**CITY MANAGER REPORT**

December 6, 2023

**LITIGATION:**

* Botts Marsh LLC v. City of Wheeler – At this point 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. City Staff met with the attorney for Botts Marsh LLC on November 1st to discuss design criteria. Updated application materials were received on December 1st. Tonight will be a public hearing on this matter.
* Richard Buchanan v. City of Wheeler – This case will be in the discovery phase until late March. On October 27th, our attorneys submitted the Defendant’s Response to the Plaintiff’s First Supplemental Production to Defendant. The city has continued to meet with the legal team and supply documents as requested. A Geotechnical Engineer has prepared a preliminary report of his findings to our attorneys and will be making a site visit on December 13th to observe stormwater runoff in person.

**ADMINISTRATION:**

* A landslide upstream caused debris to block the weir at Gervais Creek at around 5pm yesterday afternoon. Downtown was inundated with water and multiple buildings experiencing flooding. The City of Wheeler would like to extend our deepest thanks and gratitude to Dan Weitzel and his crew from Manzanita Public Works who quickly came to the rescue with a team of workers and some heavy equipment. The blockage was removed from the weir and surface water was pumped away. Roads were cleared of the excess stormwater by 8:15pm. The weir was monitored overnight and street cleanup took place this morning.
* Phones in City Hall are not working properly at the moment. Both incoming and outgoing calls result in some odd noises. We will contact the phone company tomorrow morning and have them look into the issue.
* On Monday, October 23rd Public Works noticed that the “Road Closed” signs had been removed from Hemlock Street. A new sign has been added, but the originals are still missing. These were given to us by Manzanita and thankfully they didn’t want them back.
* An abandoned vehicle was towed from the corner of Gregory and Highway 101 this week.
* Tomorrow afternoon a representative from CIS will be coming to tour the parks and make recommendations based on the recent court cases involving recreational immunity. Waterfront Park is currently closed off due to unsafe conditions on the trails from erosion caused by the floodwaters.
* Water service was discontinued at one address due to delinquent water bills.
* Staff Reports were created for the Nehalem Bay Health District clinic, the LUBA Remand No. 2022-002, and the Comprehensive Plan Amendment and TSP Adoption.

**GRANT PROJECTS:**

* Waterfront Restrooms – We have received $75K from the Tillamook Coast Visitor’s Association and 34.09% of the total cost of the project up to $75K from Oregon Parks and Recreation Department. On October 24th we received the “Notice to Proceed” from the OPRD. After reviewing the site, it has come to our attention that moving the restroom all the way onto city property would put it in the middle of Waterfront Park. There is a possibility of rebuilding the restroom in its current location (which is in the POTB Railroad Right of Way) but only if we have a minimum of a 25 year lease of that area. Our current lease doesn’t specify an end date, but a new lease is being drafted now that will include the 25 year timeline text and will extend the area leased to include the parking spaces across from the liquor store and Pelican and Piper, giving us the ability to put time restrictions for parking in that area in the future.
* Gervais Creek - Currently, the city is awaiting award from FEMA for a $1.4 M construction and engineering grant for the project. Last month we received the RFI (Request for Information) from FEMA, and together with Civil West Engineering it has been completed and returned to FEMA. We met with Civil West on November 28th to discuss this project. We are currently awaiting the final award letter from FEMA, which must first pass through approvals by the Department of Justice. If we receive the award letter in the next couple of months there is a chance the construction for the project could happen in late summer 2024, otherwise it may not commence until 2025. It was noted that construction would have to be done in a drier time of year.
* 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. There have been some delays, but the program coordinator indicated that they will probably be contacting communities in December.
* Hemlock Street –The city is pursuing a $20,000 Technical Assistance Grant via Business Oregon as well as a $54,400 forgivable Planning Loan from the Clean Water State Revolving Fund (CWSRF) to fund the Geotech and engineering reports required for repairing Hemlock Street. The updated quote from GeoPacific is $29,400 for the boring of holes and insertion of sensors to determine how the ground is moving underneath Hemlock Street. This would leave an additional $45,000 in funds available to use on engineering for this project once we have the data from the Geotech study.
* Gangway– After reaching out to Larry Warren, the Marine Director of the OSMB, we received written permission to charge user fees for the boat launch with the understanding that the Marine Board “disagrees that the fee is equitable.” The grant funds will be $6,731.00 and the City was to be responsible for $2,243.45 in cash match, administration, and force account labor. We were then notified by SopKo Welding that their shop rates have increased. We are waiting for an updated quote and timeline. The current grant is supposed to be closed out by the end of the year and we may end up needing to ask if an extension is possible.
* Salmonberry Trail – Councilor Matthews and I met with representatives from the Salmonberry Trail foundation on 11/29 and I met with them again virtually on 12/5. They would like to create a demonstration trail in Wheeler, starting in front of the Salmonberry Restaurant and running 1800 feet north. The Oregon Coast Scenic Railroad would like the for the portion of the trail in front of the Salmonberry Restaurant to be an elevated platform to facilitate loading and unloading of the train. This will likely require a retaining wall to be built underneath it and along side Marine Drive. The Tillamook Coast Visitors Association has a Tourism Facilities Grant available that closes 12/15/23. With Council’s approval, they’d like Wheeler to apply for this grant in an effort to fund the materials needed for this project (they have volunteer labor and equipment at their disposal). The Salmonberry Trail Foundation would do the bulk of the grant writing and city staff would facilitate administrative duties.