

CITY OF WHEELER

CITY COUNCIL – OCTOBER MEETING MINUTES

October 17th, 2023

Call to Order

Mayor Kemp called the meeting to order at 6:02 PM.

Roll Call

Present onsite:

City Council: Councilor Deanne Ragnell, Councilor Heidi Stacks, Councilor Gordon Taylor,
Councilor Karen Matthews, Mayor Clif Kemp

City Staff: Pax Broder

Guests: Edith Rhode, Mike Anderson, Ron Emineth, Dan Ayers, Sandy Douma, Garry
Gitzen, Dennis Cozart

Present via Zoom:

Guests: Charmaine Kaptur, The Schumanns

Absent:

City Council: Councilor Walt Porter (excused vacation)

Consent Calendar

Councilor Stacks **made a motion to approve the City Council Minutes of 9-15-23 and the City Council Minutes of 9-19-23 with an edit specifying Councilor Matthews was on pre-arranged vacations.** Councilor Ragnell **seconded the motion.** **The motion was passed 4-0** (Yes: Matthews, Ragnell, Taylor, Stacks; No: none).

Councilor Matthews had some questions about revenue not tracking at 25% of the budget, and an issue with some numbers not calculating appropriately from month to month. *Pax will follow up with Madi to address these.*

Councilor Stacks asked that the council postpone the approval the Financial Reports until they have had more time to review them.

Presentations, Guests, Announcements

None

Public Comment on Non-Agenda Items

None

City Manager and Public Works Department Report

The City Manager report was read.

The Public Works Department report was read.

Dan Ayers questioned if the city is still paying for previous Hemlock repairs. *Pax partnered with Madi and there is no indication that we are still paying off these former repairs.*

Councilor Ragnell questioned if we had permission to charge for the boat ramp fees. Pax confirmed that we have not yet been able to get written permission for those fees, which is a

requirement under the grant contract for the gangway repairs. Councilor Stacks mentioned that there may be some language the County uses at their boat ramps that we could use. Pax clarified that they typically charge a “day use” fee for parking any vehicle at the site, rather than a “boat launch” fee.

Mayor Kemp stated that his idea was not to charge someone who is just using the public dock or walking down the gangway. He stated that we’ve had discussions regarding the language we use but that the OSMB has held up approving the repair grant as they feel our fee isn’t equitable. Mayor Kemp confirmed that at this point we have no intention of charging people just to use the gangway to go down to the public dock. Councilor Ragnell agreed.

Public Hearings

None.

Old Business

- a. Paid Leave Oregon Policy – Pax explained that this policy is required by law, and that employees on approved Paid Leave would be paid by that program. He also confirmed that city employees don’t qualify for Oregon Family Leave or Federal Family Medical Leave due to our small size (though if we did, those leaves would have to be taken concurrently with Paid Leave Oregon). Tonight the Council can decide if employees can continue to accrue sick and vacation leave while on an approved Paid Leave, and can decide whether or not employees should have the option of cashing in any banked leave to supplement the pay they receive from Paid Leave Oregon when on an approved leave. Councilor Matthews asked what percentage of the salary is paid by Paid Leave Oregon. Pax mentioned that that information isn’t clear, but it is unlikely to be their full regular salary. Councilor Ragnell felt that employees should have a minimum amount of time they have to work for the city before qualifying for leave accrual while on an approved Paid Leave.

Councilor Matthews **made a motion to accept the Paid Leave Oregon Policy with the amendment that only employees who have worked for the city for 2 years or more will continue to accrue sick and vacation leave while on an approved leave from Paid Leave Oregon.** Councilor Taylor **seconded the motion.** **The motion was passed 4-0** (Yes: Matthews, Ragnell, Taylor, Stacks; No: none).

- b. Nuisance Updates – the majority of the nuisances are for overgrown vegetation, but there have been reports of dogs off leash on Pennsylvania Ave. “Welcome to Wheeler” baskets are being prepared by the WET Committee and will include a copy of the nuisance ordinance.

Ron Emineth stated that the two letters he has received from the city about his dogs being off leash stem from false accusations made by Jill Lekas. He wants to know what can be done to stop Ms. Lekas from making false allegations against him, and to stop her from harassing him. He has filed police reports, has a stalking order enforced, and has court dates upcoming. He would like to file a grievance against her for noise. He stated that he has received death threats online and they District Attorney hasn’t taken them seriously yet. Councilor Matthews asked that he continue to reach out to law enforcement as necessary.

Councilor Matthews questioned what was happening with the brown tarps on 675 Nehalem Blvd. Councilor Stacks mentioned that those are a barrier to keep what has

been worked on dry, but there have been people out there working on it.

Councilor Matthews mentioned that trees are great, and the ordinance where we can have them removed is when they are in the city right of way and there is a process for that. With regard to private lots for citizens, usually the best bet is to work with your neighbor.

Sandy Douma stated that the property on 3rd and Hemlock has brush that has grown over the house, there is trash present, and the building has been abandoned. *Pax has sent a letter to the owner and posted one on the vacant building.*

New Business

- a. Citizen Complaint Regarding Highway 101 Billboard – Garry Gitzen stated that he contacted ODOT and told them the sign is in violation of the scenic byway, but was told by ODOT that this area wasn't a scenic byway. Mr. Gitzen stated that it is signed as a scenic byway a half a mile from the city, and we are within it. ODOT said the sign is grandfathered in, but Mr. Gitzen says it is a new sign that must comply with city regulations, and that it is too large. The sign is larger than 8 square feet, and it is a new sign because it has been moved and wasn't reconstructed. He feels it was built larger and has changed because a light has been added. He feels that this isn't in the spirit of being "grandfathered-in." No outdoor advertising signs are allowed in scenic byways, nor are allowed to be relocated there. A sign that isn't a local business can't be in the scenic byway. They have removed the Tillamook Cheese sign from the back of the billboard. Mr. Gitzen stated that he wants the sign removed entirely. He stated that he'd love to have the city take care of this rather than himself. He doesn't want it to get larger, and larger, and larger, and ultimately become one of those signs with a screen in it playing advertisements.

Councilor Ragnell questioned if Mr. Gitzen raised this issue during the Planning Commission meeting where this was discussed. She stated that the Planning Commission did their research into this and approved this sign. Mr. Gitzen stated that you can't approve a sign in a scenic byway, but you can disapprove it because it violates ordinances.

Councilor Stacks stated they made this sign safer and that it is in the Urban Growth Boundary. Mr. Gitzen stated that they made the sign bigger. Councilor Matthews questioned what the size difference was between the old and new signs. Mr. Gitzen stated that the sign looks about 25% larger. Councilor Stacks mentioned that the businesses being advertised would know the sign size. Councilor Taylor mentioned that their bill would state the square footage. Councilor Ragnell stated that in the Planning Commission Minutes it is stated that the sign would be the same size. Councilor Matthews questioned if Mr. Gitzen had contacted Meadows Outdoor Advertising to ask what size the sign was. Mr. Gitzen stated that it's newer, larger, and lit. He said the old sign was not falling down and was structurally sound. Councilor Stacks stated that the ground around it wasn't safe, and she knew that because she had tried putting a poster down there at one point in time.

Councilor Matthews stated that we need to do some more homework regarding previous and current signs. Dan Ayers stated that it is up to the City Council to enforce our Zoning Ordinance, which states that signs can't be larger than 24 square feet. Mayor Kemp stated this isn't true if the sign is grandfathered in, and Councilor Matthews

stated that this isn't true if the sign is outside of city limits. Mr. Ayers stated that all of our Zoning Ordinances are applicable in the Urban Growth Boundary, and he remembers Councilor Taylor's sign had to be replaced and the Planning Commission had to make sure it was 24 square feet, so that same rule should apply to everybody. Councilor Taylor stated that what he was asking for was to be able to put up something bigger in order to be seen (because his sign is so far down off the highway). He never did change it though, he still has the original sign.

Mr. Ayers stated that in the IGA with Tillamook County they have to abide by our zoning ordinances. Councilor Stacks wanted to make sure this gets put on next month's agenda to follow up. Mr. Gitzen stated that this has nothing to do with ODOT, we are going against the federal government who made the scenic byway laws. This is the most beautiful part of the Oregon Coast and they are going to light it up with signs. Mayor Kemp stated that ODOT has contended that it is not a scenic byway and asked if Mr. Gitzen contests that decision. Mr. Gitzen said "absolutely." Mayor Kemp stated that we will discuss this with the Planning Commission at their next meeting.

- b. Waterfront Development Citizens Advisory Committee Membership – Councilor Matthews stated that she and Councilor Ragnell have been assembling documentation into books. They had agreed to wait until we were further along in the mediation, which is taking longer than was hoped. They are reluctant to assign membership without having good relationships and having the mediation a little bit more positive. They are going to hold off again at this point until some further activity plays out later in the week.
- c. Ordinance 2023-03 (Customer Water Leaks) – Councilor Matthews stated that "reasonable amount of time" needs to be changed to a concrete number of days or weeks. The Council's suggestion was to make this "two weeks." **The entire ordinance was read out loud with the amendment of "two weeks."** Mayor Kemp then requested that this be changed to "14 days." Mike Anderson stated that he wouldn't want the city to be obligated to notify customers of a leak, as there are issues that can happen where the city wouldn't necessarily know about the leak. Councilor Stacks said she got a call from Phil informing her that she had a leak. It got worse as time went on. Mr. Anderson appreciates that, but he doesn't want the city to have it as a *requirement*. Pax clarified that the ordinance reads "if" the city becomes aware of a leak or excess water use then they would notify the customer.
- d. Ordinance 2023-04 (Enabling Authority Ordinance) – **The entire ordinance was read out loud and then again by title.** Councilor Ragnell questioned who would pay for backflow devices, and Pax confirmed that if the city required one on a new development, the cost of the device and its testing and maintenance would be paid for by the customer. Councilor Taylor asked if we are aware of anyone in violation of this, Pax said he was not aware of any current violations. Councilor Matthews asked if this would regulate the use of drip irrigation where there is a fertilizer injector, and Pax stated that it would require a backflow device because of the chance of the fertilizer being pulled back into the municipal water system. Councilor Matthews stated that most of these systems come with a backflow device when they are first purchased. Mr. Ayers stated that you must have a backflow device in Nehalem if you are using lawn sprinklers. Councilor Matthews mentioned that these only cost about \$10.

Mr. Ayers also stated, regarding the billboard sign, that the Planning Commission cannot outright approve a sign that is larger than the ordinance allows. There would have to be a variance with a public hearing.

Mr. Anderson said that the state plumbing code would require a backflow for a lawn sprinkler system without this ordinance. He said the big thing is that the devices need to be tested once a year and this normally doesn't happen. The city would need a pretty rigid procedure to make that work. Having the ordinance is a big step, and generally in an area that isn't industrialized there are going to be very few issues once the backflow devices are installed, but we don't have a program for having them tested yearly. Mr. Anderson doesn't see that as a high priority but thinks it should be recognized. It would be difficult in a community of our size to enforce this. As far as Mr. Anderson knows, there are some of these devices installed and working in the city, and all of them that he knows of are low hazard.

Councilor Matthews **made a motion to adopt Ordinance 2023-04**. Councilor Taylor **seconded the motion**. **The motion was passed 4-0** (Yes: Matthews, Ragnell, Taylor, Stacks; No: none).

Committee Reports

- a. Waterfront Development Citizens Advisory Committee – discussed above.
- b. Parks & Recreation – The Parks Committee was meeting at the park for maintenance once a week but are now down to once a month. They had a meeting on September 8th and discussed next steps including digging and dividing ornamental grasses (with Ron's help). They have planted some ornamental grass along the south edge in front of the river. They are about 3.5-4 feet high. The plan is to have the next meeting on November 10th. The committee is still down one member and would welcome another participant. The Park Committee is going to be decorating the train station this year along with the Enhancement Group, the tentative date is December 4th. Weekdays are good because businesses might be able to come help. Everyone is invited to come!
- c. Port of Nehalem – Mayor Kemp attended the last meeting. The tide elevation gauge on the Highway 101 bridge is now operable but the doppler radar part isn't working yet.
- d. WET – Councilor Stacks stated that Mary Leverette is the newest member and will be the community outreach “prepare your neighborhood” representative. The WET team has been working with the Care Center because their current evacuation plan is to get everyone to Astoria. The WET committee is trying to get some sheltering tents for them that can be put up at the Care Center. The new administrator Brian Boon has come to the last couple of meetings. There is a plan to restructure the WET team to have different outreach areas for members. They participated in the Fire Station Open House, which went well. Thursday is the great American Shakedown at 10:19am. People are supposed to go to the assembly site on that day. Councilor Stacks also wanted to remind the council to turn on their yellow radios and call in on Thursdays at 6pm.
- e. Planning Commission – The Planning Commission October report was read. Mayor Kemp questioned whether there had been setbacks identified for Accessory Dwelling Units. Pax did not recall setbacks being mentioned for ADUs. Councilor Matthews stated that she felt we had some flexibility there, but this will be important to know.

Mayor and Councilor Comments

Ms. Douma wondered if the council would like to make a letter or certificate of appreciation to give to the family of Doni Mitchell. The family was here working recently and will likely be back after the 1st of the year. Councilors Taylor and Matthews mentioned that this was a good idea.

Adjournment

Mayor Kemp called the meeting to close at 7:55 PM.

Dated: October 17, 2023

Clif Kemp, Mayor

Pax Broder, City Manager/Recorder

Recorder: Pax Broder