

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, February 5, 2025
6:43 pm On-site and Virtual/Telephonic (*directly following worksession*)

A regular meeting of the Gearhart City Council was held Wednesday, February 5, 2025. 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 Paulina Cockrum, Councilor Preston Devereaux, Councilor Dana Gould, Councilor Sharon Kloepper, City Administrator Chad Sweet, City Attorney Peter Watts, Police Chief Josh Gregory, Fire Chief Josh Como, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith transitioned into the regular meeting of the City Council at 6:43 pm after the worksession concluded. He requested by consensus that the agenda be modified to add Chris Hyatt, the City's water modeling consultant, to give an update.

- By consensus, the City Council approved to modify the agenda to add Chris Hyatt - 5 years (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

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

Approve Minutes.

- ON MOTION by Councilor Kloepper, 2nd by Councilor Gould to approve the minutes of the January 8, 2025 regular meeting of the City Council as amended (*page 7, line 4*), MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Kloepper to approve the minutes of the January 8, 2025 worksession of the City Council, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Cockrum to approve the minutes of the January 29, 2025 worksession of the City Council, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

Mayor Smith mentioned there were no Planning Commission minutes in the Councilors' packets.

Mayor's Report. Mayor Smith will be at Pacific Ridge Elementary School to promote the "If I Were Mayor" contest. He attended the LOC "Day at the Capitol" event. He was able to meet with Senator Weber,

Representative Javadi, and several agencies (including the Water Resource Board). He felt there were some very productive conversations. Mayor Smith also went to a Depoe Bay event that showcased their hydrogen fuel cell power generator. He found it very interesting.

Councilor Reports.

- Councilor Devereaux also attended the “Day at the Capitol” event. He was able to talk to the Water Resource Board and their records indicated that the City’s application had been withdrawn because additional information was needed. He was also able to talk with the State Fire Marshall. In the general assembly, he was very interested in learning more about what the State Legislature was going to do in terms of recreational immunity in public spaces (i.e., walking paths). He felt it was a very productive session.
- Councilor Kloepper attended the Seaside Airport meeting, which she indicated had nothing significant to report. There was some discussion on some minor vegetation removal at the north end of the runway; however, she did not feel that it met the definition of tree removal nor required a permit. There was some discussion on the airport’s zoning and building fences in wetland areas. She and Administrator Sweet are continuing to develop information for prospective business owners. She would appreciate any contributions from other Councilors. She also virtually attended the LOC weekly legislative update meeting.
- Councilor Cockrum wanted to take a moment to remember and recognize former Cannon Beach Mayor Sam Steidel, friend and mentor, who passed away in January. She met with Administrator Sweet twice to continue to get up to speed on City projects. She attended the Clatsop County Housing Taskforce meeting. She heard about market-based housing, which is a type of workforce housing that may be an option for the Gearhart area. She mentioned establishing a land trust and annual income eligibility. She has been reviewing the City’s check details before checks are mailed out to vendors. She attended the CERT meeting. There are plans for summer training, which includes safety, caring for self, family, and neighbors. She mentioned they referenced ICS training 100, 200, 700, 800 as good starting points.
- Councilor Gould gave a shout-out to Police Chief Gregory, who received positive feedback on social media. She thanked him for being a good ambassador to our community. She attended a Public Safety Building (PSB) planning meeting; as well as, the public community meeting. She also attended the LOC “Day at the Capitol” event in Salem and met with Mayor Smith, Senator Weber, and Representative Javadi. They were able to talk about water rights; maintenance needs; support for the PSB building; the lack of State resources on the beaches during the holidays; transient room tax revisions that do not hurt Gearhart’s Comprehensive Plan; recreational immunity; and FEMA BiOp. She talked with the Clatsop County Executive Director of Economic Development about

potentially being Gearhart's representative. Coming up, Councilor Gould has a PSB meeting, is participating in a Seaside High School Civics Class, and plans to attend a Clatsop County Commissioners meeting, as well as, a Gearhart Rural Fire Protection District Board Meeting. She also mentioned that the Gearhart Post Office has a new contractor, Robert, who has already been working there and will continue uninterrupted service for Gearhart.

City Officer Reports.

- Chief of Police. Police Chief Gregory asked everyone to remember Sergeant Jason Goodding. It is the 9th anniversary of his passing and dedication to law enforcement. He mentioned the statistical data would be available soon. He explained that Officer Mares participated in a local emergency responders event put on for home-school students through Encore Dance Studio. Officer Mares was able to answer questions and show the children his vehicle. Weather has been challenging, but thankfully, police have not seen an increased accident activity. Police Chief Gregory is exploring the option of implementing a Gearhart Police Reserve Program. Because Gearhart has such a limited law enforcement staff, it may be a good way to access coverage through volunteers. Councilor Kloepper inquired about monitoring speeding along Gearhart Loop road. There was discussion on staffing time constraints, increasing/decreasing speed limits, and pedestrian traffic along that area.
- Fire Chief. Fire Chief Como also mentioned participating in the Encore Dance Studio event, which allowed home-school students the ability to climb on the fire trucks. He went over the department's data report, including a call breakdown, mutual aid, and comparisons to last year. Fire Chief Como talked about the 2023 and 2024 End of the Year Reports that the Councilors received. He highlighted mobilization revenue and its profitability. He also mentioned that there have been several people reporting difficulties with finding the Gearhart Burn Permit. He reported that nothing has changed in the permit process. It is available electronically on the Gearhart Fire webpage. He has changed the color to help the online form link be more visible.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned noteworthy revenues, which included City quarterly taxes for local transient room tax and marijuana tax. She noted that both came in at expected levels. Noteworthy in expenditures, she mentioned there was a void in 10-1050 Election Expenses for \$436.39 because the County had sent out invoices that were only informational to show what Gearhart's portion of an election bill would have looked for November 5. She also noted there was equipment purchased in the water account 30-3069 Tools & Light Equipment and a payment to Day Wireless in 72-7299 for the completion of the police vehicle mounts project. Treasurer Hill noted that the City has received one new application for the budget committee and that applications will be reviewed by Council at the March meeting. She mentioned Public Works disposing of surplus property through a sealed bid process,

which is a 2002 Ford, F-150. Treasurer Hill also gave a reminder that if a governing body has total expenditures of \$1 million or more in a fiscal year, each governing body member is required to take training on Oregon's Public Meetings Law at least once during each term of their office.

- City Attorney. Attorney Watts talked about System Development Charges (SDC). He said that data from 2023 indicates that about 76% of cities collect SDC. He indicated the most common was a traffic SDC, but other noteworthy ones were water and park SDC. He said that for a residential focus, methodology for current and future needs is very broad with no fixed criteria. He gave some examples of SDC (i.e., North Plains, Seaside, Manzanita, Cannon Beach). He felt that cities with the highest SDC seem to be experiencing rapid growth or were metro area cities. He explained that the Legislature has been reviewing if SDC create barriers and the evidence appears to be mixed. He talked about different options for evaluating SDC rates (i.e., number of bathrooms, size of meters, type of unit). He indicated that most large consulting firms provide a contract service of assisting cities in creating a methodology to justify SDC amounts. He thought the current Clatsop County contractor assisting with the buildable lands inventory, 3J, may already have some of the data collected. Attorney Watts continues to investigate the Portland State University (PSU) population estimates. He is further reviewing Gearhart's vacancy rate, which refers to the percentage of housing units that are not currently occupied. He talked about vacancy rate percentages, growth in voter registration, water data, and increased fire calls. He feels Gearhart should be able to make a case to demonstrate a steady population growth. Attorney Watts feels confident that the municipal court case that was on the docket may be settled. He feels there are parameters that all parties can agree upon. He has also been watching the Legislature. He is concerned about recreational immunity, and he appreciates all the advocating to the Legislatures on the issue. He concluded by mentioning a growing trend of receiving inconsistent information from State agencies. He gave an example of DLCDC, where there was no clear communication. He feels that State agencies are often not giving clear and objective information.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He indicated that staff have been involved in a lot of meetings. He thanked the police and fire departments for their extra time and effort in providing information for the PSB. He invited everyone to the next PSB Community Meeting on February 11, which will go over potential site designs. He mentioned a potential November 2025 election, poor soil types from the geotechnical report, a newly launched PSB website, and underground locates being done. He gave a brief update on Public Works, which included a hypochlorite generator install and new fire hydrant on Highway 101. There has been some minor code enforcement, which has not led to any citations. He also mentioned the R-1 infraction case that Attorney Watts referenced, which he hopes will have resolution. Administrator Sweet has been dealing with the new tree ordinance and may make some

adjustment recommendations. He indicated that the emergency power grant generation project at the water reservoir is completed; water caucus information has been submitted to the State; and an ODOT transparency, accountability and performance report regarding roadways was completed. Councilor Kloepper inquired if there was any information on the Gearhart Highway 101 improvement project. Administrator Sweet indicated that Gearhart had made the short list, but was eliminated because of lack of adequate funding. He did mention that ODOT must redo the intersection at Pacific Way and Highway 101.

Visitors.

GVFD Association - Request to Hold Annual Gearhart Firefighter Ball. Rob Brooks, Lieutenant, Volunteer Firefighter. Firefighter Brooks made a request to hold the annual Gearhart Volunteer Firefighter Ball fundraiser on Memorial Day weekend. Councilor Devereaux inquired why they were asking so early when the event is not until May. Firefighter Brooks indicated they just wanted to be prepared because it takes time to organize (i.e., rentals, permissions).

- ON MOTION by Councilor Kloepper, 2nd by Councilor Gould to approve the request of the GVFD Association to hold the annual Firefighter Ball fundraiser, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

Chris Hyatt, Senior Geologist/Hydrogeologist. He gave a brief background and explained he is a hydrogeologist, who specifically studies groundwater. He began working with Gearhart in 2003. Hydrogeologist Hyatt presented some tables and graphs (*Current & Projected Water Use Calculations*). He explained that the City has water rights that limits the amount of water the City can pump. He went over City consumptions and demands. His graphs show a deficit in the summer months, which is supplemented by water purchase from the City of Warrenton. He indicated the City is applying for another water right to make-up for the water deficient months. He said they have been working on future water needs projection for about 20 years out. He indicated the water right limits were originally sanctioned because the surface water in Gearhart is so close to the Pacific Ocean and Neacoxie Creek that the water well field may interfere (salt water intrusion and/or decreasing flow of creek). Hydrogeologist Hyatt said the City has been required to gather and monitor data. Their modeling does not appear to have any significant impact on the Neacoxie Creek. He indicated that septic systems may actually have a favorable impact on creek levels. Data will be organized and sent to the State demonstrating that the City is in compliance and justifies new water rights. Mayor Smith requested clarification on restrictions being taken off the City's current rights or if new water rights would be issued. Hydrogeologist Hyatt indicated that the City would receive new water rights that would allow them to increase water production in July through September/October.

They would still have their already established water right production amount in addition to any new water rights issued. Councilor Kloepper wanted clarification on if the new water rights would make Gearhart completely water independent, which Hydrogeologist Hyatt indicated that would be the intent. Councilor Cockrum inquired on having any value in considering more water storage. Hydrogeologist Hyatt indicated yes; however, the options can be expensive (i.e., aquifer storage, desalination). He indicated that the cheapest, fastest alternative is to increase Gearhart's water rights.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by Anthony Pope, Clatsop County Counsel (Weeping Willow Septic Concern) and Deanna Mancill (Weeping Willow).

Ordinances/Resolutions. None.

Old Business. None.

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

Fire Department - Request for Funds. Mayor Smith introduced the item. Fire Chief Como went over the details. He explained that they needed to replace an inadequate fire department vehicle. He feels they can purchase the vehicle and do the upfitting for \$85,000. He explained he originally had talked with the Mayor about replacing both vehicles; however, is only requesting the replacement of one at this time.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepper to approve reserve funds up to \$85,000 to purchase and upfit a new department vehicle with vendor selection at the department's discretion. Mayor called for discussion. Mayor Smith felt that since the fire department had two vehicles that are in terrible shape and there are funds available, the Council should move forward with the purchase of two new vehicles. He feels prices will only increase. He would also like to see a more timely replacement schedule.
- Council Gould withdrew her motion.
- ON MOTION by Mayor Smith, 2nd by Councilor Gould to approve reserve funds up to \$170,000 to purchase and upfit two new department vehicle, MOTION was approved 4 yeas (Cockrum, Gould, Kloepper, Smith) - 0 nays - 1 abstain (Devereaux).
- There was continued discussion. Fire Chief Como talked about future vehicle replacements, pathway for funding (i.e., grant options, split funding, loans), adequate level of reserve funds, and price escalation. The sale of old vehicles will be put back into the reserve fund. Councilor Kloepper feels financial stability is important, but understands the safety concerns.

Councilor Devereaux has concerns over the public perception of spending funds and then asking the voters for more to build the PSB. For future reference, he reminded the fire department they should reach out to local, experienced mechanic, Thad Nolan, about vehicle issues.

Liquor License Application Review - Special Event - Annual Gearhart Firefighter Ball. Mayor Smith introduced the item and reminded the Council the event has been approved.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Kloefer to approve the GVFD Association liquor license application for the Annual Firefighter Ball, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

OLCC & City Liquor License Renewals. Mayor Smith introduced the item of OLCC and City Liquor License Renewals. He asked if there was discussion. Councilor Kloefer inquired about the Drifhaven's license type (full on-premise), which Administrator Sweet explained was accurate; however, they can only operate using the full license under the status of restaurant, which they are not allowed to do by zoning. Councilor Kloefer wanted additional clarification that the Drifhaven would be allowed to have an outdoor event and serve beer and wine. Administrator Sweet said that if they were operating in the capacity of a hotel, they would be able to do that type of activity. He indicated that OLCC would be the monitoring agency for OLCC compliance. Councilor Devereaux inquired about two licenses being issued to Gearhart Liquor Store.

- By simple vote, the Council decided to take no action and allow the OLCC to process the list of renewal applications as a favorable recommendation, 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Appoint a Budget Officer. Mayor Smith introduced the topic of appointing a Budget Officer.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the City Treasurer to be designated as the Budget Officer, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Adopt Budget Calendar. Mayor Smith introduced the topic of approving a Budget Calendar. He wanted to make sure that the Klash Group was aware of budget meetings so that they do not schedule community events on those days.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloefer to approve the Budget Calendar, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Gearhart Clean Up Day. Mayor Smith introduced the topic of having a Clean Up Day in honor of Earth Day 2025.

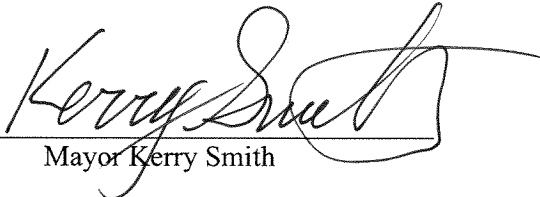
- ON MOTION by Councilor Kloepper, 2nd by Councilor Cockrum to allow the City to hold Clean Up Day, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.
- There was some discussion. Councilor Devereaux wanted to know if Recology had committed to any financial support. Administrator Sweet indicated the request has been submitted to Recology and they have always provided support in the past. He also indicated the only other change this year would be that Necanicum Watershed Council would like to partner and be at the event to collect "Cans for Coho."

Council Concerns.

- Councilor Cockrum had no concerns.
- Councilor Devereaux had no concerns.
- Councilor Kloepper had no concerns.
- Councilor Gould had no concerns.
- Mayor Smith had no concerns.

Adjournment.

- ON MOTION by Councilor Kloepper, 2nd by Councilor Gould to adjourn the meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:42 pm.



Mayor Kerry Smith



Chad Sweet, City Administrator