



THE CITY OF WHEELER

CITY MANAGER REPORT

May 21, 2024

LITIGATION:

- Botts Marsh LLC v. City of Wheeler – This case is currently in a litigation stay that was put in place for mediation but has been extended through July 5, 2024. Brownfield testing at the site is taking place now, and the City expects a conditional use application to be submitted for the WRC portion of the property. The City will be meeting with the legal team on June 11th to discuss next steps on the litigation front.
- Richard Buchanan v. City of Wheeler – This case will remain in the discovery phase until June 10th. On May 6th we received another request for production that includes 22 different categories of documents. City Staff have worked diligently to locate this information and it will be delivered to the attorneys later this week.

ADMINISTRATION:

- On April 17th I had a meeting with the Tillamook Justice Court. They have the capacity to take on Wheeler code enforcement, but it would require an IGA to be approved by the County Board of Commissioners as well as updates to the City Charter, Chapter 36 Code Enforcement, and Chapter 91 Nuisances. Mayor Kemp is going to reach out to Manzanita to see if it would be possible to run citations through their courtroom instead, which would avoid us having to update the City Charter, though both chapters of the Code of Ordinances would still need to be updated.
- On April 18th we were notified by Oregon Water Resources Department that the draft Water Management and Conservation Plan (jointly submitted with Manzanita in 2006) has been on an administrative hold that the Cities requested in 2007. The Water Resource Department has determined that they don't have statutory authority to hold a WMCP for any reason, and have requested that we either update the plan within 90 days or withdraw it and submit a new plan within 6 months. After reaching out to Manzanita, Dan Weitzel has determined the best course of action is to withdraw the pending draft and submit a new WMCP plan that covers both systems and meets the requirements of OAR 690.086. We are waiting to hear back from Dan on the next steps in this process.
- On April 22nd the City had an initial meeting with 3J, the consulting firm that will be helping with the middle housing code updates mandated by Senate Bill 406. They are reviewing the current and proposed zoning ordinances now and intend to make a presentation to the Planning Commission at their September meeting.
- On May 2nd Madi and I met with Cheryl Spellman from Hudson Insurance to go over our CIS coverage for the year. We are adding the emergency trailer and emergency shed (as well as their contents) to our insurance policy. We will add the new gateway signs once they are installed. I inquired with Nan Devlin about those on May 16th, and was told that she will be getting a timeline from the fabricator/installer soon.
- I spoke with Linda Koslowski this morning and she has invited the Mayor and Council to attend a Tillamook PUD Board Meeting and dinner at Pine Grove in Manzanita on May

28th at 5pm. Todd Simmons has decided to bring the Board Meeting to the North County to engage with local leaders up this way. Dinner will come first and will be followed by the Board Meeting after.

- Tomorrow morning I have a meeting with OEM and FEMA to discuss our request for public assistance related to the Ice Storm in mid-January.
- The City has been engaging in the recruitment process for a new City Manager. We have conducted two formal interviews so far, and will be conducting more next week. We will continue to work towards getting a replacement appointed before I leave office.

GRANTS & PROJECTS:

- Waterfront Restrooms –We have determined a site plan that should work are currently partnering with the engineers to finalize a design for the restroom and applicable ADA parking. Once we have those plans and a construction estimate we can put this project up for public bid.
- Gervais Creek – Our application is now in the Environmental and Historic Preservation (EHP) Review. Janine Mayer of Oregon Emergency Management was told by FEMA that the EHP review is expected to take 1-2 years. Tim Gross of Civil West inquired about speeding up the process and has been working to supply FEMA with additional information. On May 13th Janine Mayer reached out to the City (and to Tim Gross) to notify us that FEMA has recommended the project become a phased project due to its complexities. In phase 1 we would have more time to develop the design, meet the EHP requirements, get the necessary permits, etc. Then when we are ready for the construction to begin, phase 2 would be dedicated to those activities. We have been awaiting Mr. Gross's response to this proposal as he has been under the weather the past couple weeks. The Hazard Mitigation Grant Subapplication submitted in November of 2022 indicates that this grant would cover 75% of the project cost and the City would bear the cost of the other 25% (\$346,750.00). If awarded the FEMA grant, the intended plan was to reach out to Business Oregon for assistance in securing the remaining funding.
- Asbestos Concrete Water Lines – On March 7th the city submitted the formal application for a Safe Drinking Water Loan that is to update approximately 3,200 feet of asbestos concrete water lines within the water distribution system. The next step is to wait for the Oregon Health Authority Capacity Assessment Review that can take up to 60 days. Rebecca Kramer of the DEQ said they have received confirmation from OHA that OHA has received the application. This is the first year they had one submission date instead of two, so they may have a longer list to get through and may take some additional time. We are waiting to hear from them.
- Hemlock Street –The City was awarded a \$20K Technical Assistance Grant via Business Oregon. We have also applied for a forgivable Planning Loan from the Clean Water State Revolving Fund (CWSRF) to fund the Geotech and engineering reports required for repairing Hemlock Street. The DEQ has submitted an Intended Use Plan to the Environmental Protection Agency and the SRF staff has begun to request financial information from the City to underwrite for debt capacity (which is the standard, required

practice and must be done even though the loan may be 100% forgivable). City Staff has been working to provide them with the requested information.

- CIS Recreational Immunity Grant – CIS awarded us a \$5,000 grant to help with recreational immunity issues in Wheeler. Public Works spread new gravel in Waterfront Park to eliminate some identified tripping hazards, pressure washed the dock, added some signage related to recreational immunity, and had Bark Chips delivered to Upper Park on May 7th. The reimbursement request for this grant was submitted on May 14, 2024.
- SCADA System – The Bureau of Reclamation offered a WaterSmart Small Scale Efficiency grant however our application was denied because the “replacement of malfunctioning components of an existing facility with the same components” is an ineligible use for these funds.
- Connex Containers & Snowplow – The Office of Resilience and Emergency Management is offering a Resilience Hub and Network Grant. The City applied for two of the Type 5 Deployable Resilience Hubs each containing one 20-foot conex box full of emergency supplies, as well as a new Public Works work truck with snowplow attachment. Awardees will be notified by June 30th, 2024.