

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, March 5, 2025
7:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, March 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, City Treasurer Justine Hill, FFA Architecture and Interiors John Pete, and Kloss Group Chris Mastrandrea. A quorum of the Council was present.

Mayor Smith called the regular meeting of the City Council to order at 7:00 pm.

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

Mayor Smith requested by consensus that the agenda be modified to add discussion under new business regarding a Columbia Memorial Hospital request.

- By consensus, the City Council approved to modify the agenda to the Columbia Memorial Hospital discussion - 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

Approve Minutes.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Kloepper to approve the minutes of the February 5, 2025 regular meeting of the City Council, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.
- ON MOTION by Councilor Kloepper, 2nd by Councilor Cockrum to approve the minutes of the February 5, 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. None.

Councilor Reports.

- Councilor Devereaux attended a Public Safety Building workgroup meeting and found it very interesting.
- Councilor Cockrum did an online overview of Oregon ethics law and has been watching for the Public Meeting training. She has done City check reviews twice before they were released to vendors. She participated in the closed bid opening for the disposal of a surplus public works truck. She went to the third Public Safety Building community meeting. She also attended the Clatsop County Townhall with Senator Merkley and Representative Bonamici. She met with Administrator Sweet several times, during which they did discuss the Emma Badger picture that has been referenced in correspondence. She and Administrator Sweet agreed that the information regarding the picture should be updated, which has been done.
- Councilor Kloepper referenced doing several of the same events that Councilor Cockrum already mentioned. She also met with Administrator Sweet several times. She attended the February 7 LOC Small Cities meeting for region 1, which includes cities such as Seaside, Gearhart, Rockaway, and Clatskanie. She wanted to share some of the topics that other elected officials are dealing with in their communities, which include homelessness; workforce housing; FEMA BiOp regulations; recreational immunity; and the scarcity of public work water operators. Rockaway is advocating that a local community college have a training program where citizens can get this type of training. Councilor Kloepper also reported that Rockaway engaged a consultant to prepare a strategic plan. There are also cities that are reaching out to their local community organizations and asking them to come to Council meetings to update citizens on what is happening in their groups. She also mentioned that they talked about Facebook pages, which may reach a few more people.
- Councilor Gould gave a shout out to the Councilors and Mayor, who are volunteers, who have taken some abuse, but have many achievements and accomplishments. She is very proud to be part of the Council. She has attended several events this past month and at each event there was at least one other Council member attending. She attended the Clatsop County Commissioner's meeting to give an update on the Public Safety Building project. She expressed as a citizen how important Gearhart's contributions are to the County emergency response network. She attended the Clatsop County Townhall with Senator Merkley, Representative Bonamici and other elected County officials. She was happy to report after the meeting a representative from Senator Merkley's office reached out for further discussion. He did mention a specific funding resource to help with soft costs; as well as, expressed support. He requested a letter justifying resources to the Public Safety Building project and inviting Senator Merkley to the May Community Public Safety Building Meeting. She attended the Seaside fire station open house event. She received a lot of information from Seaside Fire Chief

Joey Daniels and was glad to have him affirm that Gearhart's Fire Department does provide invaluable support to surrounding areas. She plans to attend the Water Caucus Day in Salem on March 20. Councilor Gould also plans on attending the Clatsop County Economic Development Resources meeting. The current LOC Small Cities meeting currently has no specific location, but she will pass on more information when she receives it. Councilor Kloepper indicated she had talked with LOC staff and that the location has been set. Councilor Kloepper also indicated that she signed Gearhart up to host a meeting in the fall.

City Officer Reports.

- Chief of Police. Police Chief Gregory indicated that the statistical data report was completed for this month. He mentioned that Officer Mares will be attending a tactical defense training in California. He gave a shout out to Oregon State Police (OSP) Lt. Hasenkamp who helped him secure five (5) toughbook laptops for Gearhart Police Department. He hopes to use those in the vehicles. He is very thankful to OSP. Police Chief Gregory also mentioned that there were some new walls going up in the Gearhart Police Department area to comply with recommendations made from the City's liability insurance company.
- Fire Chief. Fire Chief Como mentioned that the Division Chief of Training & Operations Park had a delay in presenting additional information on the cost recovery ordinance that was approved. The department has been working on an ISO audit and working with DLO staff on certification verifications. He went over the department's data report, including a call breakdown, mutual aid, and comparisons to last year. He thanked the Councilor for approving the new vehicles. He reported that they are currently \$30,000 under budget on the vehicle replacement project..
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned noteworthy revenues, which were NW Natural Gas franchise fees, Century Link Franchise fees, Fines & Forfeitures due to municipal court, and a vehicle sale in the Public Works Equipment Reserve fund. She thanked Councilor Cockrum for her participation in the bid opening for the vehicle sale. Noteworthy in expenditures were the annual debt service payments on the City's two water bonds. There were expenditures in Fire Apparatus and Equipment Reserve, which was for the approved purchase of two new fire vehicles and upfitting costs. There were also payments made in Building Reserve for the Public Safety Facility Project, which included payments for work by architects, the project manager, the geotech, and survey and utility locate companies. The City's State Revenue Share fund still does not have enough revenue to cover the grants awarded for the 2024-2025 fiscal year; however, she anticipates enough money by June. Treasurer Hill mentioned looking at two payment options for the grant recipients: 1)

waiting until all the revenue comes in and paying the grant awards in full (likely in June); or paying each grant recipient 50% of their award in March and the remaining 50% after the City receives funds in May. She talked about the upcoming budget cycle, validating Attorney Watts' concerns over PSU's population estimates, and three potential Clatsop County refund credits for the 2025-2026 tax year.

- City Attorney. Attorney Watts advised a formal appeal has been submitted regarding the PSU population estimates. He indicated the appeal has been accepted and that he would continue working with City staff to gather City evidence to support the appeal. He mentioned data like voting registration, census estimates, student enrollment, and water usage would be reviewed. He went into further discussion about the PSU population issue and mentioned that it was not just a City of Gearhart issue. Councilor Devereaux inquired why this was not brought to a legislative issue and Attorney Watts felt that it had been an issue with a lack of awareness. He indicated that the Gearhart municipal court appears to be resolved. He reminded the Councilors that the City has a complaint driven system, which requires the City to respond. Attorney Watts has also been working on other potential land use items; as well as the Buildable Lands Inventory report. Mayor Smith requested clarification from Attorney Watts on the Oregon Ethics Commission's requirement for citizen committees noticing and if there is any impact on City Councils. Attorney Watts indicated he had heard of litigation regarding involvement of an HOA receiving City funds; however, he would follow-up with more information on public meeting rules.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He mentioned that staff have been very busy with the new tree ordinance. He wants more communication with the community so that residents are aware of a required tree cutting permit process. He will be collecting information on the tree ordinance and will report back to the Council. Councilor Gould asked for a record of the tree complaints and how much time staff are spending on the tree ordinance. He invited City and County Administrators to have their regular managers' meeting at the Gearhart fire station. He reported that public works staff have almost finished the hypochlorite project. Administrator Sweet mentioned that the building department's revenue is significantly down. He talked about Gearhart taxes. He talked about our current permanent rate; approximate tax collection; one water bond dropping off; and the budget. He indicated that there may be some financial pressures in the upcoming budget cycle. Councilor Kloepper requested additional information on Administrator Sweet's meetings with planning and the Cottages landowners. Administrator Sweet indicated that the property owners are still interested in coming into the City limits of Gearhart. He mentioned the location is no longer a potential fire/police station site. All parties are aware of water situations and trying to work through potential solutions. Councilor Cockrum inquired when the Council will be able to see the

BLI report. Attorney Watts indicated City staff got a draft last week. City staff have requested some changes, and he has not heard back.

Visitors.

FFA Architecture & Interiors LLC - Public Safety Building (PSB) Post-Community Meeting Update. Mayor Smith asked Klash Mastrandrea for introductions. He explained that FFA Architecture and Interiors staff need a decision narrowing down the five Public Safety Building options to two. He indicated that the two options would then move through conceptual design and detailed cost estimates. FFA Pete prepared a brief recap of information shared at the last worksession. He indicated that FFA was pleased that community, staff, and Councils' inputs were aligned. He felt the recommendation to Council to select 4.5 (combination of option 4 and 5) and option 3 most closely met the objectives of the Public Safety Building project based on community meetings and input. Councilor Cockrum requested clarification on the options numbering and Mayor Smith requested that a motion brought forward should indicate the option numbers.

- ON MOTION by Councilor Gould, 2nd by Councilor Cockrum to approve FFA Architecture and Interiors and the community's two recommended options (3 and 4.5) to move on to the conceptual design and budget phase, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.
- Mayor Smith announced the next Public Safety Building Meeting on Monday, May 19, between 6:00-7:30 pm.

Hyatt Geosciences LLC - Water Rights Application Update. Mayor Smith introduced the topic and Administrator Sweet indicated that Chris Hyatt would give an update on the water rights application. Hydrogeologist Hyatt went over some graphs (Gearhart 2024 Projected Water Demand). He talked about projected water demands; supplementing water from Warrenton; and the US census population growth rates. He talked about natural conditions and ground-water flow. He went over the State's concerns of impacting the Neacoxie stream and saltwater intrusion from the wells. He reiterated that these events are not happening, but are just what the State fears may happen. He indicated that they have created a groundwater model for Gearhart's water application process. They have been collecting data for over 10 years. He talked about well fields and the sentinel (alarm) wells. He talked about information in Gearhart's water application [Groundwater Elevation Map and Cross Section across Clatsop Plains (Figure 3 March 2025); Historical Rainfall from Seaside, Oregon Station (Figure 4 March 2025); Seasonal Variations in Groundwater Elevations at Gearhart monitor Wells (Figure 5 March 2025); Conceptual

Groundwater Flow through the Clatsop Plain Dune Sand Aquifer (Figure 6 March 2025); Water Levels and TDS Concentrations in Foredune Monitor Wells (Figure 7 March 2025); Water Levels and TDS Concentrations in Neacoxie Creek (Figure 11 March 2025); Comparison of SWMS-1 and MW-6 Water Levels (Figure 12 March 2025); Model Cross Section showing Model Layering (Figure 14 March 2025); Gearhart Total Water Use and Groundwater Pumping 2009 to 2023 (Figure 15); Estimated Groundwater Recharge by Source (Figure 17 March 2025); 2023 Simulated Groundwater Elevation Maps and Capture Zones (Figure 18 March 2025); Model Cross Section showing Vertical Capture Zone with Model Layering (Figure 19 March 2025); and Model Calibration Simulated vs. Measured Groundwater Levels Set 2 (Figure 21 March 2025)]. Hydrogeologist Hyatt said the model is very complex and almost complete. Councilor Devereaux inquired why the State is so concerned over Neacoxie Creek water levels when it is fed from water sources to the north and the tidal influence is only up through Gearhart Loop road. Hydrogeologist Hyatt indicated that he is not concerned about the Neacoxie Creek water level; however, the State is concerned, which requires data to show no impacts. Councilor Kloefer requested clarification on the submission and the withdrawal of the City's application. Hydrogeologist Hyatt indicated that the application had been withdrawn from Oregon Water Resources Department (OWRD) because it did not contain complete modeling data. He indicated the revised application is nearly completed and should be ready for submission by the end of March. He indicated it could be a long process at least up to six months. There are several State organizations that have to review (e.g., DEQ, ODF&W, Water Master), which takes time. Councilor Devereaux wanted clarification that the City of Warrenton now supports the City of Gearhart requesting more water rights. Hydrogeologist Hyatt indicated that was accurate and that they are actually encouraging the City of Gearhart to look for other water sources. Councilor Cockrum inquired if the City should be encouraging more water conservation measures. Hydrogeologist Hyatt did not think that was necessary because Gearhart actually has plenty of water. Councilor Gould requested clarification of septic system concerns that local citizens have expressed. Hydrogeologist Hyatt explained that the more water the City pumps from the production wells, means the more water that goes inland and is used, which ends up in the septic and actually recharges groundwater. He explained that the more water pumped, the more water goes back into the system. He felt that because this area has so much water that the rain recharge was more than any septic contamination concern. There was some discussion and Administrator Sweet said that no nitrates have been detected in Gearhart's water.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by Josh Jacobsen (Emma Badger Painting), which has been addressed.

Ordinances/Resolutions. None.

Old Business.

Council Rules. Mayor Smith introduced the topic and asked if any Councilors had questions regarding the changes interpreted by City staff. Councilor Kloefer requested clarification from Attorney Watts on the statement “Anything a Councilor wishes City staff to distribute to the public through written communication must first have a majority consensus by Council in a public meeting” (page 5, second line). Attorney Watts talked about confusion amongst the public regarding official communication of the City versus individual Councilor’s opinions. He indicated that the City should always default to ultra transparency. He recommends that any communication distributed in official City ways (e.g., water bills) should have Council consensus in a public meeting.

- ON MOTION by Councilor Gould to approve the revised version interpreted by City staff of the Council Rules, which was withdrawn because no motion was necessary.
- By consensus, the revised version interpreted by City staff of the Council Rules was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

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

Columbia Memorial Hospital Request for Support Using Gearhart’s Logo. Mayor Smith introduced the item. Councilor Gould explained that she received an email that required timely action. Columbia Memorial Hospital is applying for matching funds from the State of Oregon to assist with the construction of a tsunami safe refuge area for caregivers, patients, and community members. They have requested the use of the City of Gearhart’s logo as a representation of being a local community supporter.

- By consensus, the Council approved to allow Columbia Memorial Hospital to use the City of Gearhart’s logo as a local supporter of the construction of a Tsunami Vertical Evacuation Refuge Structure - 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Budget Committee Appointments. Mayor Smith introduced the item and asked if there was any discussion.

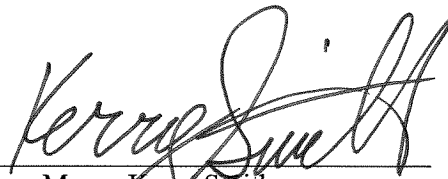
- By consensus, the Council approved to appoint Karl Leigh and reappoint Eric Halperin and Curt Penrod to the Budget Committee - 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Council Concerns.

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

Adjournment.

- ON MOTION by Councilor Gould, 2nd by Councilor Cockrum to adjourn the meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:50 pm.



Mayor Kerry Smith

Chad Sweet, City Administrator