

I. **CALL TO ORDER**: Mayor Burden called the Wheeler City Council meeting to order at 7:03 p.m., at Wheeler City Hall

II. **ROLL CALL**:

Mayor Stevie S. Burden, Heidi Stacks, Dawn Sea Kahrs, Robert Harlow and Dave Bell

Excused Absence: Jim King

Staff Present: City Manager, Angela Oslund

Public Present: Jay Verburg, John Coopersmith, Richelle Newkirk and Jake Newkirk

Media Present: None

III. **MAYOR AND COUNCILOR COMMENTS**

- Announcement of Vacancy on City Council 2019
- Policy/Procedures re: Public Records Request
- Discussion on Short Term Rental – Letter received from Citizens of Responsible Development
  - Concerns from the Community that Short Term Policy is not being followed, Mayor Burden’s discussion of the need to revisit the topic and gray areas in the Ordinance that the City could redefine to make the Ordinance more clear for the Community.
  - Note on Page 2 of the letter received reads: **Note: We also request that anyone on the City Council, Planning Commission, or the Mayor who may have property or rentals that could be used as short term rentals, recuse themselves from any deliberations or public statements on the subject. Consideration should be given to actual or potential conflicts of interest stipulated in Oregon State Statute.** Mayor Burden’s comments in regards to this note is that there are very few rentals in the City of Wheeler and almost 90% if not more of Council are home owners and/or Property owners in our Community and would be almost impossible to recuse themselves from this topic and when you live in a small town sometimes your going to have to speak to issues in regards to property rights even though their property owners and do so in accordance with all state/federal laws that stipulate how Council does their business.

We as a City, Council, and Commission take every complaint that is brought to our attention very seriously; however, it is difficult for the City to take action on complaints from anonymous sources or groups. We are more than willing to respect confidentiality but if there is no way to verify either the number of people lodging a complaint or a means to determine if they are even residents, it would be unethical for the City to take action. Each complaint must be dealt with on an individual basis and verified to determine validity and nature of the problem. It would be irresponsible to do official business in any other manner.

- Mayor stresses ongoing concerns in regards School bus situation at the north end of town and the multiple complaints witnessed and received in regards to cars not stopping for the bus. Mayor to reach out to the County Sheriff for reporting.
- Angela will contact ODOT in regards to the new Penn sign - should be changed back to Penn Avenue not Penn Street.

**IV. CONSENT CALENDAR:**

**1. Additions or Deletions to Agenda :**

- Under Executive Session, remove “None”

**2. Wheeler City Council Minutes of August 21, 2018**

**3. Financial Reports for August 2018:** emailed to Council on September 12, 2018 at 1:34 p.m.

Bell moved to adopt Consent Agenda as amended, Stacks 2<sup>nd</sup> motion. All for the vote, 4-0.

**V. PRESENTATIONS, GUESTS, ANNOUNCEMENTS AND CORRESPONDENCE:**

**1. Presentations:** None

**2. Guests:** None

**3. Announcements:** None

**4. Correspondence:**

- Manzanita Department of Public Safety August 2018

**VI. PUBLIC COMMENT ON NON-AGENDA ITEMS:**

John Coopersmith – Board of North County Recreation District: Discussion on levy

Richelle Newkirk – Owner of the local liquor store: OLCC going through and expansion phase and Manzanita fresh foods has applied for a liquor license. Starting October 1, 2018 they are accepting Public Comment in regards to Manzanita Fresh Foods opening up a liquor store within the grocery store and her concern in regards to business being affected should application be accepted. Any communication should be sent to OLCC.

**VII. COMMITTEE REPORTS:**

- **Planning Commission** – Minutes for September 6, 2018 Planning Commission meeting
- **Parks Committee** – Minutes for August 16 and September 12, 2018 Parks & Recreation Committee meeting
- **Wheeler Emergency Preparedness Committee**
- **Port of Nehalem**

**VIII. CITY MANAGER & PUBLIC WORKS DEPARTMENT REPORT**

**City Manager Report**

**Planning Commission Meeting, September 6, 2018**

- The Planning Commission discussed the sign ordinance and opened the discussion up to public comment. The information from Visit Tillamook Coast was presented to the commissioners and the

public as a topic of conversation for one possible way to mitigate A-boards. The commission and public agreed that they would like to 1) see a Wheeler-specific design for signs, 2) share this information at a public meeting to get additional feedback, then 3) determine at that time what might need to change in the ordinance as a result of the proposed signage. (“You are here” signs were also proposed at both sides of Highway 101 at the public parking areas).

- There was public comment about restoring the Wheeler sign at the North end of the City. Questions were raised as to the possibilities of volunteer time to help clean and repair/repaint it. (City Manager followed up with a conversation with Nancy Chase, Nehalem Trust, to see how we could coordinate together on this effort since the sign is on Trust property. Nancy will discuss this at the upcoming board meeting.)
- “No overnight parking” was discussed. It was determined that research needs to be done to see what other Cities are using as their “No parking” hours. City Manager will follow up.

#### Parks & Recreation Committee Meeting: September 12, 2018

- The P&R Committee has discussed changes to the new signs. The updated “mock-up” is included in your packet. They have recommended placement of the signs at the bathroom at Waterfront Park at the Train Depot to start.
- The P&R Committee also discussed the wayfinding signs as shown in the information provided by Visit Tillamook County, and are supportive of moving forward with that effort as well.
- The shrubbery at the public parking area at the corner of Rorvik Street and Highway 101 was discussed. Consensus was to remove all of it, none to be retained for future use.

#### Management – General

- An article in Portland Monthly featured Wheeler as a hub for travelers on Disney Cruise lines who will do land excursions from Astoria to Rockaway, and then take the train to Wheeler. The article said that the visitors will disembark at Wheeler Depot. Oregon Coast Scenic Railroad let us know that the excursion was cancelled. However, Fall Splendor Excursions depart at 11 AM and 2 PM from Wheeler Depot to Batterson and drop off at Wheeler Depot, Saturdays and Sundays from October 6<sup>th</sup> to November 11<sup>th</sup>. OCSR will update us again when they have finished their maintenance to let us know how far their route goes.
- The City has received the “You Are Here” for tsunami evacuation that will be posted at City Hall. We will be posting this sign at the exterior of the building. Location is yet to be determined.
- The City is expecting the results of the financial audit for Fiscal Year 2017-2018 to be shared in the October or November Council Meeting depending on when we get them back from the vendor.
- The City of Wheeler is hosting a Community Emergency Shelter Orientation and Drill on Saturday October 13, 2018 from 1 PM to 4:30 PM. If people would like to participate as a volunteer coordinator please arrive at City Hall at 1 PM and as a “client” at 1:45 PM. Also, it is requested that all City Council and Planning Commissioners attend.
- The League of Oregon Cities has published their legislative priorities for 2019. The LOC publication is in your in-box.
- Bags and dispensers have been ordered for Upper Park and Waterfront Park for supporting dog related activities. We should be putting these up in the next week or so.
- City Staff will be meeting with representatives from Oregon Emergency Management (OEM), FEMA, and various engineers on September 20<sup>th</sup> to discuss the scope of work changes to the Wheeler Drainage Basin G2 project towards a revised grant application.
- In the matter of the drainage affecting the properties at 675 Nehalem Blvd. and 625 Nehalem Blvd, City staff has sent letters to both parties regarding the ineffective repair to the gutters and downspouts at 675 Nehalem Blvd. A letter was sent to L Squared Properties LLC to the effect that the City of Wheeler has not “expired” their permits, but that the company gave the City notice of stop work, but that the City

would be willing to extend the permit period at this building through March 14, 2018 upon written request. As of September 13, 2018, the City has not received a request for extension from L Squared Properties LLC. After reviewing the letters received by City staff from L Squared Properties, and after meeting on-site with the Tillamook County Building Official, it was determined that the repair that was agreed to by both parties did not completely fix the original drainage complaint submitted by L Squared Properties LLC. A letter was then sent to Mr. Mott, owner of 675 Nehalem Blvd. notifying him of the City's receipt of complaint, the results of the site inspection, and the determination that the existing system is insufficient to adequately discharge the water from the property as described in Nuisance Ordinance 2011-01, Chapter 1.11.050. Mr. Mott has responded, and has identified a tree on neighboring property that is contributing to his overflow issues as well as offered a solution to both properties' discharge capacity issues in the form of a larger catchment. City staff will be sending out additional correspondence in response to Mr. Mott's feedback.

- The City of Wheeler is currently looking for a temporary public works laborer through Workforce. The pay rate has been increased to \$15 per hour. Please let Lori or I know if anyone is interested, or they can contact Workforce directly.
- I attended the Port of Nehalem Board meeting in September, and requested additional information on the USGS study which the City is being asked to provide funds for. This is included in the Council packet for this month. I did also receive a CD from the Port of Nehalem with their Strategic Business Plan (2010). If any of the councilors are interested in a copy, please let me know and I will print a copy and put it in your in-box. Members of the public can obtain a copy directly from the Port of Nehalem. (From August's meeting - The current invoice is shown in the amount of \$7,228.00, and the overall total contract was awarded at \$43,728.) The resolution for funding this item will appear on the October agenda.
- I was contacted by Isabel Gilda regarding the offer of Commissioners to occasionally attend a council meeting when a County issue or concerns could be discussed. The purpose is, in part, to give members of the public who cannot travel to Tillamook an opportunity to address the Commissioners. Are there any issues that we would like to see on the agenda over the next month or two?
- Travel Oregon is offering a North Coast Tourism Studio, which is a series of tourism development workshops and networking events designed to assist communities interested in stimulating the local economies. I have emailed the information to the councilors and directions for signing up if councilors/mayor is interested.
- USDA Rural Development sent out a notice that funds may still be available for projects that are considered categorical exclusions. I sent a list to the coordinator requesting funds from the Water Master Plan. I spoke with the point of contact for this program and they indicated that the City would have to provide a bond for the work, which would cost the City an additional \$7,000-\$10,000 – USDA says this is required for all of their projects. They also said that they would only consider funding Stormwater Master Plan projects if the City's Stormwater Master Plan was updated.
- The contractors for the owners of the property located above 4<sup>th</sup> Street on Alder Street have come in to discuss the mowing project they did. They did apply for and receive a clearing permit with restrictions. They cannot disturb the site without an approved permit that would include a geotechnical report. They have been approved for surface clearing, and can remove logs that had been previously felled on the site, but may not remove any tree trunk/root systems without the additional permit approval.
- City staff has reached out to Nan Devlin with Visit Tillamook Coast to begin the conversation around Wayfinding for Wheeler. I have asked if the designers could start with a "mock-up" picture so that City Council, Planning Commission, and Parks and Recreation, and City Hall can take a look at the concept and present it to the public for comment (per earlier minutes).
- In preparation for the October CC meeting, City staff will prepare a summary of research into what has worked and not worked in terms of short term rentals. This will be an agenda item for discussion.
- NCRD Pool – Cities are supportive of doing this joint letter. Status report.

- A letter requesting abatement of a nuisance was sent to the owner of the View of the West in response to several complaints made to the City regarding the state of the property and that there appears to be someone living in the building.
- A letter requesting abatement of a nuisance was sent to the property owners at 146 Hall Street regarding a derelict/abandoned vehicle.
- Letters requesting abatement of a nuisance are being prepared for the property at Rorvik and 1<sup>st</sup> Street, and for 63 Gregory Street given additional information that has recently been provided to the City.

**Public Works Report:**

**Streets:**

The SCA paving projects will be starting in September; staff will be doing some prep work on the roadways in support of this project. Vosburg Street will require reshaping the storm water ditch line and some fill on the south side. Dubois Street will need to be widened to accept the dimensions required in the SCA grant. Most of this work can be accomplished by staff and the tools at hand. Staff will be scheduling pot hole repairs in the coming weeks instead of waiting until September when the paving crews would be here as was planned earlier.

**Storm water:**

Staff will be doing some catch basin cleaning and ditch line clearing next month but don't anticipate any big projects to ready for the fall season.

**Water:**

Staff will be flushing the water system and exercising water valves as scheduling will allow. This work expected to done by mid-August. I spoke with Dan Weitzel recently about the city's water treatment at the well site and that I had a complaint about the water smelling funny. Staff went to investigate at the home owner's house by taking a sample and testing for chlorine residual. The test showed that the residual was a little high but not out of normal range. In speaking with Dan Weitzel, he said that he was having some issues with the chlorine generator at the treatment site and that he would be replacing the current system being used in the next couple of months. Dan also stated that he would reduce Chlorine doses in the system.

**Parks:**

Staff has been working mostly without a summer helper this year so it has been a challenge to meet the demands of maintaining the parks with the addition of repairing the Cities boat docks.

The boat dock project is 65% done and should be completed by the end of July.

**City Planner Report:** none

**VIII. PUBLIC HEARING:** None

Mayor Burden recessed the regular City Council meeting and moved into Executive Session at 9:10 p.m.

**X. EXECUTIVE SESSION:** (Pursuant to ORS 192.660):

Mayor Burden adjourned Executive Session and reconvened the regular City Council meeting at 9:14 p.m.

Bell moved to take action on matters discussed in Executive Session, Stacks 2<sup>nd</sup> motion. All for the vote, 4-0.

**XI. GENERAL BUSINESS:**

**1. Old Business:**

**a. Port of Nehalem Bay, USGS Funds:** Council consensus to pay \$2500.00 after adoption of Resolution and the remaining \$2500.00 upon receipt of final report.

**b. Wheeler Parks Map:** Approval for proposals of Changes to the Sign.

**c. Memorandum of Understanding to Increase Tourism and Public Safety and Wayfinding for Nehalem Bay Area with Assistance by Visit Tillamook Coast:** Final MOU to be brought to October Council meeting for approval

**d. Ordinance No. 2018-03, an Ordinance Amendment to the Wheeler Zoning Ordinance 79-2, As Amended, Article 9 FHO Zone – Flood Hazard Overlay Zone:** As stated in the Ordinance, there wasn't a Public Hearing held. Special meeting will be scheduled September 25, 2018 at 5:00 p.m., to provide enough time to notify Public of Public Hearing and Ordinance will be read in its entirety.

**e. Ordinance No. 2018-04: An Ordinance of the City of Wheeler, Oregon Adopting a Franchise Agreement By and Between the Tillamook People's Utility District and the City of Wheeler – 1<sup>st</sup> reading:** Bell read 1<sup>st</sup> reading of Ordinance No. 2018-04 by Full title. 2<sup>nd</sup> reading of title and adoption of Ordinance 2018-04 will be held at the next meeting.

**2. New Business:**

**a. Memorandum of Understanding of Collaboration and Partnership between the City of Wheeler and the Emergency Volunteer Corps of Nehalem Bay:** Bell moved to adopt the Memorandum of Understanding as edited, Harlow 2<sup>nd</sup> motion. All for the vote, 4-0.

**b. Proclamation No. 2018-01, A Proclamation to Declare September 17-23 as Constitution Week:** Stacks moved to adopt Proclamation No 2018-01, Bell 2<sup>nd</sup> motion. All for the vote, 4-0.

**XII. ADJOURNMENT:** 9:40 p.m.

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Stevie S. Burden, Mayor

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Angela Oslund, City Manager

Lori Rieger, Transcriber