

CITY OF GEARHART  
Regular Meeting and Public Hearing of the City Council  
Wednesday, August 2, 2023  
6:00 pm On-site and Virtual/Telephonic

A regular meeting with a public hearing of the Gearhart City Council was held Wednesday, August 2, 2023. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone.

Present were Mayor Kerry Smith, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Preston Devereaux, Councilor Sharon Kloepfer, City Administrator Chad Sweet, City Attorney Peter Watts, Police Chief Gregory, City Planner Garrett Phillips, Fire Chief Josh Como, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith opened a public hearing for comment on the proposed water rate increase. There were no objections or conflicts of interest by any members of the City Council. Mayor Smith requested Administrator Sweet go over the topic, for which a resolution is being proposed during the ordinances/resolutions section of the regular meeting. There was discussion regarding other fees associated with the water department. Deanna Mancill submitted email correspondence and there was no late correspondence. Deanna Mancill (2945 Highway 101) spoke in the proponent's section. She supports the water rate increase to maintain a balanced water budget fund; however, she would like the City to look at other issues, such as antiquated water pipes. She referenced the 2012 Water Conservation Plan, Water Master Plan done by Kennedy/Jenks, and water loss. The public hearing was closed after hearing no comment from opponents, neutral parties, or any rebuttals.

Mayor Smith called the regular meeting of the City Council to order at 6:10 pm.

There were no conflicts of interest declared by any member of the Council.

Approve Minutes.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the minutes of the July 5 regular meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve the minutes of the July 12, 2023 worksession of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

There were no questions or comments on the Planning Commission report in the Councilors' packets.

Mayor's Report. Mayor Smith met with several individuals, including Police Chief Gregory and Attorney Watts.

Councilor's Reports. Mayor Smith opened discussion for each Council member's report.

- Councilor Devereaux had a meeting with Administrator Sweet and two hazmat professionals regarding demolition of the current fire station. He mentioned core testing, non-reinforced materials, removing the roof, and a cost effective approach with not to exceed amounts.
- Councilor Fackerell attended the monthly Regional Housing Taskforce meeting where Clatsop Community Action discussed projects addressing housing issues in Clatsop County, which included the Seaside micro village project across from the old high school. She is appreciative of the City signing the DLCD housing planning grant letter to help demonstrate county-wide support for housing needs and issues. She is also continuing her work with the Bench Committee.
- Councilor Kloepfer has also been assisting with the Bench Committee, which has been narrowing down bench options. They are looking at two styles, one that is basic and functional; as well as one that is more decorative. Kathy Zimmerman has been assisting with documenting all the current and potential future locations of benches on a map. Councilor Kloepfer also reiterated the need for the collection of information by the CERT (Community Emergency Response Team), which is a city-wide, collaborative effort to help all departments in an emergency situation. CERT plans to have an inventory questionnaire that will be communicated out to local properties with the water billing cycles. She thanked James Hutchinson, Division Chief of Training & Operations, for his service and his contribution as a CERT liaison.
- Councilor Gould gave shout-outs to Councilor Fackerell, Councilor Kloepfer, and the bench committee for all of their work! She appreciates having the new Chief Police Gregory and everything he is doing for the City. She met with Citizen Mancill, Administrator Sweet, and Public Works Director McFadden about water. She expressed that there have been amicable discussions with Warrenton and that sometimes social media creates misinformation. She feels communicating with other local towns about water issues and rights will strengthen the goals of providing water to everyone. She will also be attending the League of Oregon Cities Small City Regional meeting in Warrenton.

City Officer Reports.

- Chief of Police. Police Chief Gregory mentioned that the statistical report for last month has not been released; however, he has been working on it. He thanked Division Chief of Training & Operations Hutchinson for his service and assistance. He went over the procedure and timeline for implementing Lexipol, which is a company that partners with law enforcement to provide policies, procedure, training, and legislative support. He talked about the cost, the five (5) tiers of implementation, and a grant he has received from CIS to help with implementation costs. Attorney Watts agrees that having up-to-date policies and procedures does help if litigation occurs. There was discussion on police accreditation.

- Fire Chief. Fire Chief Como mentioned that his department also uses Lexipol. He went over his July data report, including a call breakdown and mutual aid. He also thanked Division Chief of Training & Operations Hutchinson for his service.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned Marijuana Tax and Transient Room tax revenues coming in as anticipated; receiving funding for the temporary summer fire staffing grant; annual liability and workers' compensation premium payments; annual salary COLA's being implemented; new PERS retirement rates effective July 1; interest debt service payments; the new Building Fund 40; the job description, salary schedule, evaluation project; auditor's schedule; and a more comprehensive water ordinance coming soon.
- City Attorney. Attorney Watts had a very positive, collaborative meeting with Warrenton's legal counsel. He understands the reason why Warrenton does not want a long-term agreement; however, he feels they also appreciate Gearhart's need for long-term cooperation. Warrenton's legal counsel was supportive of Gearhart's efforts to expand water rights, but would need to have the City of Warrenton approve a written letter of support. There is no adversarial relationship between the two cities despite information being shared out in the community. Attorney Watts also mentioned Clatsop County going out for a grant; population numbers being accurately recorded; water infrastructure costs; unincorporated Clatsop County water purchasers; workforce housing; building lands inventory (rezone, expansion, both); and zoning. There was discussion.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He briefly discussed some examples of workforce housing in Gearhart. He thanked Division Chief of Training & Operations Hutchinson for his service and his quality performance as a firefighter. He continues to work with the Oregon Parks and Recreation Department (OPRD) regarding relocating benches on the dunes. Administrator Sweet went over information the City received from Pacific Power regarding how they plan to address wildfire safety during power outages. They want residents to understand that safety is essential and that due to the new wildfire response assessment process implemented, power may be impacted for longer periods of time. He mentioned the meeting with Citizen Mancill and appreciated her following up on her concerns. He attended a real estate continuing education training in Seaside on Short-Term Rentals. Work is continuing on the sidewalk project and the request for proposals will hopefully go out by the end of the month. Noxious vegetation notices have also been going out to local properties. At this point, they are just warnings.

Visitors. None.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Dan Blue, Recology (Rates Correction); Ian Johnson, OPRD (OR Heritage draft 2023-2024 Historic Preservation Plan); Deanna Mancill (Public Comment on Gearhart Municipal Water Facilities); and Jack Zimmerman (Water Consideration).

- Deanna Mancill (2945 Highway 101) wanted to add follow-up discussion on Gearhart's municipal water. She talked about the water availability analysis of the Necanicum River Watershed and how it dictates how much water can be used. She is concerned about protecting Gearhart's natural resources (including aquatic species). She also mentioned in-stream water rights; DEQ and ODFW concerns; aquifers changing; endangered salmon; and probable denial of water rights.

Ordinances/Resolutions.

Resolution 990 - Adjusting Water Rates in the City of Gearhart. Mayor Smith opened the discussion and Administrator Sweet went over the staff report. He summarized the synopsis and mentioned that because it is a resolution it would become effective immediately upon approval.

- Councilor Devereaux requested clarification that the water rates would be reviewed each year and Administrator Sweet confirmed rates would be reviewed each year. Mayor Smith requested clarification on other fees to make sure time and materials were covered. It was also clarified that in Section three (3) City Ordinances 429, 852, and 874 are all repealed in their entirety.
- ON MOTION by Councilor Fackerell, 2nd by Councilor Kloepfer to approve Resolution 990 to adjust water rates in the City of Gearhart, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Old Business. None.

New Business. Mayor Smith invited the public to comment on any new business item.

Warrenton Water Mutual Organization Understanding (MOU). Administrator Sweet went over the staff report.

- There was discussion on Party Obligations Section 2(c) and Section 2(h) in the agreement; and the potential of looking to Seaside as an alternate option for a water source.
- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the City to enter into a water MOU with the City of Warrenton, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Police Officer Employment. Police Chief Gregory notified the City Council of a conditional offer of employment made to fill the current police officer vacancy in Gearhart. The new officer, Jeremiah Mares, is scheduled to start mid-August. He went over a brief biography of Mr. Mares; potential academy dates; field training; probationary period status; 1995 move from two (2) to three (3) full-time officers in Gearhart; and Clatsop County Sheriff's office continuing coverage support.

- There was no City Council action requested. The discussion was for information purposes.

Department of Land Conservation and Development (DCLD) Housing Plan Grant. City Planner, Garrett Phillips (CREST) talked about the staff report. The report summarizes a grant proposal for consultant support to provide information to assist with housing issues in Clatsop County. It will provide each City an opportunity to update their buildable lands survey. The updated buildable lands survey is essential to developing a housing capacity analysis, housing implementation strategies, and other housing policies and practices. He talked about the timeline and how the grant funds are processed. City Planner Phillips said that an approved motion by the Gearhart City Council was needed to demonstrate collaborative sponsorship.

- Councilor Kloepfer requested clarification on whether or not the data that was reported for Gearhart would be considered mandates or suggestions in terms of project outcomes. City Planner Phillips said that any data that comes out of the report does not commit the City to specific future mandates. He said that the findings would be preliminary in nature and allow Cities to use the information gathered to create a more robust housing implementation program. There was continued discussion on leveraging valuable resources; consultant services; eligibility for additional funding; staff time; City of Astoria's housing capacity analysis issues; City size capacity requirements; understanding what other communities are doing; Urban Growth Boundary complications; water concerns; and linking municipal water systems to eliminate redundancy.
- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the support for Clatsop County's Housing Planning Assistance Grant application and authorize the City's participation in the collaborative effort with the County and neighboring cities, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Vietnamese American Heritage and Freedom Flag Proclamation. Administrator Sweet went over the staff report.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve the Vietnamese American Heritage and Freedom Flag Proclamation, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays. Mayor Smith read the "NOW THEREFORE" statement in the Proclamation.
- Thao Tu, the President of the Vietnamese Community of Oregon, gave a thank you for approving the Proclamation.

City Attorney Services Contract. Mayor Smith requested that Administrator Sweet go over the new business item. He went over the staff report and explained the rationale for changing to a retainer contract agreement, which would be \$5,000 per month.

- There was discussion on how many hours the contract amount is equivalent to; what other cities are doing; categorizing work provided for budgetary reasons; simplicity of invoicing; allows flexibility for other staff to contact legal counsel; and the request to have at least a quarterly report of areas that Attorney Watts provided service to the City.
- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve entering into an Oregon Attorney Services Contract with Peter Watts, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Fire Department - Reserve Funds Request. Mayor Smith opened the discussion and Fire Chief Como went over the request outlined in the staff report. Fire Chief Como stressed that the request is not for misused or abused equipment, but is for the repair of a failed power steering cooling system. He explained that this was not an anticipated maintenance item and that reserve funds were needed to cover the expenditures.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Fackerell to approve the request of Fire Apparatus Reserve Funds up to \$10,000 to repair fire apparatus, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Council Concerns.

- Councilor Gould reported no concerns.
- Councilor Kloepfer reported no concerns.
- Councilor Fackerell reported no concerns.
- Councilor Devereaux reported no concerns.
- Mayor Smith reported no concerns.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:29 pm.

  
 Mayor Kerry Smith

  
 Chad Sweet, City Administrator