

CITY OF GEARHART  
Public Hearing and Regular Meeting of the City Council  
Wednesday, June 5, 2024  
7:00 pm On-site and Virtual/Telephonic

A public hearing and a regular meeting of the Gearhart City Council was held Wednesday, June 5, 2024. 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 Preston Devereaux, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Sharon Kloepfer, City Administrator Chad Sweet, City Attorney Peter Watts, Fire Chief Josh Como, Sergeant Ian Brown, City Planner Garrett Phillips, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith called the regular meeting of the City Council to order.

Mayor Smith opened the public hearing on the 2024-2025 possible uses of State Revenue Sharing Funds; the 2024-2025 City of Gearhart Budget; and the 2024-2025 Gearhart Road District Budget. There were no objections to the City Council hearing the matters. There were no conflicts of interest declared by any member of the Council. There was no additional correspondence relevant to the public hearing topics. Mayor Smith asked if there were any proponents, which there were none. Mayor Smith asked if there were any opponents, which there were none. Mayor Smith asked if there were any neutral comments, which there were none. Hearing no further discussion, Mayor Smith closed the public hearing at 7:08 pm.

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

Approve Minutes.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve the minutes of the April 16, 2024 budget meeting of the Gearhart Budget Committee, MOTION was approved 5 years (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve the minutes of the May 1, 2024 executive session meeting of the City Council, MOTION was approved 5 years (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Kloepfer, 2nd by Councilor Fackerell to approve the minutes of the May 1, 2024 regular meeting of the City Council, MOTION was approved 5 years (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve the minutes of the May 14, 2024 budget meeting of the Gearhart Budget Committee, 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. It was noted that effective immediately, the Planning Commission minutes will be provided in the Councilor packets after they have been officially approved by the Commission.

Mayor's Report. Mayor Smith reported that he will be unavailable for the July City Council meeting and that President Fackerell will be leading the meeting. He will be unavailable for a few weeks.

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

- Councilor Gould participated in the Budget Committee meetings and attended a Clatsop County Commission meeting to continue to collaborate on the 4th of July preparedness efforts. She continues to work with citizens on the 4th of July clean-up plan and a community meeting time will be blogged out for all to attend. She has been talking with homeowners and contractors about the proposed tree ordinance. Councilor Gould also heard through community chatter that the Oregon Department of Transportation (ODOT) has been hanging around down at the intersection of Highway 101 and Pacific Way. She has not had any current updates on any ODOT projects since the major transportation project on Highway 101 did not get funded. She also has been attending meetings with the Klash Group regarding the Public Safety Building.
- Councilor Kloepfer continues to attend airport committee meetings. She mentioned that the airport does not appear to be pursuing a zone change in the immediate future. She also gave an invitation to an Airport Fly-In day event scheduled for June 15, 2024, which will be an open house with light refreshments. Councilor Kloepfer met with the CERT team members, which discussed the options of disbanding and joining with the Clatsop County CERT team. Chief Como gave them some positives (e.g., access to funds, training) to join forces with the County. She also participated in the Budget Committee meetings.
- Councilor Fackerell was unable to attend the Clatsop Regional Housing Task Force meeting. She was also unable to make the last Town Hall due to illness.
- Councilor Devereaux has been participating in the Klash Group meetings regarding the Public Safety Building.

City Officer Reports.

- Chief of Police. Chief Gregory was unavailable, so Sergeant Brown went over some police statistics. He mentioned that with a full police staff, there has been more person contact. He also

mentioned that Officer Mares is able to be fully independent and is motivated to enforce regulations.

- Fire Chief. Fire Chief Como went over the department's May data report, including a call breakdown, mutual aid, and comparisons to last year. He mentioned that the Firefighter Ball fundraiser went very well, and he thanked the participants and volunteers. He mentioned various grant awards and gave a shout-out to Division Chief Park for all of her efforts finding ways to improve the department (e.g., medical bags, vehicle extrication tools, training mannequins, pre-hospital life support, extrication classes, EMT schooling). Councilor Devereaux requested clarification on mutual aid in terms of response to Knappa. Fire Chief Como talked about movement between fire departments providing mutual aid.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill expressed her gratitude to the Budget Committee. She appreciated their questions, comments, and professionalism. In revenues, she mentioned Recology franchise fee payments and several small grants. In expenditures, she mentioned an audit payment, an equipment purchase for the CIS risk management security grant, a newly added account to track Court postage, and a water meter purchase that was part of the Warrenton water MOU agreement.
- City Attorney. Attorney Watts mentioned that the legal dispute (Hamilton Culvert) against the City has been dismissed. There may be some additional follow-up required by city employees. He talked about annexation laws and rules. He has been collaborating with the City Planning Assistant to provide accurate responses to inquiries. He reiterated that property owners in the UGB can force the City to annex them into the City limits and that voter approval is no longer required under certain circumstances. He mentioned having a cordial conversation with the Palisades HOA President and learned that overall the neighborhood is not interested in annexation. Councilor Devereaux expressed concerns about forcing annexation on newly developing properties. Attorney Watts again went over the process and explained that this type of annexation is not unique to Gearhart. He explained that the City can set the process, guidelines, and requirements.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He talked about how having a fully staffed police department has impacted the workload on court, which has resulted in additional court dates and redistribution of support staff time. Other items he briefly mentioned were: the culvert litigation issue; coordinating a collaborative effort on a 4th of July; tennis/pickleball courts resurfacing schedule; elections; hazardous waste event; and City Hall being closed in honor of Juneteenth.

Visitors. Chris Carey and Katie Hardesty, Recology Rate Review. Dan Blue was unable to attend. Recology staff gave a brief overview of who they are; employee culture; Gearhart services; events and services; Coastal Oregon Artists in Residency program; and 2024 Gearhart rate review. In terms of rate review, they focused on side-yard services and a discrepancy they discovered when analyzing side-yard rates (90 gallon versus 32 gallon). Recology staff explained that they do not want to eliminate side-yard service, however, they would like to incentivize customers to look at curbside service. Councilor Gould asked about impacts to community members that were unable to have curbside and Recology staff mentioned that providing side-yard to those types of households is still a priority, but would require some additional follow-up (e.g., potentially a site visit) with property owners. Councilor Kloepfer requested information on compost pick-up services. Recology staff talked about curbside yard debris pick-up; different levels/types of requirements on pick-up; and required load capacity amounts for profitability. Recology staff were going to run some perma costs on adding some potential services in Gearhart. Treasurer Hill commented that the Cost of Services Report that Recology provided is a financial tool that some City Council members do not understand and should have some explanation to be more successful.

- ON MOTION by Mayor Smith, 2nd by Councilor Gould to approve the request for Recology to implement a 1.2% rate increase on all services as proposed (except 32 gallon side-yard service); as well as, increase 32 gallon side-yard service rates 53%, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Councilor Kloepfer (Tree Ordinance Inclusions); CIS Insurance Services (Hamilton vs City of Gearhart); Robert Steinman (Ordinance 942); Robert Lee (Opposition to Proposed Tree Ordinance); and Jason Bigby (Tree Ordinance). There was no oral communication.

#### Ordinances/Resolutions.

Resolution 995 - A Resolution Adjusting Water Rates in the City of Gearhart. Mayor Smith introduced the topic and Administrator Sweet went over the staff report. Treasurer Hill talked about the water operating budget increasing 19.75%, personnel costs increasing 5.35%; materials & services increasing 8.24%, the need to support reserve fund transfers, and the need to have an adequate ending fund balance. She also mentioned that the budget was prepared anticipating a rate increase effective July 1 and without it, there may have to be some expenditure reductions.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve Resolution 995 adjusting water rates in the City of Gearhart, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Resolution 996 - A Resolution Granting Budget Appropriation Transfers. Treasurer Hill talked about how municipal budgets are approved by appropriations, which are limitations on spending. She explained that as per ORS, an expenditure of public money may not be made for any purpose in an amount greater than the amount appropriated. She mentioned that budgets are never exact and Oregon Budget law does provide a legal way to adjust budgets after adoption through an appropriation transfer. Appropriation transfers allow municipalities to move appropriations between existing categories within a Fund by resolution, which must state the need for the transfer, the purpose of the expenditure; and the amount transferred. She recommended the resolution to keep our budget appropriations legal (2023-2024 budget),

- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve Resolution 996 granting budget appropriation transfers, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Resolution 997 - A Resolution Stating the City of Gearhart Hereby Elects to Receive State Revenues. Treasurer Hill explained that the Oregon Department of Administrative Services (DAS) requires cities to complete and submit a resolution to receive state shared revenue distributions. Cities are required to provide a copy of the resolution to DAS.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Gould to approve Resolution 997 stating the City of Gearhart hereby elects to receive State Revenues, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Resolution 998 - A Resolution Adopting the City of Gearhart Budget for 2024-2025, Imposing Taxes, Categorizing Taxes, and Making Appropriations for the City of Gearhart.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve Resolution 998 adopting the City of Gearhart Budget for 2024-2025, imposing taxes, categorizing taxes, and making appropriations for the City of Gearhart, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.
- *The Gearhart City Council adopted the 2024-2025 Budget in the amount of \$8,522,465.50, which includes a permanent tax rate limit levy of \$1.0053 per thousand of assessed value and general obligation debt service.*

Resolution 999 - A Resolution Adopting the Gearhart Road District Budget for 2024-2025, Imposing Taxes, Categorizing Taxes, and Making Appropriations for the Gearhart Road District.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve Resolution 999 adopting the Gearhart Road District Budget for 2024-2025, imposing taxes, categorizing

taxes, and making appropriations for the Gearhart Road District, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

- *The Gearhart City Council adopted the Gearhart Road District approved 2024-2025 Budget in the amount of \$332,655.00 with a permanent tax rate limit levy \$0.0602 per thousand of assessed value.*

Resolution 1000 - A Resolution Fixing the Compensation of the following Officers of the City of Gearhart: City Attorney, Police Chief, Fire Chief, City Administrator, Treasurer, and Judge, and Repealing all prior Resolutions Affixing the Compensation of these Officers of the City of Gearhart. Treasurer Hill explained the City Charter does specify that compensations for the services of each non-elected officer and employee be affixed by the Council. For regular employees, this process is now done through the Budget Committee approval process using a salary schedule. To her knowledge, there is no specific legal requirement that this type of resolution continue; however, it has been done historically and does provide another level of public transparency. It does also address compensation for the City Attorney and Judge.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve Resolution 1000 fixing the compensation of the following officers of the City of Gearhart: City Attorney, Police Chief, Fire Chief, City Administrator, Treasurer, and Judge, and Repealing all prior resolutions affixing the compensation of these officers of the City of Gearhart, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Ordinance 942 - Section 6.070(8) Preservation & Removal of Trees GZO Text Amendments.

Councilor Gould felt that a more robust discussion was needed on the tree preservation and removal text amendment.

- By consensus the City Council moved Ordinance 942 to the August 2024 meeting with the request of a public hearing at 6:00 pm.

Ordinance 944 - An Ordinance Naming a Private Road McAdam Court.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve the first reading of Ordinance 944 naming a private road McAdam Court, MOTION was approved 4 yeas (Devereaux, Gould, Kloepfer, Smith) - 0 nays - 1 abstain (Fackerell).

Old Business. None.

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

Appoint Planning Commissioner. Mayor Smith introduced the topic and went over the staff report. An appointment needs to be made due to a sudden vacancy.

- ON MOTION by Mayor Smith, 2nd by Councilor Gould to approve the appointment of Jennifer Grey to the Planning Commission, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Criminal Justice Commission (CJC) Records Management IGA. Mayor Smith introduced the topic and Administrator Sweet went over the staff report. Administrator Sweet explained that the Police Department needs to be able to participate in an Intergovernmental Agreement (IGA) with Clatsop County for a modernization project for the Computer Aided Dispatch (CAD) and Record Management System (RMS). Attorney Watts wanted to review the County's procurement process and requested that the City Council consider approving a motion allowing a pending review of procurement before finalization of the IGA. Councilor Fackerell had a question on terminology (annual subscription versus allocated subscription).

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve CJC records management IGA pending a procurement review process as suggested by Attorney Watts, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

City Administrator Review. Mayor Smith tabled the topic until a future meeting.

Council Concerns.

- Councilor Devereaux had no concerns.
- Councilor Fackerell had no concerns.
- Councilor Kloepfer had no concerns.
- Councilor Gould requested input from Councilors on how to effectively disseminate information from the Klash Group. She mentioned communication through email, but cautioned not to create email strands that create a decision making quorum. Attorney Watts reiterated that it is very important that Councilors are aware of conversations between each other and again cautioned creating a "serial meeting" in which decisions are made through a series of emails or conversations between a quorum of Council members.
- Mayor Smith had no concerns.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Devereaux to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 9:03 pm.

  
\_\_\_\_\_  
Reita Fackerell, President of the Council

  
\_\_\_\_\_  
Chad Sweet, City Administrator