

CITY OF WHEELER

CITY COUNCIL – MAY MEETING MINUTES

May 21st, 2024

**Call to Order**

Mayor Kemp called the meeting to order at 6:00 PM.

**Roll Call**

*Present onsite:*

City Council: Councilor Heidi Stacks, Councilor Gordon Taylor, Councilor Karen Matthews,  
Councilor Walt Porter, Mayor Clif Kemp

City Staff: Pax Broder, Madison Chesnut

Guests: Dovid Madian, Mike Anderson, Krista Miller

*Present via Zoom:*

Guests: “whmat”

Absent: Councilor Deanne Ragnell (pre-arranged absence)

**Consent Calendar**

Councilor Stacks stated that in the minutes from 4-16-24, under “Wheeler Clean Up Day,” it should be specified that “marina” meant Dart’s. Also, it was the Nehalem Bay Health District that asked the City to move the Emergency Trailer (not the Care Center).

Councilor Matthews **made a motion to accept the Minutes of 4-16-24 as amended.** Councilor Stacks **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

Pax read the April Finance Manager Report. *A copy is included in the agenda packet.*

Councilor Matthews asked if the current financial report includes the large legal payment that was made, and Madi replied that it did. Councilor Matthews asked if we expect to incur a significant amount more in legal fees this fiscal year, and Pax replied “no.” Madi pointed out that we are only expecting one more invoice this fiscal year as any legal work done in June likely wouldn’t be billed until July (the next fiscal year).

Mayor Kemp asked Pax to explain the situation with the large legal bill. Pax replied that several years back the City had been racking up significant legal fees dealing with the Bott’s Marsh litigation. The prior administration had made a deal with Bateman Seidel (the legal firm) to only bill the City \$3,000.00 a month for legal work, and any legal work done beyond that amount would still be performed but wouldn’t be included on the invoices sent to the City. Bateman Seidel had been “cherry-picking” which charges to put on the invoices to keep the total under \$3,000.00 each month, but without any indication that there was an outstanding balance building as well. Both Pax and Madi were unaware of this deal until Bateman Seidel reached out to ask how the City intended to pay the outstanding balance. That outstanding balance has

now been paid off, and the arrangement has been terminated so the City will receive invoices for 100% of the work performed during the period.

Councilor Matthews asked why City Hall maintenance was at 133%. Madi stated that there was a big purchase made a couple months ago but she'd have to look into it further to determine exactly what it was. She also stated that this will go higher next month because we also had to pay to have the trees leaning over City Hall removed. *Madi later confirmed that City Hall had been re-keyed this year, there was new lighting installed in the garage, lead paint testing had been done, and the monthly utility bills all contributed to this expenditure.*

Councilor Matthews pointed out that the Ethics Commission Annual fee was at 151% and wished to confirm that this had been increased in next year's budget. Madi confirmed that it had been increased.

Councilor Stacks **made a motion to accept the April Financial Report.** Councilor Porter **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

Councilor Stacks requested that the first Business Roundtable Meeting be added under "Committee Reports." Councilor Matthews wished to add Salmonberry Trail status and the Priorities List under "Old Business."

Mayor Kemp stated that for the sake of being good neighbors, he'd like to move the discussion on the possible partial vacation of 2<sup>nd</sup> Street to be next on the Agenda.

#### **Possible Vacation of 2<sup>nd</sup> Street (New Business)**

Pax explained that the current inlet for the Gervais Creek stormwater infrastructure (or the "weir") is on a private lot owned by Dovid Madian. Several months back Pax and Mayor Kemp met with Tim Gross, the engineer from Civil West who designed the fix for the Gervais Creek stormwater system, and Mr. Gross had asked if there was an existing utility easement in place for access and maintenance of the Gervais Creek inlet. When Pax reached out to the County he was able to confirm that there are no existing easements in place.

Pax and Mayor Kemp then met with Mr. Madian to discuss the possibility of establishing an easement, and the engineer had drafted a map of what that easement would need to look like following the proposed path of the new stormwater infrastructure. When this option was presented to Mr. Madian, he proposed an alternative option: a possible swap of land ownership rather than an easement. Specifically, Mr. Madian proposed that the City of Wheeler could vacate the portion of the 2<sup>nd</sup> Street right-of-way between his two lots (2700 & 2300), transferring ownership of that land to Mr. Madian, and in return Mr. Madian would transfer ownership of part of lot 2700 to the City so the City would have ownership of the land containing the Gervais Creek inlet and stormwater infrastructure. Pax mentioned there are no utilities going through that part of the 2<sup>nd</sup> Street right-of-way, no parcels would be landlocked if it were to be vacated, and both Public Works and the City Planner are "cautiously optimistic" that the City can proceed with vacating this area. Tonight's discussion is to see if the Council would be amenable to the idea of a land swap, and if so, the next step would be to partner with Mr. Madian and the legal

team to draft an agreement stating exactly “who would get what” if the City is successful in vacating that area.

Councilor Stacks thanked Mr. Madian for allowing the City to access the weir on his property all these years and asked for some clarification on the new proposal. Mr. Madian stated that a potential property exchange seemed to make sense because he has been walking across the City’s land each time he crosses the 2<sup>nd</sup> Street right-of-way to get from one of his lots to the other, and the City has been walking across his land in order to access the weir. For the purpose of establishing a legal understanding between the property owner and the City, it seemed that a land swap of this nature would be a reasonable exchange of value.

Councilor Matthews asked about lots 2400 and 2500. Pax confirmed that lot 2400 gets access to their property from an easement on lot 3100 (their driveway leaves Hall Street, enters lot 3100, crosses the 2<sup>nd</sup> Street right-of-way, and then terminates on lot 2400). Because of this, the portion of 2<sup>nd</sup> Street that is being considered for a transfer to Mr. Madian is only the portion of the right-of-way directly between the two lots he owns (2700 & 2300).

Councilor Matthews questioned the shape of the proposed easement. Pax confirmed that the shape of the easement was drafted by the engineer to follow the proposed path of the new stormwater infrastructure. The shape may be appropriate for an easement, but if proceeding with a land swap it may make more sense to section off a rectangular-shaped portion of the lot instead.

Councilor Stacks said that in 2017 or thereabouts there was a meeting with Civil West and at that time they were not aware that the City didn’t own the property where the weir was located. In the original contract with them, the plan was to move the weir to the other side of the street where the City has ownership. She felt that this land swap may ultimately be a cheaper and better option.

Councilor Matthews stated that even with a land swap there may still need to be an easement for utilities, and Mr. Madian agreed that may be necessary. He stated that in order to proceed further, we need to first establish whether the City Council is open to the idea. The exact language of the swap has yet to be determined. Councilor Matthews and Councilor Stacks stated that they were in support of exploring this option further.

Councilor Stacks suggested that Public Works take the Councilors to the area to get a visual look at the land.

Mayor Kemp wished to clarify that if the City were to vacate the portion of 2<sup>nd</sup> Street and transfer ownership to Mr. Madian, that Mr. Madian would transfer ownership of the proposed easement area (and perhaps the sliver of land left off the proposed easement on the northeast side) to the City. Mr. Madian felt that this was consistent with the original meetings, he just felt that any swap should ultimately be comparable and reciprocal.

Councilor Matthews asked if the land was buildable up there. Mr. Madian replied “not particularly.” It is not his intention to build on it, but more to use it periodically without the

concern that he is crossing someone else's property to get to it. It is his hope that the City and he can come to a mutually beneficial agreement.

Mayor Kemp mentioned he had spoken to the attorneys, and they are comfortable with the idea of a land swap should the City decide to proceed with it. He stated that if any Councilors wanted to look at the area they should. As next steps, the City will partner with our Contract Planner and attorneys and either make a formal proposal or receive one from Mr. Madian.

### **Public Comment on Non-Agenda Items**

*None.*

### **City Manager and Public Works Department Report**

The City Manager report was read. *A copy is available in the Agenda Packet.*

The Public Works report was read. *A copy is available in the Agenda Packet.*

Councilor Matthews asked where we are on code enforcement. Pax stated that Mayor Kemp wanted to approach Manzanita about possibly having citations run through their courthouse (rather than the Tillamook Justice Court). Councilor Matthews clarified that she was referring to the re-write of the nuisance ordinance that had been started some time ago. Pax said he would email the re-write out to the Councilors.

Councilor Stacks mentioned that the last time she had served on the City Council, the City had received a \$14,000.00 grant for codifying the ordinances and the codes, and she believed that task had been handed to the Planning Commission. She wanted to know where the City is at on that project five years later.

Pax stated that he and Mayor Kemp spoke to former Mayor Honeycutt for clarification on this issue. They were told that the \$14,000.00 grant was specifically for re-writing the zoning ordinance, which was done by former City Planner Walt Wendolowski. That money has been fully spent and the Planning Commission is still working through the document that Mr. Wendolowski provided. The last time the City's ordinances were codified was in 2012. Pax was not aware of any subsequent grants that had been awarded specifically for codification. Councilor Matthews stated she was on the Council when the ordinances were codified last time, but the priority now is to adopt a stronger nuisance ordinance.

Mayor Kemp asked Mike Anderson to confirm that the Planning Commission had spent all the \$14,000.00. Mr. Anderson replied that they had. He believed it had been spent on Mr. Wendolowski re-writing the whole zoning ordinance and including things like cottage clusters that were being brought into the ordinance.

Pax stated that the Planning Commission has been going through the proposed development ordinance that Mr. Wendolowski provided, and they hope to have a draft ready for the Council's consideration later this summer. Councilor Matthews mentioned that she hopes they are working with the businesses in town when it comes to sections like the sign ordinance.

Mr. Anderson stated that when he was on the Planning Commission, they were asked to go through the existing sign ordinance. They didn't change anything. The big issue was A-frame signs, and that the insurance company didn't want them. *Back in March, Pax had reached out to Margaret Ryan (Risk Management Consultant with CIS) to ask about this, and Ms. Ryan's reply was "I've learned from my peers that since we don't cover land use issues we don't address code enforcement situations related to land use. If you have information on what someone has told you in the past about A frame signs, I can look into that further. In general, we are not involved with them."*

Councilor Matthews stated that this new ordinance would require some workshops and a long review. Final adoption of any new ordinance would then have to occur at a City Council meeting.

Mayor Kemp asked if Phil had been involved in the decisions regarding the Water Conservation Management Plan to be jointly submitted with Manzanita. Pax confirmed that Phil and he had met with the Water Resource Department before they even reached out to Manzanita. They were going to default to Mr. Weitzel on whether it would be a better plan to update the 2006 draft or to rescind it and submit a new one. Mr. Weitzel's opinion was that it would be better to start a new one.

Councilor Matthews asked how phasing the Gervais Creek project would effect the timing and the cost. Pax stated that we are still waiting to hear back from Mr. Gross of Civil West for his opinion on this as he is the engineer that designed it. Pax didn't know what kind of effect this would have on the timeframe, but cautioned that the longer it takes the more expensive the construction of this project is likely to get. Councilor Matthews asked if Janine Mayer of Oregon Emergency Management was responsible for the Environmental and Historic Preservation Review. Pax replied that she isn't, but she is the liaison who communicates back and forth with FEMA and the City. Councilor Matthews asked if there was a way to speed up the process. Pax stated that Mr. Gross has been trying to find a way to speed things up. *Mr. Gross later replied that "phasing won't hurt anything and will move the process along,"* so that is the option the City has proceeded with.

Councilor Matthews stated that the OHA capacity assessment for the SDWRLF loan was expected to take 60 days, but the application was submitted over 60 days ago. Pax said he would follow up on it again. *The City was ultimately contacted by OHA to start this process on May 29<sup>th</sup>, and Phil has been providing information to them as requested.*

Pax stated that he will investigate the WaterSMART Small-Scale Efficiency Grant further to determine if a cellular SCADA system (rather than a radio-based system) would qualify for this funding. This grant had been specifically recommended by a former Wheeler City Manager as a good option for funding a new SCADA system. There may be other funding sources to investigate as well, Pax will look into it further.

Councilor Matthews pointed out that we need to deal with bank-stabilization where the trees were removed near City Hall. She had given Ron some plants to put there that came out of the park, but that likely won't be enough. She felt it would behoove the City to look at some

specifically placed species to put down roots and help hold the hillside in place.

Councilor Matthews asked for clarification on the thermoplastic crosswalks. Pax pointed out that the current crosswalks aren't painted, it is a thicker layer of plastic that is heated and melted onto the pavement. Councilor Matthews stated that the downtown businesses have wanted painted crosswalks with crossing lights and wondered if ODOT had the responsibility for them. Pax confirmed that ODOT has the responsibility for striping Highway 101 (and are supposed to come do it this year), however the City has the responsibility for maintaining the crosswalks. The original plan was to have them painted when the City was recently re-striped by Olson Asphalt, however, ODOT would have required a full traffic safety plan with flaggers and lights. Public Works then realized the thermoplastic option would be much more durable than painted markings and the City is currently looking into what it will cost to have that done. Councilor Stacks said that the City of Nehalem has the heat gun for thermoplastic and Public Works can borrow it if needed.

Councilor Matthews stated that Pax had previously reached out to ODOT to inquire about adding a crosswalk near the liquor store, but they were not amenable. Pax replied that ODOT would want additional infrastructure on the west side of Highway 101 first. *Specifically, Dorothy Upton (ODOT Interim Region 2 Traffic Operations Engineer) had stated in January that "this location would be considered a mid-block crossing which is 'unexpected' since it is not at an intersection and may need more things. Because this location is all open access on the west side, it is unlikely that a crossing would be approved since there is no place for any signing on the west side of the roadway and it would empty pedestrians in an area where vehicles could be backing over the west end of the crossing. If changes were made to address these things, the location would need pavement markings, signing, illumination and parking restrictions to make consideration viable. The city would be responsible to maintain any of the features listed in the approval. Note – ODOT likely does not have funds to install the features needed for the approval (fixing the west side will be needed)."*

### **Public Hearings**

*a. State Shared Revenue-*

Mayor Kemp stated "At this time, pursuant to ORS 221.770, I will open the public hearing in order to give the citizens of Wheeler the opportunity to comment on the use of State Revenue Sharing funds in the City of Wheeler's Budget for Fiscal Year 2024-2025. Staff, please present your report."

Pax read the Staff Report on State Shared Revenue. *A copy is included in the Agenda Packet.*

Mayor Kemp then asked, "Is there any member of the public wishing to comment on the proposed use of State Revenue Sharing for Fiscal Year 2024-2025?"

Mayor Kemp then stated, "If there is no further discussion, I will close the public hearing at this time."

Councilor Matthews **made a motion to adopt Resolution No. 2024-09 for the purpose of**

**declaring the City's election to receive state revenues for fiscal year 2024-2025.** Councilor Taylor **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

*b. Fiscal Year 2024/2025 Budget-*

Mayor Kemp stated "At this time, pursuant to ORS 221.770, I will open the public hearing in order to give the citizens of Wheeler the opportunity to comment on the budget approved by the City of Wheeler budget committee for Fiscal Year 2024-2025. Staff, please present your report."

Pax read the Staff Report on Adopting the 2024/2025 FY Budget. *A copy is included in the Agenda Packet.*

Mayor Kemp then asked, "Is there any member of the public wishing to comment on the approved budget for Fiscal Year 2024-2025?"

Councilor Stacks said if she was a member of the general public looking at Resolution No. 2024-13, she would be concerned that the Parks Fund shows a transfer of \$13,164.00 in, but Public Works needs a new truck with a plow attachment and the Public Works Equipment Reserve Fund only had \$41,000.00 appropriated. Madi clarified that the plan was to save up for a new truck and excavator. Because the City doesn't have a lot of income, and because the Public Works funds (Water, Stormwater, and Street Funds) supply money to the Public Works Equipment Reserve Fund, the goal was to implement larger transfers from those three funds over the next three years to be able to save up and purchase this new equipment. Purchasing the equipment any sooner than that would likely require some additional outside funding or grant assistance.

Mayor Kemp then stated "If there is no further discussion, I will close the public hearing at this time."

Councilor Matthews **made a motion to adopt Resolution No. 2024-10 for the purpose of extending the life of the Building Reserve Fund as deemed necessary by the Wheeler Budget Committee and City Council.** Councilor Stacks **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

Councilor Matthews **made a motion to adopt Resolution No. 2024-11 for the purpose of extending the life of the Public Works Equipment Reserve Fund as deemed necessary by the Wheeler Budget Committee and City Council.** Councilor Stacks **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

Councilor Matthews **made a motion to adopt Resolution No. 2024-12 for the purpose of adopting the 2024-2025 budget as approved, submitted and acted upon by the budget committee of the City of Wheeler.** Councilor Stacks **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

Councilor Matthews **made a motion to adopt Resolution No. 2024-13 for the purpose of making appropriations for the 2024-2025 fiscal year budget, as amended for typos.** Councilor Stacks **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

Councilor Matthews **made a motion to adopt Resolution No. 2024-14 for the purpose of imposing the tax for the City of Wheeler fiscal year 2024-2025.** Councilor Stacks **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

Councilor Matthews **made a motion to adopt Resolution No. 2024-15 for the purpose of categorizing the tax for the City of Wheeler fiscal year 2024-2025.** Councilor Stacks **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

### **Old Business**

*a. Nuisance Updates –*

Councilor Stacks said the City has been contacted by the real estate agent working with the owner of the View of the West, and they will start boarding up the building and working on the blackberries soon. Councilor Matthews mentioned that the container needs to be removed from that property as well. Pax met with the owner of 133 Hall Street to assist in filling out the permit for building demolition. Councilor Stacks explained to the owner of 291 Pennsylvania Ave that she drives up and down the road to do safety checks in the neighborhood, and the owner thanked her. There has been no response from 675 Nehalem Blvd regarding the siding. Councilor Matthews stated that fines need to be next. She said that a citation isn't necessary, just a letter stating they are in violation of City ordinances and saying how much they owe. Pax said he would follow up with the legal team to determine the best course of action forward. Councilor Stacks pointed out that 50 Rector had removed some vehicles, but now others have been added. The unpermitted accessory structure at 251 Third has been removed. The canoe that had been moored overnight at Waterfront Park has been removed and the sign indicating that we don't allow overnight moorage has been reinstalled. The Salmonberry restaurant is vacant and has their parking spaces full of tables and chairs (which had been done during the pandemic but is a violation of the parking requirements). There is some debris that needs to be cleaned up. There are also residences on both floors of the blue building beside the restaurant, which is against the Zoning Ordinance. Councilor Stacks believed that an arrangement had been made to allow an elderly resident to live downstairs instead of upstairs, but she is no longer there and now both floors are being used residentially. Pax asked when that original agreement had been made. Councilor Stacks believed it was about 7 years ago when they first bought the building. Pax said he would look into it further. Councilor Matthews said that it was never supposed to be a residence and the original owners had used the bottom floor for restaurant storage.

Councilor Matthews asked if there had been any clarification on getting another bin



for scrap metal on Wheeler Clean Up Day. Councilor Stacks said she had not yet received clarification from Mary Leverette on that point. Mayor Kemp stated that he had spoken to Rick Dart and he has had a guy with a trailer that has been loading and hauling stuff away.

b. *Salmonberry Trail -*

Councilor Matthews stated that she has been co-hosting hikes on behalf of the City. They have completed about ten hikes so far and have more that will continue through the summer. It is co-sponsored by Tillamook Wellness, Visit Tillamook Coast, and Oregon Coast Scenic Railroad. Mayor Kemp inquired about what kind of turn-out the hikes were getting. Councilor Matthews replied that the first six were sold out (with a limit of fourteen guests). She also spoke at an event at the Historical Railroad Museum in Portland and there were roughly 200 guests. Wheeler was denied the grant for the Salmonberry Trail because the City had not yet spent the grant funds on the restrooms. Pax was hopeful the restrooms could go to bid by July. Councilor Matthews questioned if we could apply for more funding once the restrooms are under construction, and Pax said he'd reach out and inquire. *Pax later reached out to Tillamook Coast Visitor's Association and was told "you can apply for any grant you qualify for at anytime. That doesn't mean you'll get approved. The last grant round, we had \$1.2 million in requests, and just \$400,000 in funds. The Tourism Advisory Committee, which approved Wheeler's grant for the bathroom in a previous year, did take into account you had not started that project. With 26 applications to consider, and not much in funds, the committee considered which projects were shovel ready. Applying is not a guarantee of a funding award. Some very worthy projects did not get funded this year. Not enough money to go around, unfortunately."*

c. *Priorities List –*

The draft nuisance ordinance will be emailed to the Councilors.

Councilor Matthews stated that the developer on the north end of town is putting together an application to reapply, and she questioned why he would be able to submit a Conditional Use application without a full Design Review Plan. Pax stated that, in his understanding, the requirements in the Zoning Ordinance for a Conditional Use Plan (Article 15) are significantly more limited than the requirements for Design Review (Article 11, Section 11.050). A Conditional Use project in this zone would ultimately require Design Review as well, but it was Pax's understanding that some developers would start with the Conditional Use approval (to make sure their project would even be allowed in that location) before proceeding with the fully detailed design for the Design Review application. Mayor Kemp stated that brownfield testing has started at the site down on the waterfront. Councilor Matthews said she heard the process would likely take a couple of weeks.

Mayor Kemp stated that a new restroom sign has been painted and will be installed on the public restroom in the next day or two. Pax stated that the next train coming back to Wheeler will be September 27<sup>th</sup>.

## New Business

- a. *April Police Safety Report* –  
The Councilors had no particular concerns about this report.
- b. *Water Leak Forgiveness Applications* –  
Pax stated that both accounts are in good standing, and both have leaks that were confirmed to have stopped in the Kamstrup computer software.

Councilor Matthews asked if the allowed adjustment is once per annum. Pax stated that the ordinance doesn't specify that, though he is in the process of re-writing this ordinance so that smaller adjustments can be handled by administration rather than by the City Council. The "once per annum" restriction can be incorporated into the new version as well.

Mayor Kemp stated that his wish would be for these types of leaks to be handled by City administration rather than the City Council. He stated the City needs a "fairly firm line" on what is going to qualify for a 50% adjustment and what isn't. To his way of thinking, a leaking flapper valve in a toilet shouldn't qualify for a billing adjustment.

Councilor Matthews said she felt that City Council should approve water billing adjustments if they are over a certain dollar amount threshold, and agreed with the Mayor that catastrophic damage should be considered for an adjustment, but not necessarily faulty equipment.

Councilor Taylor asked if these citizens had been notified of their leaks by the City. Pax replied that the City does notify customers of water leaks when we become aware of them, but we don't catch them all right away because some are more obvious than others (the computer system uses several variables to determine if there is a suspected leak and will send us notifications once they get past certain thresholds). The smaller leaks don't always flag the City right away.

Mike Anderson stated that plumbing fixtures in a residence aren't designed to handle over 70 pounds of pressure, and some residences in Wheeler are on a high-pressure main and are required to have a pressure-reducing valve. Those valves don't get serviced routinely, and if they fail it could cause damage to the plumbing fixtures in the house and result in a substantial water leak. He suggested keeping this in mind when determining if "faulty equipment" would qualify for a water billing adjustment.

Councilor Porter wanted to know where the City's responsibility for a leak stops and the customer's starts. Councilor Matthews stated the City is only responsible up to the meter, the property owner is responsible beyond that. Councilor Porter didn't feel the City should be responsible for a leaking toilet.

Councilor Taylor said the whole idea for giving people a break on their water bill was supposed to be for major leak issues. That said, he wondered if we need to update the

policy to indicate that restriction *before* we start denying applications for smaller leaks. Pax asked for the Councilors to send him any recommended parameters that they'd like to see in the new policy.

Councilor Matthews asked if there had been any updates on Paradise Cove. Pax replied that their main roadway to the lower portion of the park is still blocked off, they still have a temporary water line in place, and they have paid enough of their bill to keep the water flowing but continue to be in delinquency status. Councilor Taylor stated that they have had leak detection companies coming. Pax confirmed that they have been finding leaks and addressing them, but don't seem to have addressed them all yet.

Pax asked the City Council to consider the two water leak billing adjustments against the current ordinance in place.

Councilor Taylor **made a motion to approve the Water Leak Billing Adjustment for 244 Spruce St.** Councilor Porter **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

Councilor Taylor **made a motion to approve the Water Leak Billing Adjustment for 195 Nehalem Blvd.** Councilor Porter **seconded the motion. The motion was passed 4-0** (Yes: Matthews, Taylor, Stacks, Porter; No: none).

c. *Small Cities Allotment Grant* –

Pax stated that this grant opens June 1<sup>st</sup> and is for up to \$250K for streets and paving. He had reached out to ODOT for some clarification and was told that dead-end streets are not scored differently than other streets. Wheeler's last application (for Pennsylvania Ave) was only 3 points shy of being selected for funding. The question tonight is whether the City Council would prefer to reapply for Pennsylvania Ave again this year or if there are other streets the City should apply for instead. Dean Dills had requested a portion of 4<sup>th</sup> Street be paved, and the TSP calls for all of Rowe to be paved so these are some other areas to consider.

Councilor Stacks pointed out that Pennsylvania Ave is soon to get new water lines (upon approval of the SDWRLF loan). Pax confirmed that the idea would be to use the Small Cities Allotment funds to pave the street *after* those water lines have been installed. Pennsylvania needs stormwater improvements as well as paving (the last SCA grant application was for over \$1.184M in street improvements to Pennsylvania). Pax suggested we may be able to work on Pennsylvania Ave in smaller sections as funding becomes available.

Councilor Matthews felt the previous grant application could have been "beefed-up" in the description of access to the water tower. The road is a dead-end, but in the event of an emergency the top of the street is how citizens would cut over to the main assembly site at Wheeler Upper Park. The road continues to degrade with the gravel

getting pulled down onto the pavement. There are also springs that need to be routed to stormwater infrastructure. The base of Pennsylvania Ave at Highway 101 is getting pretty “chopped-up.”

Councilor Porter suggested adding water bars across the road to divert stormwater. Councilor Matthews stated that there used to be some. Councilor Stacks mentioned that historically there had been some issues with sidewalk connections near Highway 101 and asked if Pax was aware of any related issues. Pax wasn't, but he replied that this year there is a new requirement to have ODOT approve any application for a project that abuts a state highway if it is considered an “alteration.”

Councilor Matthews asked if Pax would be able to submit this application (for Pennsylvania Ave) prior to leaving office at the end of June. Pax replied that he “certainly could” and that he would reach out to Civil West to see if it would make sense to tackle the paving of Pennsylvania Ave in a phased approach as funding becomes available.

d. *AA City Hall Use Contract* –

Pax stated that Alcoholic Anonymous meets upstairs twice a week, but they don't have a formal agreement on file for use of the City Hall meeting space. Madi had created a draft agreement for use of this facility and Pax wanted to get the Council's approval of it. The other question for Council is whether the price for rent should change. AA currently pays the City \$120.00 per quarter for use of the upstairs meeting space. Pax pointed out that the NCRD charges AA \$100.00 per quarter for weekly meetings (that are slightly longer than the ones in Wheeler).

Councilor Stacks was in favor of the idea of having a formal agreement. She felt that AA provides a good service to the community. Councilor Matthews admired the fact that folks are using peer support. Councilor Porter suggested leaving the rent price where it was. The Councilors were in general agreement on this point.

Mayor Kemp suggested adding a term limit to the contract so it can be renewed/updated yearly.

e. *City Hall Waterproofing Estimate* –

Pax stated that John's Waterproofing came out and looked at the front office. Because this is a monolithic structure (on a slab), their suggested solution for the front office flooding is a series of baseboard trays that collect and capture the water as it enters the building. The water would then be funneled through a series of pipes in the floor to a catch basin, and then a sump pump would send the water out of the building and down a stormwater drain. The cost for this system would be just under \$10,000.00. It would solve the issue of water coming into the office, but it may be “overkill” as a solution. The south wall of the office has only flooded once, during heavy rain, while the outside stormwater grates were partially covered with debris. The front door leaks on a more regular basis. Alternative options would include re-routing a roof drain that dumps right near the front door so it ties into the stormwater drain, a grate could be

added just outside the door, a canopy could be added over the door, and a plumber could come out with a camera to ensure the existing storm drains haven't filled with silt.

Councilor Matthews suggested starting with re-routing the roof drain near the door and keeping the storm drains cleared on a regular basis. Mayor Kemp suggested we scope the outside storm drain to ensure it is clear. Mr. Anderson stated that you can buy the scopes rather cheaply now. Pax said he'd partner with Phil to investigate purchasing one for the City as it could be a handy piece of equipment to have.

### **Committee Reports**

- a. *Waterfront Development Citizens Advisory Committee –*  
Councilor Matthews stated that they have finished brainstorming and organizing the data and are now drafting new criteria. These are open public meetings that are on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of the month at 1pm.
  
- b. *Parks & Recreation –*  
This group meets on Fridays at 1pm. Last week they installed annuals in Waterfront Park. Councilor Matthews is working on fulfilling the grant from Nehalem Bay Garden Club. Some drought-tolerant plants have been relocated because they are too large for their current locations. The intent for fulfilling the grant is to get more drought tolerant plants with less water requirements. The metal frame by the restroom will be reused for signage, but the existing signage is shot and will need to be replaced. Oregon Blueprint is going to make the new sign. The metal frame will be moved to where the bicycle rack currently is. Councilor Matthews asked what the deadline was for reimbursement requests to be submitted. Pax said he would check with Madi. *Pax later confirmed with Madi that ideally all reimbursement checks would be cashed prior to the end of this fiscal year.*
  
- c. *WET –*  
*Pax forgot to include the WET minutes in the Agenda Packet.* Councilor Stacks said they have spent most of their budget but have reserved about \$60.00 for an appreciation party to celebrate all the hard work they have accomplished. Mary Leverette will be starting the assembly site pop-ups. One will be each Sunday throughout the summer. The idea is to introduce neighbors to neighbors and show them where the blue barrels and assembly sites are. On June 8<sup>th</sup> the CERT Team, Prepare Your Neighborhood, and the WET Team will be having a drill at Upper Park. The Nehalem Valley Care Center just had their state and federal surveys done. The WET Team will be assisting them with getting the education they need to keep their certifications. The Fire Marshall wants them to have ICS, community outreach, yellow radios, etc.
  
- d. *Port of Nehalem –*  
Councilor Porter said they put the buoys out. Councilor Matthews asked why they seem to be moved each year. Mayor Kemp stated that the buoys follow the water channel. Councilor Porter stated that he wasn't sure who oversaw where they go but

mentioned that the white no-wake buoys are moved around quite a bit.

*e. Planning Commission –*

Pax stated that the May Planning Commission meeting had been cancelled, but they will reconvene on June 6th.

**Mayor and Councilor Comments**

Councilor Stacks mentioned that the first meeting between the City and what will hopefully become the business association was last week. They are asking for additional meetings in the future, so these will be scheduled for the second Wednesday of the month at 6pm. Councilor Stacks has also reached out to the businesses who were unable to attend to get their feedback. The main “ask” from the first meeting was to get a new sign on the restroom. *A new sign has now been installed.*

Councilor Matthews asked if there was a plan for a groundbreaking at the new Health Clinic site next to City Hall. Pax said he believed it was their intent to hold a groundbreaking ceremony in mid-July. Mayor Kemp mentioned that there are a few final steps involved in the transfer of ownership of the sliver of land adjacent to Hospital Road that will need to be completed first. Pax will follow-up with the Health District to make sure it gets finalized.

**Adjournment**

Mayor Kemp called the meeting to close at 8:40 PM.

Dated: May 21, 2024

---

Clif Kemp, Mayor

---

Pax Broder, City Manager/Recorder

Recorder: Pax Broder