



THE CITY OF WHEELER

CITY MANAGER REPORT

December 19, 2023

LITIGATION:

- Botts Marsh LLC v. City of Wheeler – The city has been instructed to complete the LUBA Remand 2022-002 for a building for the processing, storage, and retail sales of fish and shellfish. Updated application materials were received on December 13th. Tonight will be the continuation of a public hearing on this matter.
- Richard Buchanan v. City of Wheeler – This case will be in the discovery phase until late March. On December 13th, our attorney completed a site visit with an expert witness engineer. We anticipate that depositions will begin next month.

ADMINISTRATION:

- On Thursday, December 7th, Councilor Stacks reported that the gateway sign on the south side of town appeared to have been hit by a vehicle and demolished. Public Works were able to deenergize the power lines that were running to it.
- That same afternoon a representative from CIS came to tour the parks and make recommendations based on the recent court cases involving recreational immunity. We are still awaiting her full report and will discuss it with council once it becomes available. Waterfront Park is currently closed off due to unsafe conditions on the trails from erosion caused by the floodwaters. The recommendation from CIS would be to leave it closed, as even with trails in perfect condition the location of the park makes it too easy for someone to claim they were just passing through rather than recreating.

GRANT PROJECTS:

- Waterfront Restrooms – Rebuilding the restroom in its current location seems to be the best option. A new lease is being drafted now between the City and the Port of Tillamook Bay that will include the 25 year timeline text required per the grant from OPRD. We are currently waiting for a copy of that new lease.
- Gervais Creek – I was notified this afternoon that our subapplication has passed the initial Hazard Mitigation Technical Assistance Program (HMTAP) review and will now be proceeding to the Environmental and Historic Preservation Review. The EHP review is expected to be a lengthy process. We expect to get more information near the end of January.
- Asbestos Concrete Water Lines – The city intends to pursue a Safe Drinking Water Loan that is to update approximately 3,200 feet of asbestos concrete water lines within the water distribution system. Our letter of interest was well received earlier this year. The state's paperwork for the BIL funding was finally completed with the EPA last week, and Business Oregon is now planning on contacting communities in January.

- Hemlock Street –The city has submitted applications for a Technical Assistance Grant via Business Oregon as well as forgivable Planning Loan from the Clean Water State Revolving Fund (CWSRF) to fund the Geotech and engineering reports required for repairing Hemlock Street. We are waiting to hear back from them both.
- Gangway–We were notified by SopKo Welding that their shop rates have increased. The current grant from OSMB is supposed to be closed out by the end of the year but they are willing to make an extension on the timeline. They are not willing to give us any additional funding on this grant. The new quote from SopKo Welding includes repairs to the rollers on the dock, without which he will not insure the work done on the gangway. The total project cost would now be \$13,905.77 and the grant funds would cover \$6,731.25. If council desires to have this repair completed as quoted, we will need another budget amendment in order to transfer the additional funds into the Parks Fund.
- Dredging – Randy Thorpe (Tillamook County Emergency Manager) put us in touch with the Army Corps of Engineers and the Department of State Lands to work on permitting for the removal of the debris that has accumulated under and around the dock. At minimum we will need a Section 10 permit via the Army Corps of Engineers, which would allow us to remove the debris and relocate it upland. It is possible we can have this permit in place in as little as 30 days but there are several approvals it must go through. I have a virtual meeting with Michael Neal, Regulatory Project Manager with the US Army Corps of Engineers on Thursday, December 21st to discuss the application process for that permit. I’ve also been notified by Katie Blauvelt of the Department of State Lands that we will need permitting from them as well. I’ve set up a meeting with her tomorrow afternoon to discuss their permitting process. Their permit typically takes 120 days to process but that can be expedited if no issues arise during the review. Both of these agencies have emergency authorization options, but there are very strict requirements to qualify for those and based on our initial communication with these agencies it seems unlikely that we will qualify for emergency authorization.
- Salmonberry Trail –The Tillamook Coast Visitors Association had a Tourism Facilities Grant available that closed on December 15th. The Salmonberry Trail Foundation did the grant writing to get funding for materials to build a demonstration trail segment and railway platform, and they submitted the application in the name of the City of Wheeler as had been discussed at the last Council meeting.