



THE CITY OF WHEELER

CITY MANAGER REPORT

March 19, 2024

LITIGATION:

- Botts Marsh LLC v. City of Wheeler – This case is currently in a litigation stay that was put in place for mediation, but that stay comes to an end on April 5th. City staff met with the Bott's Marsh planning team on February 26th to go over future design proposals and ideas, and they had a follow up meeting with the City Planner on Friday, March 15th. As of yet, no formal applications have been submitted for any new development proposals and the City is in active discussions with our legal team on the best path forward.
- Richard Buchanan v. City of Wheeler – This case will be in the discovery phase until later this month. Depositions for both sides have been taking place over the past few weeks.

ADMINISTRATION:

- On February 26th I attended the Tillamook County Emergency Communicators Meeting. This group is working on a website and Facebook page that various agencies can use to post emergency alerts all in one location. As it comes together, Wheeler will be invited to have access. The media will also be alerted once the system is live so they can get and disseminate information from those sites as well.
- I met with Sam Aldridge of the Oregon Coast Scenic Railroad on March 5th. They have become quite an economic driver in the County and are eager to work towards the creation of a “recreational corridor” through the Lower Nehalem Valley in partnership with the Salmonberry Trail Foundation. They would like to expand the train service and create kayak launch sites, picnic sites, and historical markers all the way up the Nehalem River. They look forward to partnering with the Salmonberry Trail and local communities to make this a reality. They are also eager to take on trail maintenance once the Salmonberry Trail is in place as they have most of the equipment and means to do so.
- The Nehalem Bay Estuary Cleanup took place on March 9th. Unfortunately, we were unable to get the gangway back in place beforehand due to staffing issues at the welding shop.
- SB 1576 passed the House on March 5th and is now on Governor Kotek's desk. This bill provides an emergency fix that restores recreational immunity through January 2026 so long as the Governor signs it into law.
- City Staff completed a Land Use Compatibility Statement for the Nehalem Bay Wastewater Agency. They are installing 3,600 linear feet of sanitary sewer forcemain and pump, piping, and upgrades. The proposed forcemain extends from the Wheeler North pump station site (1st & Ridgeview), along 1st street and Highway 101, and then connects to an existing discharge manhole off of the Mohler Cheese Factory Road. The forcemain will be installed via open cut trenching and pipe bursting. The existing forcemain is at capacity during wet weather and has had 2 breaks in the last 5 years.
- I have been partnering with the City Attorney to develop a citation process that aligns with the code enforcement chapter in Wheeler's Code of Ordinances. We have recently

begun communication with Tillamook Justice Court to inquire about them taking on code enforcement citations from Wheeler. This is a cumbersome process and will take some time, but we are making progress.

- Madi and I attended two virtual budget law training sessions last week and have the third and last one Thursday morning. City Hall will open at 1pm that day so we can focus on the training during the morning hours.
- A citizen pointed out that Wheeler’s water rate schedule lists monthly fees for the “Base Rate/Tap Charge” and “Water Debt Charge,” but the “water consumption units” were being calculated based on the water usage from a 2-month billing cycle. The Oregon Water Utility Association (creators of Wheeler’s water rate study) indicated that it was their intent for the consumption units to be a *monthly* allowance at each price tier. This discrepancy was mitigated by another issue we identified in the billing software, however it still resulted in about 2/3 of the water accounts having been overcharged on consumption since the new rates took effect. The credits have been calculated and applied (an average of \$13.20 per affected account to date), and the billing system has been adjusted to double the allowed consumption at each price tier (per recommendations from RVS Software and the Oregon Water Utility Association). Now *each* month water users will be allowed 4,000 gallons of water at *each* price tier as it is written on the water rate schedule, and this will prevent any consumption overcharges in the future.

GRANTS & PROJECTS:

- Waterfront Restrooms –A new lease has been drafted between the City and the Port of Tillamook Bay that adds the parking spaces across from the liquor store to our leased area. This lease has been run past the OPRD and has been found to be sufficient for the grant requirements to rebuild the restroom in its current location. I inquired with the Port about a price rate discrepancy between the restroom area (\$0.05 per square foot) and the two parking areas (\$0.10 per square foot). I was told that it was due to “serving to different types of use of the land.” I also inquired about the increased square footage of the restroom and depot areas vs the prior lease, and was told that the size of these areas increased due to more accurate measurements and mapping compared to the 2001 agreement. The new lease is on the Agenda to discuss for approval this evening.
- Gervais Creek – Our application is now in the Environmental and Historic Preservation (EHP) Review. Janine Mayer of Oregon Emergency Management was told by FEMA that the EHP review is expected to take 1-2 years. Tim Gross of Civil West inquired about speeding up the process, and FEMA responded with a request for information. These include the development of a robust alternatives analysis that multiple agencies can use to meet the needs of the National Environmental Policy Act (NEPA), Executive Order 11990, and the Clean Water Act, as well as securing a fish passage waiver or exemption from ODFW while addressing the caveats and concerns of National Marine Fisheries Service and ODFW. A fair amount of this has been done already, and Tim Gross is working on the response to FEMA now.
- Asbestos Concrete Water Lines – On March 7th the city submitted the formal application for a Safe Drinking Water Loan that is to update approximately 3,200 feet of asbestos concrete water lines within the water distribution system. This includes replacing AC

pipes on Pennsylvania, Rector, and Third Street. This funding requires that all supplies used are made in America. We have applied for \$1.464M, 52% of which will be fully forgivable. The next step is to wait for the Oregon Health Authority Capacity Assessment Review that can take up to 60 days.

- Hemlock Street –The City was awarded a \$20K Technical Assistance Grant via Business Oregon. We have also applied for a forgivable Planning Loan from the Clean Water State Revolving Fund (CWSRF) to fund the Geotech and engineering reports required for repairing Hemlock Street. The DEQ will submit an Intended Use Plan to the Environmental Protection Agency, which is now scheduled to be published in late March/early April and there is a 15-day Public Notice period. After that, the SRF staff will begin to request financial information from the City to underwrite for debt capacity (which is the standard, required practice and must be done even though the loan may be 100% forgivable).
- Gangway–The gangway was removed on January 18th and was taken for repairs. Joe Sopko of Sopko welding is out sick this week, so we are on hold for return of the gangway.
- CIS Recreational Immunity Grant – CIS awarded us a \$5,000 grant to help with recreational immunity issues in Wheeler. We applied referencing new gravel in Waterfront Park to eliminate some identified tripping hazards, dock cleaning/maintenance, and signage related to recreational immunity (some of which have already been installed). We realized that there would be extra funds left over from this grant, and received permission to apply those towards bark chips for Upper Park as that was another concern pointed out by Risk Management Consultant Margaret Ryan during her site visit to Wheeler. Reimbursement requests for this grant must be submitted by May 15, 2024.
- Bark Chips – The Oregon Parks Foundation Fund offered a small grant to assist with environmental, recreational, and educational improvements to Oregon’s public parks. We submitted an application on March 5th for \$8,136.00 to fund the estimated shortfall on a full 15” load of Fiberex Playground Bark Chips for Upper Park from Rexius Forest Byproducts, Inc.
- SCADA System – The Bureau of Reclamation has offered a WaterSmart Small Scale Efficiency grant for up to \$100,000 (though it requires a 50% match). The City has submitted an application in the hopes of getting a new SCADA system as well as new panels and PLC computers at the remote pump sites. We are waiting to hear back.