need to follow up with a second motion to appoint those chosen. (Two motions – one to nominate and one to appoint).

**Attachments:**

20191121 Noreikis, Chester (Budget)\_Redacted (PDF)

20191231 Celia, Jean (Budget)\_Redacted (PDF)

20191126 Hohnbaum, Kevin (Budget)\_Redacted (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"/> Visitor and Convention Committee |

*\* If applying for the Budget Committee or Planning Commission, 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>	<b>CHESTER R. NOREIKIS</b>	<b>DATE:</b>	
<b>HOME ADDRESS:</b>	LINCOLN CITY, OR 97367		
<b>MAILING ADDRESS:</b>			
<b>CITY, STATE, ZIP:</b>			
<b>E-MAIL ADDRESS:</b>			
<b>HOME PHONE:</b>		<b>CELL PHONE:</b>	

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time 25 yrs

Do you reside within the Urban Growth Boundary?  Yes Length of Time 25 yrs

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:

~~SEE~~ Past service on city council (12 yr) and budget committee (16 yrs)

List names of volunteer/work supervisors:

self-employed, Mayor Anderson

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

see above

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:

Service to community

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

Name: DICK ANDERSON

Phone:

Name: JULIE OTRUGMAN

Phone:

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

**SIGNATURE**

**DATE**

11-7-2019



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

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

- |   |   |
|---|---|
| <input type="checkbox"/> Ad Hoc Committee (Committee Name: _____) | <input type="checkbox"/> Open Space Committee             |
| <input type="checkbox"/> Arts Committee                           | <input type="checkbox"/> Parks and Recreation Board       |
| <input checked="" type="checkbox"/> *Budget Committee             | <input type="checkbox"/> Planning Commission              |
| <input type="checkbox"/> Building Board of Appeals                | <input type="checkbox"/> Transient Room Tax Committee     |
| <input type="checkbox"/> Community Sustainability Committee       | <input type="checkbox"/> Visitor and Convention Committee |
| <input type="checkbox"/> Library Board                            |   |

*\* If applying for the Budget Committee or Planning Commission, 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>	Jean Celia	<b>DATE:</b>	11-25-2019
<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>	[REDACTED]	<b>CELL PHONE:</b>	

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time 20+ yrs

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

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

Are you a registered voter in Lincoln County?  Yes  No

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

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



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

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

*see resume*

List names of volunteer/work supervisors:

*Geri Hall, ODOT  
Kurt Olsen, LCUR  
David Hawker, LC*

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

*Board positions on several HOAs & churches.  
As an employee of LC Urban Renewal participated  
in advisory Board meetings. was secretary for  
several committees & commission for Depoe Bay.*

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

*acquaintances from when I  
worked for LC Urban Renewal*

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

*now that I am retired, I would like to  
contribute to the community and offer  
my experience and education to this  
committee as a member.*

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

Name: *Geri Hall* Phone:

Name: *Mary Bono* Phone:

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

**SIGN**

*11-25-2019*  
**DATE**

Jean Celia  
Resume

**Relevant Experience**

Oregon Department of Transportation (ODOT) (Right of Way)  
 Headquarters Lead DOJ/ODOT Liaison: December, 2009 - April, 2019  
 Headquarters Lead State Relocation Reviewer: December, 2009 - April, 2019  
 Region 2 Right of Way/Utilities Manager: January, 2006 - December, 2009  
 Region 2 Right of Way Project Manager: June, 2005 - January, 2006

Lincoln City Urban Renewal Agency  
 Acting Director: October, 2003 - June, 2005  
 Assistant To Director: December, 1999 - October, 2003

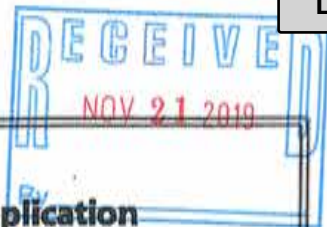
Owner/Operator of four businesses, including managing employees and all financial and management responsibilities: 1985 - 2000

**Relevant Education and Membership**

Served on ODOT statewide right of way leadership team to develop, recommend and implement policies and strategies  
 Served on ODOT statewide utility relocation leadership team to develop, recommend and implement policies and strategies  
 Served on ODOT Region 2 Project Delivery Team  
 Served on ODOT Region 2 Technical Center Management Team  
 Facilitated statewide Relocation Key Advisors meetings and trainings  
 Developed and facilitated relocation and eminent domain training for each Region  
 Participated in 2007 AASHTO National Leadership Training  
 Certified in Public Participation through the International Association for Public Participation (IAPP): 2005  
 Bachelor of Science in Business Administration from Warner Pacific College, Portland, Oregon: Graduated Summa cum Laude in 1995.

**Skills and Demonstrated Experience**

As an integral part of the project delivery process, planned, directed, prioritized, implemented and monitored the acquisition and management of property and property rights and utility relocation for the Oregon Department of Transportation for the nine counties in Region 2; prepared, monitored and managed budgets, policies, rules, schedules and scope of work for large and small public projects; developed and managed policies, long- and short-range goals and plans, budgets, schedules, scope of work, and deliverables for an LPA and small businesses; created, implemented, monitored and evaluated programs with attendant rules, policies, and projects; worked extensively with right of way-related relocation, contracts, QA/QC, LPAs, access, condemnation, alternate dispute resolution, and agreements; organized and facilitated public meetings, community workshops, interagency meetings, and small groups; comprehensive training, teaching and facilitation experience; fostered employee accountability and encouraged employee growth; strong interpersonal skills; effective communication skills, written and oral; demonstrated leadership abilities; efficient time management; positive attitude and strong work ethic.



**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"/> <b>Open Space Committee</b>      |
| <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"/> Visitor and Convention Committee |

*\* If applying for the Budget Committee or Planning Commission, 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>	Keum Hahnbaum	<b>DATE:</b>	11/21/19
<b>MAILING ADDRESS:</b>	[REDACTED]		
<b>CITY, STATE, ZIP:</b>	Same	Lincoln City, Or	97367
<b>[REDACTED]</b>	[REDACTED]		
<b>[REDACTED]</b>	[REDACTED]	<b>[REDACTED]</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

- Do you reside within the City limits:  Yes Length of Time 3+ yrs
- Do you reside within the Urban Growth Boundary?  Yes Length of Time 3+ yrs
- 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:

Lincoln City Budget Committee  
Budgeting experience at numerous non profit & for profit agencies

List names of volunteer/work supervisors:

Ira Nishimura - work  
Tom Fox - Volunteer

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

Lincoln City budget committee, numerous Beaverton civic and volunteer committees

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:

to make an impact on our community's access and livability

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

Name: Tom Mason [Redacted]

Name: Steve Mulholland [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]

11/28/19  
DATE

## Council Communication

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### Appointment to Parks & Recreation - David Jamieson or Megan Sorensen

Meeting Date:	January 13, 2020	Primary Staff Contact:	Cathy Steere
Department:	City Council	E-Mail:	cathys@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

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#### Question:

Should the City Council approve the appointment of David Jamieson or Megan Sorensen for a position on the Parks and Recreation Board (P&R Board)?

#### Staff

#### Recommendation:

Both applicants, David Jamieson and Megan Sorensen, have successfully completed the interview/background process. Mr. Jamieson served a partial term on the P&R Board from 5/14/2018-12/31/2019. Mr. Jamieson is a City Resident inside the City, and qualifies for the City Resident position. Ms. Sorensen currently serves on the Visitor and Convention Committee, is a City Resident inside the City, and qualifies for City Resident position.

#### Background:

The P&R Board currently has one position that expired on 12/31/2019. The position was advertised in the News Guard November 6, 2019, at City Hall, Lincoln City.org and Driftwood Public Library. Councilor Hinton and Councilor Kusz individually interviewed David Jamieson and Megan Sorensen and individually recommended each to be moved forward for consideration.

#### Council

#### Options:

Review and discuss the recommendations for appointment of David Jamieson or Megan Sorensen to the City Resident position on the P&R Board, with the term expiring 12/31/2022.

#### Potential Motions:

**1. I move to appoint (David Jamieson) or (Megan Sorensen) to the Parks and Recreation Board with a term expiring 12/31/2022.**

**Attachments:**

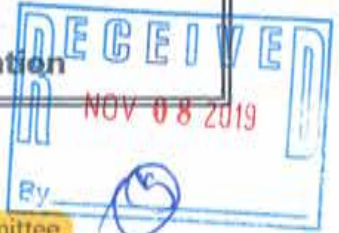
20190814 Sorensen, Megan VCC & Parks\_Redacted  
20191121 Jamieson, David (P&R)\_Redacted

**Attachments:**

20191121 Jamieson, David (P&R)\_Redacted (PDF)  
20191205 Sorensen, Megan Parks\_Redacted (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 type="checkbox"/> *Budget Committee                  | <input checked="" 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"/> Visitor and Convention Committee      |

*\* If applying for the Budget Committee or Planning Commission, 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>	David Jamieson	<b>DATE:</b>	11-05-2019
<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>	[REDACTED]	<b>CELL PHONE:</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time 4 1/2 yrs

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

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

Are you a registered voter in Lincoln County?  Yes  No

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

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



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

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

I spend a significant amount of time at the Lincoln City Community Center doing lap swimming, so I understand how the center works. Also, very active user of parks and open spaces.

List names of volunteer/work supervisors:

Janae Knipe - Board, End Improvement Association  
Allan Edinger - Beedtown Town/Committee  
Penney Jones - SMARTR

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

Board member - Lincoln City Parks & Rec  
Vice President - Board, End Improvement Association  
President - Beedtown Town/Committee

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:

To help make Lincoln City parks, open spaces and the community center as effective as possible for residents and visitors.

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

Name: Richard Conner Phone: [Redacted]

Name: Ernie Rose Phone: [Redacted]

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

SIGN

[Redacted Signature]

DATE

11/5/17



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

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

- |   |  |
|---|--|
| <input type="checkbox"/> Ad Hoc Committee (Committee Name: _____) | <input checked="" type="checkbox"/> Open Space Committee             |
| <input type="checkbox"/> Arts Committee                           | <input type="checkbox"/> Parks and Recreation Board                  |
| <input type="checkbox"/> *Budget Committee                        | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Building Board of Appeals                | <input type="checkbox"/> Transient Room Tax Committee                |
| <input type="checkbox"/> Community Sustainability Committee       | <input checked="" type="checkbox"/> Visitor and Convention Committee |
| <input type="checkbox"/> Library Board                            |  |

\* If applying for the Budget Committee or Planning Commission, 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>	Megan Sorensen	<b>DATE:</b>	8/5/19
<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>	[REDACTED]	<b>CELL PHONE:</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time 1 yr.

Do you reside within the Urban Growth Boundary?  Yes Length of Time 1 yr.

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? \_\_\_\_\_

**RECEIVED**  
 AUG 09 2019  
 By CS



**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 was raised primarily in Lincoln City and read that I have the time I would like to contribute to my hometown in areas I am passionate about. My three children and I use our open spaces and want to give back. I feel like we are missing the opportunity to further market Lincoln City as an outdoor town and focus on features besides the beach.*

List names of volunteer/work supervisors:

*Current work supervisor - Heidi May-Stouli*

*Most recent past work supervisor - Carla Gerber*

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

*See attached list*

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:

*Our open spaces are wonderful, but under utilized by residents and those who visit our community. I would bring a passionate voice to the committee with direct experience in experiencing our outdoor spaces and advocating for further development.*

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

Name: *Patricia Gardner*

Email: [Redacted]

Phone: [Redacted]

Name: *Kris Wilson*

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.

S

[Redacted Signature]

DATE

*8/5/19*

**Current Volunteer and Committee Participation**

Land Steward Volunteer (January 2018 to present)

McKenzie River Trust- Eugene, OR

Chair of Specialty Content Expert Panel (May 2012 to current)

American Nurses Credentialing Center- Silver Spring, MD

**Previous Volunteer and Committee Participation**

Member of the Advanced Practice Nursing Act Revision Committee

Oregon State Board of Nursing- Salem, OR

Member of the Mental Health Visioning Committee

MillerDwan Foundation- Duluth, MN

Member of Ongoing Profession Practice Evaluation Committee

Essentia Health- Duluth, MN

Member of Duluth Children's Hospital Quality, Safety, and Finance Committee

Essentia Health- Duluth, MN

Member of the State of Minnesota Child and Adolescent Mental Health Services Redesign Committee

Minnesota Department of Human Services- St. Paul, MN

Member of the Continuing Medical Education Committee

Essentia Health- Duluth, MN

Member of the Duluth Children's Conference Planning Committee

Essentia Health- Duluth, MN

## Council Communication

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### Proposed Annual Meeting Dates

Meeting Date:	January 13, 2020	Primary Staff Contact:	Cathy Steere
Department:	City Council	E-Mail:	cathys@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

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#### Question:

The Lincoln County Board of Commissioners and the Confederated Tribes of Siletz Indians Tribal Council have asked to confirm the dates for the 2020 Joint Annual Meetings with City Council.

#### Council Options:

The optional dates are:

#### Lincoln County Board of Commissioners

Wednesday July 1, 2020  
 July 15, 2020  
 July 29, 2020

#### Confederated Tribes of Siletz Indians Tribal Council

Monday July 13, 2020