

CITY OF WHEELER

CITY COUNCIL – FEBRUARY MEETING MINUTES

February 20th, 2024

**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, Councilor Walt Porter, Mayor Clif Kemp

City Staff: Pax Broder

Guests: Mark Kuestner, Garry Gitzen, Doug Olson, Parker Sammons, Jan Bell, Mary Leverette, Sandy Douma, Marc Johnson, Ron Emineth, Dennis Cozart, Mike Anderson, Cynthia Simmons, Jenee PearceMushen

*Present via Zoom:*

Guests: “whmat”

**Consent Calendar**

Councilor Matthews **made a motion to approve the Minutes from 1-16-24 and Financial Report for January.** Councilor Porter **seconded the motion. The motion was passed 5-0** (Yes: Matthews, Ragnell, Taylor, Stacks, Porter; No: none).

Councilor Matthews asked for clarification on County Timber Tax and whether it is a once-yearly receipt. *Pax later confirmed that these payments come in on a quarterly basis, but there isn't a revenue line item in the General Fund for County Timber Tax, so it always tracks at 0% to budget (as there isn't an "expected revenue" to compare the actual revenue against.)*

**Presentations, Guests, Announcements**

*Mark Kuestner – North County Representative for the Tillamook Housing Commission*

Mr. Kuestner introduced himself to the Council. The general mission of the Housing Commission is to “collaboratively advocate for attainable and equitable solutions that impact Tillamook County’s greatest housing needs.” This really translates to affordable housing. The Housing Commission meets the first Thursday of every month virtually or in person on Blimp Avenue south of Tillamook. Their website also lists all the members of the Housing Commission (it is under the Department of Community Development.) This month the Housing Commission recommended funding for six affordable housing applications that had come in to them.

Councilor Stacks asked for clarification on the difference between affordable housing and workforce housing. Parker Sammons (Housing Coordinator for Tillamook County) said that workforce housing is

generally defined as 80%-120% of AMI (area median income). Affordable level housing is the 60-80% range. Below that is referred to as very low-income housing or voucher housing. Councilor Stacks asked if Wheeler is considered to be in the same range as Manzanita or Rockaway. Mr. Sammons said that parts of Tillamook County can skew the numbers for that AMI level. The Department of Housing and Urban Development sets the AMI and tries to take into account local factors. Part of Mr. Sammon's job is to continually advocate for Tillamook County and to advocate for local communities to qualify for funds they would have been eligible for if it weren't for those skewed AMI numbers.

Councilor Matthews asked what the 60-80% AMI was in dollars. Mr. Sammons said it is adjusted based on how many members there are in the family. Councilor Matthews said historically affordable housing was at a \$300K level. She felt it would be good for us to understand what is now standard. Mr. Sammons clarified that the \$300K would be an affordable home to *purchase*, versus an affordable house to rent, versus an affordable house that is 100 miles from where you work. There are a lot of factors that go into what affordable housing really is, and a lot of work is being done right now to try and expand that definition.

Councilor Porter asked how the Housing Commission accumulates their income to do this work. Mr. Sammons said there is a Multi-family Rental Housing Fund that is generated through a short-term operator license fee from short-term rentals in unincorporated Tillamook County. To qualify for funding, projects must create at least three new units of housing. The six projects they recommended for funding includes one of the largest affordable housing projects in the County, which is 60 units in Manzanita. The AMI is roughly \$72,000 in Tillamook County, but the "affordable housing" number varies with the household size and other factors.

Councilor Matthews asked if there are restrictions on renting to someone who makes too much income. Mr. Sammons said generally the rent increases to meet the tenant's unique situation. They don't try to kick people out once they make over the minimum income threshold.

Councilor Ragnell asked who is responsible for ensuring the tenants qualify financially. Mr. Sammons said the developers are required to send an annual report that includes their rent levels. The Housing Commission checks that the rent is still within the range that the projects commit too (which is usually for at least 10 years, but most commit to 30 years). The Housing Commission is rarely the only funding source for these projects.

Councilor Stacks asked if there is a system for coming back and following-up in our community. Mr. Sammons said he will be doing a lot of outreach throughout the County to figure out what each city and area's housing needs are and how he can help us.

#### *Doug Olson – Tillamook County Commissioner*

Commissioner Olson wanted to introduce himself and "put a face with a name." He is the newest County Commissioner, and he lives in Pacific City. He has been elected to office seven times on various boards in Tillamook County. Commissioner Olson has been the Chair of the County Budget Committee for the past 20 years. Mr. Olson became a County Commissioner when Commissioner Yamamoto stepped down.

Commissioner Olson stated that we are going to lose roughly 43% of the timber that we have available to harvest right now. When it is all said and done, all of our Tillamook State Forest, including the amount in the County itself (almost 300,000 acres) will be down to 38%. “Two-thirds of it is off limits if the Department of Forestry adopts this. Part of that is simply widening passageways for streams and those sorts of things, part of it is the Marbled Murrelet, part of it is the Spotted Owl. And I guess I would sit here and tell you, and some people may agree or disagree, the environmentalists are winning, big-time.” Commissioner Olson said nobody wants dirty water and nobody wants to lose forest, but there needs to be a balance. Forests are the ultimate renewable resource and they provide jobs and all kinds of things for Tillamook County. “We are a natural resource state.”

Cynthia Simmons asked if there would be extensive spraying after all that cutting. Commissioner Olson didn’t believe they would spray it, they would just say that it can’t be harvested and it wouldn’t go up for sale. It will then ultimately either rot, or catch fire, or go back to nature.

Councilor Stacks stated that it is important to represent the people in Wheeler who work for a living, even if Commissioner Olson lives in a more affluent community at the other end of the County. There are different cultures to this County, and it is important to represent them all.

Commissioner Matthews clarified that taking timber out of the market means there will be less spraying as it won’t need to be replanted. She said there are wide emotions and opinions when it comes to the environment, and environmental issues do need to be considered. A tree farm is not a natural process when it comes to ecosystems and how soils are built. She understands the need for money but also feels that buffers around streams are really important for water quality. There needs to be open dialogue about these issues.

Commissioner Olson said all he asks for on behalf of the County is “a balance.” He pointed out that south Tillamook County has a lot of unincorporated communities as well with lots of folks living paycheck to paycheck. He said he heard exactly what the Councilors were saying about representation.

Call the County Commissioners’ office if you want to get in touch! Commissioner Olson tries to return all calls within 48 hours.

### **Public Comment on Non-Agenda Items**

Sandy Douma said that on Monday afternoon they were bringing the flags from President’s Day back in and she noticed that there is a tree hanging over City Hall that she was concerned will fall. *Phil is aware and is looking into an arborist.*

Mary Leverette thanked Councilor Matthews for securing the digital speed sign on the north end of town. It has now been moved to Rockaway, but hopefully can be returned soon. Wheeler Cleanup Day is coming, and Ms. Leverette is willing to coordinate it again if needed.

### **City Manager and Public Works Department Report**

The City Manager report was read. *A copy is available in the Agenda Packet.*

The Public Works report was read. *A copy is available in the Agenda Packet.*

Ms. Leverette asked if extra Safe Drinking Water Loan funding could be used for other water pipe replacements around Wheeler. Pax confirmed that the City intends to add other areas that are in need of replacement pipes (as indicated in the Water Master Plan) to take as much advantage of the funding as possible.

### **Proclamation**

Proclamation No. 2024-01 – Proclamation to Declare March 2024 as American Red Cross Month  
*The proclamation was read in full.*

Janae PearceMushen of the American Red Cross thanked the Council for making this proclamation (Wheeler was first!). She said that they also focus heavily on fire safety, and they make a big push in February to let people know that they will put up free smoke alarms in homes. Councilor Matthews suggested putting a note on the City’s webpage. *Pax did this the following morning and put up flyers in the Post Office as well.*

Councilor Stacks said she is “so honored” for what the American Red Cross has contributed to Wheeler. She suggested that perhaps a blood drive could happen in Wheeler at some point. The American Red Cross is certainly a factor in helping our community. Ms. PearceMushen said that she would gladly help set up a blood drive or any other training that is needed. She mentioned that the American Red Cross will be doing shelter training on March 9<sup>th</sup> in Cannon Beach if anyone wants to attend that.

### **Old Business**

#### *a. Nuisance Updates –*

Councilor Stacks has been working with the Mayor and City Manager, and on some fronts the City has taken a firmer approach and on some a softer approach. At 244 Spruce there was a complaint about rubbish, but they have been cleaning it up. It was mostly cans that the had been saving to give to a friend for the deposit refunds.

At 344 Hemlock (vacant home with refuse) there has been a foreclosure notice that the City is tracking to see if the ownership changes. The cost of abatement is too expensive for the City to take on. Ms. Douma said that a neighbor saw some squatters in the house at 344 Hemlock. They called the police and had it dealt with. Ms. Douma said she understood the issues with the family that owns the property, and she appreciates the City’s help.

At 50 Rector a letter was sent out and posted on the front door regarding violations for rubbish, vehicles, and odors from burning garbage. If neighbors are afraid to walk their dogs at night, there is an issue. The City has not received any response from them yet.

At 133 Hall Street another letter has been sent about the vacant building. There hasn’t been a response from them either.

At 291 Pennsylvania multiple letters were sent about multiple ongoing nuisances including lighting, signage, and obstructions of the right of way. Pax stated that the letters that have been sent reference the fines associated with the offenses.

There seems to be some improvement throughout town. Councilor Stacks said that if our goal is to make our City better, then the same rules need to apply to everybody. “We will try to be nice first, that is our goal, but at some point you have to apply the rules.”

Councilor Ragnell asked about the View of the West hotel. Pax said we will follow up with them as well.

Councilor Stacks said that if people see something, they need to say something to us so we can follow up on it. Ms. Leverette said the last she recalled there was word that the View of the West property had sold. Councilor Matthews said it was in the process of being looked at to be sold, but she didn’t believe that it had been sold. Mayor Kemp said there had been an offer on the property. Ms. Simmons said that when she goes around that hotel the road is cracked in a “moon-shape” and there is a big pothole. Councilor Stacks said that she has gone and talked about this with Phil and that the road is actually undermining. She said that if Phil thought it was unusable, he would tell us and would close the road. Councilor Matthews asked Pax to follow-up with Phil since there had been a citizen concern.

Jan Bell asked about the old pharmacy building. Mayor Kemp said it is for sale. Councilor Porter asked if the structure is still safe as he had heard the upper floors had been taken out. Councilor Matthews said we could speculate all night long, but someone else owns it and it is for sale. The previous mayor had spoken with the fire department and was told they don’t have permission to enter the building to make a determination of safety. Councilor Stacks said she has looked at the nuisance ordinance for abandoned buildings but has not yet had a conversation with the City Manager or Mayor. It could be a potential hazard, but there are no rips in the tarps and no complaints of rodents, and no apparent violation of our laws.

Dennis Cozart asked what the next step is after nuisance letters are sent. Councilor Stacks said that the best the City can do is define the ordinances and start applying fines for each day that violations aren’t fixed. Pax confirmed the city is still working on the formal citation process to issue the fines but have been referencing the applicable fines in the nuisance letters the City has been sending out. Mr. Cozart asked if unpaid fines would result in a lien on the property. Mayor Kemp said yes, and that it is a substantial amount (\$500 a day). Councilor Matthews asked if Mr. Cozart had seen improvement lately from 291 Pennsylvania Ave. He replied that he had, but there were still some smaller items blocking the City right-of-way.

*b. Nehalem Bay Health District Lot Line Issue-*

Marc Johnson stated that the NBHD purchased the property next door in the Summer of 2021, and at the time they thought the representations of the previous owner indicated that

the lot continued all the way to Hospital Road. As time went forward, they had Onion Peak conduct a survey and discovered that a sliver of land along Hospital Road had “undetermined ownership.” Mr. Johnson contacted Tillamook County but they were unable to determine the ownership. The title company ran a title search, and they found a conveyance from 1920 when the Wheeler Lumber Company transferred it to the School District. The property was not recorded correctly in the various title transfers. Ultimately it was determined that the City had ownership of the land, likely from when Hospital Road was put in but never formally dedicated. The request of the Health District is that the City do a lot line adjustment and have the City transfer ownership to them. It is their access point and a utility easement for buried electrical lines, so to complete their paperwork and permits with Tillamook County they need to have this issue resolved.

Councilor Matthews said that we had discussed this last month. The piece of land is not something the City could build on even if they desired to do so. She said that the City highly values the Health District’s participation in our community and they had tremendous support in the community for this project. Mayor Kemp asked if the Health District would be prepared to pay for the expenses if the City were to do a lot line adjustment. Mr. Johnson said they would. Councilor Matthews asked for assurances that the power lines would be buried. Mr. Johnson said they have worked out a couple scenarios of how to supply power, but they want to get rid of the powerlines on the south side of the property. Their preferred solution is to bury the lines all the way up Hospital Road.

Councilor Matthews inquired about making the transfer of the property contingent upon the lines being buried. Mr. Johnson said he didn’t have much doubt that this is how it would go based on his conversations with Tillamook PUD. This was their preferred engineering solution.

Councilor Ragnell said she felt the NBHD is bringing so much to the area with the new clinic. She is “totally in favor” of transferring the land to the NBHD.

Councilor Matthews **made a motion to approve a lot line adjustment and to convey the indicated City property to Nehalem Bay Health District.** Councilor Stacks **seconded the motion. The motion was passed 5-0** (Yes: Matthews, Ragnell, Taylor, Stacks, Porter; No: none).

Mr. Johnson thanked the City Manager for his cooperation in trying to help sort all this out. He also mentioned that they have completed about half of the foundation work on the property up the hill as well. Councilor Matthews thanked Mr. Johnson for participating on the Waterfront Citizens Advisory Committee.

- c. *Takeaways from 11-30-23 ICS Training and 12-5-23 Flood Event-* Councilor Stacks said they are checking off the list but will provide updates when they are done.

## New Business

- a. *Garry Gitzen – Water Debt Service Charge / South Gateway Sign Reward*  
Mr. Gitzen wasn't present to discuss these issues.

- b. *January Police Safety Report –*

This was discussed in the City Council Workshop on February 16<sup>th</sup>, 2024. Pax mentioned that the City had received a new contract for Police Services from Manzanita that covers 2025-2028. It has increased from \$14,020.00 per year to \$21,700.00 per year. Historically Wheeler was only billed for the officer's time, but not for fuel or administrative overhead. Those extra expenses have now been factored into the cost. Pax and Mayor Kemp will be meeting with the City Manager of Manzanita and the Chief of Police to discuss the contract and the coverage in more detail on Wednesday. Councilor Ragnell asked who proposed the increased amount (the Police, the City Manager, or the City Council of Manzanita)? Pax said he got the new contract from the City Manager of Manzanita, but was unsure who actually proposed the new fee.

- c. *Volunteer Application – Doug Proctor*

Pax mentioned that Commissioner Proctor's term had ended last year. The hope is to appoint him for a 3-year term, which will set up an appropriate stagger of Planning Commissioner terms. Councilor Stacks had concerns about the total term limits for Planning Commissioners. Mike Anderson clarified that there is no term limit for Planning Commissioners, they can renew before the City Council each time that they come up.

Councilor Stacks **made a motion to approve Doug Proctor's appointment to the Planning Commission for a 3-year term beginning January 1<sup>st</sup> 2024.** Councilor Taylor **seconded the motion.** **The motion was passed 5-0** (Yes: Matthews, Ragnell, Taylor, Stacks, Porter; No: none).

- d. *Planning Commissioner Term Extension – Anna St. John*

Pax mentioned that extending Commissioner St. John's term by 6 months would further set up the appropriate stagger of Planning Commissioner terms. Her current term would expire at the end of June and the desire is to extend that term through December.

Councilor Stacks asked if Commissioner St. John attends the meetings in person or on Zoom. Councilor Matthews confirmed that she is usually here in person.

Councilor Matthews **made a motion to extend Anna St. John's Planning Commissioner Term by six additional months.** Councilor Taylor **seconded the motion.** **The motion was passed 5-0** (Yes: Matthews, Ragnell, Taylor, Stacks, Porter; No: none).

- e. *Water Leak Adjustment – 196 S Marine Dr.*

Pax explained that Des Kahrs had returned from a trip to discover a water pipe had separated and was leaking significantly. He made the repair with parts he had on hand, and City Hall confirmed the leak had started earlier the same day and was adequately fixed after the repair.

The current ordinances allow the City Council to approve a forgiveness of half of the estimated water lost due to the leak that was promptly repaired. This water account has been consistently in good standing, and City Staff recommend this billing adjustment be approved.

Councilor Ragnell asked why City Council would have to look at each case individually and feared the City may set a precedent where everyone starts to ask for leak forgiveness. Pax said that at the time this ordinance was discussed, it was determined that the City Council should have the final say on water bill adjustments as some accounts are consistently in good standing and some accounts are not. The idea was that anyone who develops a leak and promptly repairs it should absolutely apply for a billing adjustment. There are water accounts with known leaks that have not been addressed promptly, and accounts that are consistently in delinquency status due to unpaid water bills. In those situations, City Staff would like to defer to the City Council to determine whether a water bill should be adjusted for a repaired leak.

Councilor Porter **made a motion to approve the water bill adjustment for 196 S. Marine Dr.** Councilor Ragnell **seconded the motion. The motion was passed 5-0** (Yes: Matthews, Ragnell, Taylor, Stacks, Porter; No: none).

*f. Resolution No. 2024-03 – Adopting the Natural Hazard Mitigation Plan*

Pax explained that this is the most recent iteration of the Natural Hazard Mitigation Plan, and it was developed by the DLCDD after a lot of back and forth with FEMA. A new version comes out every 5-7 years. Adopting this document is required to get access to certain FEMA funding.

*This resolution was read in full.*

Councilor Stacks asked if there was a hard copy of the plan in City Hall. Pax confirmed he only had it in digital form but would print a hard copy and put it in a binder the next morning. Councilor Matthews asked why this Plan had 2023 in the title instead of 2024. Pax confirmed that the official title has 2023 on it.

Councilor Stacks **made a motion to approve Resolution No. 2024-03 as amended for typos.** Councilor Ragnell **seconded the motion. The motion was passed 5-0** (Yes: Matthews, Ragnell, Taylor, Stacks, Porter; No: none).

*g. Resolution No. 2024-04 – Establishing Immunity from Certain Personal Injury or Property Damage Claims –*

Pax said that the City's insurance carrier (CIS) recommended adopting this resolution. It expands some of the protections that had been a part of Recreational Immunity and extends those protections to the individual officers of an organization.

*This resolution was read in full.*

Councilor Stacks asked if this meant the City could reestablish the trail system. Councilor

Matthews said that this is one of the many actions that have to happen. There is a bill that is going to be voted on in the near future that should restore recreational immunity through January of 2026, and that will allow the City to reestablish the trails.

Councilor Ragnell asked if the resolution would be somewhat limiting as it only refers to trails. Pax confirmed that passing this resolution adopts the protections from HB2865, which specifically phrases it the same way.

Councilor Matthews **made a motion to approve Resolution No. 2024-04**. Councilor Taylor **seconded the motion**. **The motion was passed 5-0** (Yes: Matthews, Ragnell, Taylor, Stacks, Porter; No: none).

*h. Resolution No. 2024-05 – Updating Check Signing Authority*

*This resolution was read in full.*

Councilor Stacks stated that the resolution doesn't say "until their term is over." She asked if there was a way to address that. Pax said he could add it to the resolution, but we will also need to follow up with the bank annually to make sure their list is accurate as well.

Councilor Matthews asked about the two-signature requirement for purchases and questioned how this interacts with that. She wanted to ensure that at least one Councilor's signature would be required to approve each payment.

The Council then opted to table this discussion until those two revisions can be made to the resolution.

Councilor Matthews **made a motion to approve the City of Wheeler paying both the individual and employer PERS contributions for the City Manager, retroactive to February 1 2024, so that it will be in alignment with the benefit currently offered to the other City employees**. Councilor Stacks **seconded the motion**. **The motion was passed 5-0** (Yes: Matthews, Ragnell, Taylor, Stacks, Porter; No: none).

### **Committee Reports**

a. *Waterfront Development Citizens Advisory Committee –*

This committee has six members and have had two meetings so far (first and third Thursdays of the month). The first meeting was introductions and orientation. Notebooks were put together with all the documentation needed. The second meeting was a brainstorming session. The goal is to take the elements from four different documents and put them together into something that could be adopted by ordinance.

b. *Parks & Recreation –*

The committee had a pruning session the week before last. A tree at Upper Park got "a really good haircut." They hope to get back to pruning this week and at the end of March they will

resume their regular park cleanup days. The City received a \$2K grant from the Nehalem Bay Garden Club to put in more drought tolerant plants and educational signage. Mayor Kemp asked about the pruning season. Councilor Matthews said it isn't wise to take too much off a tree in any given year, but the trees have not been pruned for quite a long time so it will take multiple years to get them back to where they need to be.

c. *WET* –

Councilor Stacks said the WET team is working on a little bit of everything. They had a really good response from the packet that was mailed out to the public. A summer project will be assembly site pop-ups and hopefully Councilors will attend these events as well. Councilor Stacks is still finishing up the after-action reports from the emergency events this winter. Elias Stacy is the Maintenance and Safety Supervisor at Nehalem Valley Care Center and is a member of the WET team. He will be driving up and down the road looking for hazards and updating street maps as a project.

d. *Port of Nehalem* –

Councilor Porter inquired about funding for the dredging but was met with a negative response. The Port currently has everything pulled out of the river. Councilor Matthews said we are seeing more and more silt in the river and asked if there was a plan for it. Councilor Porter said they shut that off years ago and you can't get permits for dredging. It all has to be surveyed, measured, and yardage recorded with the State. It can take years to get a project permitted.

e. *Planning Commission* –

Pax had a few questions from the Planning Commissioners regarding their work on the new development ordinance. First, they wanted to know if the prohibition on short-term rentals should still be included in the new development ordinance. Councilor Stacks said it is a huge community issue and we should leave it alone until we have a chance to talk to the community. Councilor Matthews suggested leaving the prohibition in place for now.

The second question was whether the Council would like to keep the Historic District Overlay. Councilor Matthews questioned whether the Old Wheeler Hotel had that overlay. Pax was unsure which areas currently qualified. Councilor Stacks said that the gateway signs on each end of town had a placard that said, "Wheeler Historical Area." Someone has taken those down, but we should do some more research into that and figure out what all areas of town this overlay applies to.

The last question had to do with whether "A-frame" signs should be allowed. Currently they are not allowed but we don't really enforce it. Councilor Matthews said they need to be defined and there needs to be restrictions on when they can be put out and what all you can have attached to them. We also will need to consult with our insurance carrier. We want to be business friendly, so perhaps there should be some outreach to the businesses on this issue as well.

Mr. Anderson said the Planning Commission had previously determined that A-frame signs weren't legal, but they didn't get much direction at the time. The big issue had to do with the City's insurance and what they would allow for an A-frame sign since they are all on the sidewalk.

Councilor Ragnell asked about restrictions on flags and banners. Councilor Matthews said those are also not permitted.

**Mayor and Councilor Comments**

Councilor Matthews thanked the City Manger and Mayor for their end of year letters.

**Adjournment**

Mayor Kemp called the meeting to close at 8:05 PM.

Dated: February 20, 2024

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Clif Kemp, Mayor

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Pax Broder, City Manager/Recorder

Recorder: Pax Broder