

CITY OF WHEELER

CITY COUNCIL – JUNE MEETING MINUTES

June 18th, 2024

**Call to Order**

Councilor Stacks called the meeting to order at 6:00 PM.

**Roll Call**

*Present onsite:*

City Council: Councilor Heidi Stacks, Councilor Gordon Taylor, Councilor Deanne Ragnell

City Staff: Pax Broder

Guests: Mike Anderson, Edith Rohde, Mary Leverette, Garry Gitzen, Chris Carey,  
William “Willow” Goulardt, Cynthia Simmons

*Present via Zoom:*

Guests: Wesley Wootten, Will Chappell, TJ Fiorelli

Absent: Councilor Karen Matthews (pre-arranged absence), Mayor Clif Kemp (pre-arranged absence), Councilor Walt Porter (pre-arranged absence).

Councilor Stacks explained that this is a unique meeting. Mayor Kemp, Council President Matthews, and Councilor Porter had been excused. Because there is so much critical information, Councilor Stacks made an amended Agenda to make sure “nothing falls off the plate” the next month when the Mayor and the other Council members return. Councilor Stacks noted that she and Pax will not be present for the next meeting. She mentioned that all the information from the workshop on June 5th regarding the water IGA with Manzanita can be found on the City’s website and encouraged everyone to take a look at it and bring any questions they have back to Council.

Mike Anderson questioned if the Council had a quorum this evening. Councilor Stacks replied that they do. She is just running the meeting; she is not fully acting as a Mayor. There are still three voting members present.

William Goulardt said, “I understand we are talking about water rates.” He said there was a new sign put up today in Wheeler showing that Wheeler’s water rate is \$96.00 and Manzanita’s is at \$46.00. He asked if somebody could explain that. Councilor Stacks said the Council just had a workshop on the water IGA with Manzanita and are looking at ways to work on it. A discussion is the place to start. Pax confirmed that the meeting on June 5<sup>th</sup> was specific to the IGA with Manzanita that covers the well site operation expenses. The two City’s water rates are based on their water rate studies, which take into account the cost of transmitting and distributing the water through their respective water systems and maintaining and repairing those systems.

Mr. Goulardt asked if it was true that Wheeler historically had its own water system. Pax said that Wheeler had an independent surface water system prior to the installation of the well field.

## **Consent Calendar**

Councilor Ragnell **made a motion to accept the Consent Calendar**. Councilor Taylor **seconded the motion**. **The motion was passed 3-0** (Yes: Ragnell, Taylor, Stacks; No: none).

Councilor Stacks said she had some questions about the Public Works budget because they had spent a lot of money. Pax clarified that it was the “City Hall Maintenance” expense that was noted as being over-budget at the last meeting. 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. The reason it has increased again is because of the expense to remove the trees that were leaning over City Hall.

Garry Gitzen asked if what they really wanted to do was “use up their budget.” Pax clarified that removing the leaning trees was an emergency that actually put the City over budget for City Hall Maintenance.

## **Presentations, Guests, Announcements**

*TJ Fiorelli – Urban Renewal Districts*

Mr. Fiorelli began giving a PowerPoint presentation on Urban Renewal Districts. *Unfortunately, the City projector wasn't clear enough to review the slides and part way through the presentation the Council asked TJ to stop and return at the next meeting with printed copies.*

*Chris Carey – Recology Rates*

Mr. Carey gave a presentation on Recology's Proposed Rates. *A copy of the presentation is included in the Agenda Packets.*

Councilor Ragnell questioned if there had already been an increase in rates in the past year. Mr. Carey said they are allowed to come to the City with new rates once a year, and those are usually adopted and take effect each July.

Councilor Stacks asked about a recycling option in Wheeler. Mr. Carey stated that DEQ requires each city to do a certain amount of recycling based on their population. Most cities that are smaller will do a depot (like the transfer station) and that will suffice because it is a cheaper option than streetside pickup. Adding a new truck and route can double the rate. They also need density and a lot of homes to fill one truck. They also need a full week's worth of work for a new employee. The advantage is that they do this all the way up to Warrenton and can share trucks amongst routes. What they can do is coordinate with the Nehalem Bay communities to see if adding a recycling route could be an option (because they need the numbers to make it work).

Councilor Stacks suggested Brighton, Wheeler, Mohler, and Nehalem get together. Mr. Carey said a co-mingle system (except glass) would be how to start. Manzanita would help spread the cost across more people, so it would be a benefit to have them included as well.

Mr. Gitzen said he likes to recycle at the transfer station because he gets to see people. He is against it being mandated.

Ms. Leverette asked what effect it would have on Averill if Recology entered into an agreement

with these communities for recycling? Mr. Carey said they would bring the material to him. Mr. Carey said it costs Averill money to process and sort the material. He would then charge Recology, who would then build that expense into Wheeler's rates. Mr. Carey said if you take recycling to CARTM and separate everything it gains value. If it is in streetside carts you can get more people to do it but it costs more money because it has to be separated later. The Recycling Modernization Act is a producer-responsibility law that makes producers pay to help recycling processors. This funding will be available in about 8 months and may make recycling options cheaper in Wheeler. Mr. Carey said he could get back to the City with estimated recycling rates and what the impact of the RMA funding would have on those rates.

Councilor Stacks mentioned that some folks in this community can't drive to the transfer station to recycle. Ms. Leverette said "it is the standard in Oregon. Recycling is Oregon."

Mr. Goulardt said Wheeler has 400 people. He feared it would cost us 10 times as much as a larger community to establish a curbside program. Mr. Carey said, "you are not there yet with the numbers," but by partnering with the neighboring communities you might be able to get close.

Mr. Gitzen asked if there is a percentage increase in the amount of trash coming from the State Park. Mr. Carey said they pick up "a lot." He didn't have their exact service levels handy. Mr. Carey mentioned they don't receive service in the wintertime. Mr. Gitzen then asked if a citizen can use the dumpster at Wheeler City Hall and was told "no." He then jokingly asked how far into the ocean Recology is dumping the trash. Mr. Carey said they utilize landfills for the trash.

Ms. Leverette asked if Mr. Carey could come back after having talked to some of the other communities about recycling and then give Wheeler a firm proposal on what could be offered, how frequently, and what the rates might be. Mr. Carey said he could help facilitate that process.

Councilor Taylor asked what percentage of people in Wheeler are recycling with the system we have in place now. Mr. Carey said you can look at the tonnage recycled at the transfer station, but it would be hard to determine what percentage of people are engaging in creating that. They do have "average pounds per home" numbers that they could apply to Wheeler.

Councilor Ragnell wished to confirm that the 3.9% increase equates to a \$1.05 increase per month. Mr. Carey said it does for the most common 32-gallon cart service.

Councilor Stacks introduced Wesley Wootten, who is to be considered for appointment to the City Manager position later this evening. Wesley has been driving since Saturday on his way from Maryland and should arrive in town tomorrow!

Ms. Leverette has posted notices about the success of the Wheeler Clean Up Day on Tillamook County Pioneer and North Coast BBQ. She said they did a superb job of collecting two 30-cubic yard dumpsters of junk and one 40-cubic yard dumpster full of scrap metal. She thanked all the volunteers who showed up and worked in the rain, and to Recology for donating the two 30-cubic yard dumpsters. She is eager and ready to do it again next year.

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

Mr. Goulardt said he approached the Port of Tillamook Bay about creating the Norm Laknes Cultural and Learning Center. He knows the train passengers are growing and the train is moving to the north end of town. He has looked at the rocks between the train tracks and the sidewalk near the depot. He would like to put two 30-foot-long glass cases with canoes lit up inside in that location and turn the train depot into a learning center.

Councilor Ragnell stated there are already glass cases in the train station with historic exhibits. Mr. Goulardt stated he wished to add additional glass cases outside the station.

Mr. Goulardt also said the sign near the depot has the incorrect date for when Lewis and Clarke came here. He'd like this to be corrected and for people to have something more to do when they are here in town. He stated that the Port wants him to get the City of Wheeler on board with his idea for this Cultural and Learning Center, too. Councilor Ragnell said she would bring it up at the next Waterfront Development Citizen Advisory Committee meeting.

Mr. Gitzen handed out some information related to the Manzanita IGA and suggested that the City Council go to the courts to amend it. He said, "no matter what we're going to get from Manzanita it will benefit Manzanita, if we go to the courts, it will benefit Wheeler and I think that is what we ought to do." Councilor Stacks wished to discuss this further when the full Council can be present, but said we are all in agreement that we need to restart the conversation that happened twenty years ago. Councilor Ragnell said this is the most important issue to be discussed now because Manzanita is growing at an exponential rate, and their water use needs to be kept in check. Mr. Gitzen said we used to talk about plenty of old growth forest, plenty of salmon, etc. We should be looking 100 years into the future and planning for our water because it won't last forever.

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

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

Councilor Stacks explained that the City has been racking up legal fees while the Botts Marsh LLC case is stayed. Pax explained that the court may not grant an additional stay beyond the current July 5<sup>th</sup> deadline at this point anyway. If Wheeler were to request an additional stay, it would be while we work towards a different resolution and we haven't been making significant progress on that front. The thought is that at this point it may make more sense to proceed with litigation rather than request another stay.

Ms. Leverette thought this was critical news for the citizens of Wheeler and was concerned that not all Councilors were present. Councilor Taylor explained that by stopping the stay, the legal procedures will move forward and hopefully inspire a resolution. "What we won't be doing is continuing to shovel money at lawyers while everything just sits still." Ms. Leverette asked if the other Council members who are not present agree with this position. Councilor Stacks said that "as far as I can say, yes, everyone was in agreement." Ms. Leverette said there is a willing group of citizens who are invested in helping resolve this if there is anything they can do. Pax wished to confirm that the direction to give the legal team was to proceed with litigation

rather than to request an additional stay. Councilor Stacks said “correct.”

Pax mentioned that if the Council still wanted to pursue the WaterSMART Small Scale Efficiency Grant for the SCADA system, he could partner with Wes and Phil to try and get a plan in place to get it submitted by July 9<sup>th</sup>. Councilor Stacks suggested having that conversation with the Mayor and with Wes when he arrives.

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

Councilor Ragnell asked if the letter from Dean Dills with for the same road that Longfellow graded. Pax confirmed that it is the same road, but that grading may need to occur on a yearly basis in order to maintain it as an unpaved road.

### **Public Hearings**

*None.*

### **Old Business**

- a. *Nuisance Updates* – Councilor Stacks mentioned that at View of the West they have trimmed back blackberries and boarded up the broken windows. The vacant building at 133 Hall St is going to the County for asbestos testing and taking steps towards demolition.

The property at 291 Penn is an ongoing issue. The neighbors are asking the City to go up there at night and confirm whose lights are in violation of the nuisance ordinance. Councilor Stacks said she would speak to Mr. Cozart and Ms. Lekas about taking their information to the courts, but we are not going to spend any more of the City’s time on light violations between them than the City already has. Our job as people who work for the City is to do the most we can for the most people we can. It is not the City’s responsibility to concentrate all our efforts on two people who are squabbling. Councilor Taylor asked why the City was being asked to take pictures of the lights. Pax confirmed that there is some question as to whether the nuisance photos submitted to the City have been doctored with external spotlights, so we’ve been asked to investigate in person.

The owner at 675 Nehalem has been sent multiple letters about their siding and have had conversations with the Mayor indicating they would resume work in the spring, but they still haven’t done so. At 50 Rector there is still debris on the property and unfortunately they didn’t participate in Wheeler Clean Up Day.

Ms. Leverette asked about the City historically needing pest management for a vacant property. Councilor Stacks confirmed that was a different building from any of the ones discussed so far (344 Hemlock), but that the owner of the property had passed away and Councilor Stacks believed she could get the names of his daughters. She noted that someone has cleaned up a little bit and mowed the lawn. She will keep following up with them.

Cynthia Simmons said she went to her niece's house for a picnic a few weeks ago and the screaming from 291 Pennsylvania Ave and the "threatening to kill the dog" lasted for 4 hours. The police came 2 hours after they were called. She also mentioned that the property next to her has overgrown vegetation that is becoming a fire and snake hazard. Councilor Stacks asked Ms. Simmons to write something up and submit it to the City so we can follow up with the property owner.

The home at 262 Gregory also had overgrown vegetation and was sent a letter. The commercial building at 685 Nehalem also had overgrown vegetation and was sent a letter.

- b. *Priority List* – Councilor Stacks has started working with the businesses in town. Mr. Goulardt said he was the former president of the Wheeler Business Association. He said they did the business association for one reason: because the Council wasn't letting them do anything. Their reaction was to put people on the Council. He thanked Councilor Stacks for reaching out and making a step forward. Councilor Stacks said she met with the businesses and asked them "how can we help this town a bit?" She asked them to think about how the City can help them be profitable and stay in this town, take pride in it, and help it grow responsibly. The first thing the businesses wanted was a bathroom sign on the public restroom. Now we are talking about directional signs for downtown. Mr. Goulardt said he sees three business districts in town: waterfront, 101, and the upper business district. He asked if the businesses wanted an association. Councilor Stacks said they are discussing it now as there are new rules in place and different ways in which they can organize themselves. If they get a Business Alliance established, the City can help it pursue Mainstreet grants, etc.
- c. *City Hall Maintenance Expenses* – Pax clarified that it was the "City Hall Maintenance" expense that was noted as being over-budget at the last meeting. 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. The reason it has increased again is because of the new expense to remove the trees that were leaning over City Hall.
- d. *2<sup>nd</sup> Street Vacation* – Pax stated that the City doesn't own the property on which the Gervais Creek stormwater inlet is located and the property owner (Dovid Madian) had suggested a possible property swap rather than the establishment of a utility easement. The idea is that the City would vacate the undeveloped portion of 2<sup>nd</sup> Street between the two lots owned by Mr. Madian, granting him ownership of that property, and in trade he would grant the City ownership of the Gervais Creek stormwater inlet. Pax reached out to Tim Gross (the Civil West engineer who designed the Gervais Creek stormwater improvements) to see his recommendations on how much of lot 2700 would need to be transferred to the City in order to have enough space for the stormwater improvements to be constructed. The proposed utility easement would have followed the proposed path of the new infrastructure, but if the City were to pursue a transfer or ownership (rather than an easement) a rectangular-shaped section

of the property may make more sense. Pax is waiting to hear back on Mr. Gross's thoughts.

- e. *Thermoplastic Sidewalk Markings* - The businesses have asked for improved crosswalk markings. Councilor Stacks wished to defer this to next month as Phil is still looking into it.

### **New Business**

- a. *Appointment of new City Manager – Wesley Wootten*

Councilor Stacks asked if there were any objections. Mr. Gitzen jokingly replied "Yeah. I want Pax to stay." There was an audible laugh from the room.

Councilor Ragnell **made a motion to approve Wesley Wootten's appointment to the position of City Manager of the City of Wheeler.** Councilor Taylor **seconded the motion.** **The motion was passed 3-0** (Yes: Ragnell, Taylor, Stacks; No: none).

Wes thanked everyone and said he was really looking forward to getting started. Pax said he would see Wes at City Hall at 9am Monday morning.

- b. *May Police Safety Report –*

Councilor Stacks noticed that citations have gone up. The business owners have also asked for some effective traffic calming measures. The City is continuing to look into it. Councilor Stacks noted that the police have been responding to a lot of calls in town.

- c. *Resolution No. 2024-16 Recology Rates –*

Councilor Ragnell **made a motion to approve Resolution No. 2024-16 Recology Rates.** Councilor Taylor **seconded the motion.** **The motion was passed 3-0** (Yes: Ragnell, Taylor, Stacks; No: none).

- d. *Resolution No. 2024-17 Check Signing Authority –*

Pax indicated that the only change from the previous check signing resolution was replacing Pax's name with Wes as a check signer for the City of Wheeler.

Councilor Ragnell **made a motion to approve Resolution No. 2024-17 Check Signing Authority.** Councilor Taylor **seconded the motion.** **The motion was passed 3-0** (Yes: Ragnell, Taylor, Stacks; No: none).

Mr. Gitzen said he was researching the words resolution and ordinance. He said a resolution can only be changed after 7 days, but an ordinance can be changed at any time.

- e. *Ordinance No. 2024-01 Water Leak Billing Adjustments –*

*This ordinance was read in full for its first reading.* Pax indicated that was mostly copied from Nehalem's current policy, and notably it indicates that smaller

adjustments can be handled by City Staff rather than the City Council. Councilor Ragnell felt the most important thing about this was that adjustments should only be made for catastrophic system failure. She felt it was important to indicate that negligence wouldn't qualify for a billing adjustment. She also wondered if it would be possible to indicate on the water bills that if a leak is detected, please turn off your water rather than let it leak. Pax indicated that the City charges a fee for temporary turn-on and turn-off, and Councilor Stacks warned that not all citizens will know how to turn their water off. The WET Team will be following up with citizen education on this as well.

- f. *Employee Lodging Reimbursement* – Pax explained that employee lodging is not currently a reimbursable expense in the employee handbook. Extra funds have been set aside in next year's budget to reimburse employees for this expense should they need to travel overnight for conferences or continuing education. Pax asked the Council to vote on formally adding this as a reimbursable expense in the Employee Handbook.

**The councilors then unanimously agreed that overnight lodging should be added to the Employee Handbook as a reimbursable expense.**

- g. *City Hall Roof Repair Estimates* – Councilor Stacks wished to defer this to next month when the whole Council can convene.
- h. *Juneteenth* – Pax indicated that this is a Federal, State, and County holiday and that Councilor Stacks (as acting Mayor) has requested that City Hall follow suit and close that day as well. This holiday is not currently recognized in Wheeler's Employee Handbook. Councilor Stacks requested that this be brought up again next month to be formally added to the Employee Handbook.

### **Committee Reports**

- a. *Waterfront Development Citizens Advisory Committee* – Councilor Ragnell stated they are finalizing the draft documents and hope to have something to present to the Planning Commission and City Council next month.
- b. *Parks & Recreation* – Pax read the Parks Committee Report. *A copy is included in the Agenda Packet.*
- c. *Salmonberry Trail* – Councilor Stacks said they have been hosting hikes that have been well attended.
- d. *Business Roundtable Meetings* – These will continue on the second Wednesday of each month until the businesses are established as a formal Business Alliance that can then bring things before the City Council at the regular monthly meetings. Mr. Goulardt said this has been difficult in the past and he wants it to be easy going forward. He said that festivals and events during the summer need to be planned in March or April. Councilor Stacks said the businesses may be able to put something



together around Christmas time.

- e. *WET* – Councilor Stacks said this month she reviewed with the Care Center (who had a great survey). The WET Team will continue to work with them to make sure their residents stay safe during a disaster. There was a CERT drill at City Park that was poorly attended by the citizens of Wheeler but had lots of attendees from neighboring communities. The WET team had an abbreviated meeting this month in order to have an appreciation celebration for the team for working so hard this year. One of the focuses going forward this next fiscal year will be to pay as much respect to the folks in Paradise Cove as they do the rest of the town. They are Wheeler citizens too! Mr. Goulardt stated that he wants a fire department reestablished in Wheeler as he remembers the City being isolated by disasters in the past. He doesn't understand how we can be safe without our own Fire Department. Councilor Stacks stated we have adequate fire protection within our zone. Councilor Ragnell mentioned that she was unaware that there are permanent residents at Paradise Cove and thought it was only recreational in nature. Ms. Leverette mentioned there are many permanent residents at the upper portion of the park.
- f. *Port of Nehalem* – No updates.
- g. *Planning Commission* –  
Pax read the Planning Commission Report. *A copy is included in the Agenda Packet.*

**Mayor and Councilor Comments**

Councilor Stacks clarified that she was thankful that Wheeler used to have its own fire department and wished Wheeler still did. She thanked Pax for being such a great asset to Wheeler.

**Adjournment**

Councilor Stacks called the meeting to close at 8:10 PM.

Dated: June 18, 2024

---

Clif Kemp, Mayor

---

Pax Broder, City Manager/Recorder

Recorder: Pax Broder