

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, April 2, 2025
7:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, April 2, 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 Kloefer, City Administrator Chad Sweet, City Attorney Peter Watts, Sergeant Ian Brown, Division Chief of Training & Operations Adrienne Park, Executive Assistant Krysti Ficker, City Treasurer Justine Hill, and Kloth 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.

Approve Minutes.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Kloefer to approve the minutes of the March 5, 2025 regular meeting of the City Council, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays. Mayor Smith asked a clarifying question regarding Senator Merkley's representative inquiring about providing a letter about Gearhart's Public Safety Building project.
- ON MOTION by Councilor Kloefer, 2nd by Councilor Cockrum to approve the minutes of the February 26, 2025 worksession of the City Council, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Mayor Smith inquired if there were any questions on the Planning Commission minutes in the Councilors' packets. Councilor Kloefer was interested in a timeline of when information on the FEMA BiOp would be presented to the Council. Administrator Sweet was directed by Mayor Smith to find out when the Council would be receiving information. Administrator Sweet did mention that City Planner Phillips would be the one presenting the information.

Mayor's Report. None.

Councilor Reports.

- Councilor Devereaux attended a Public Safety Building Work Group meeting and mentioned the last Work Group meeting had been cancelled due to Spring Break.
- Councilor Cockrum met with Administrator Sweet twice and has been continuing to do City financial check reviews. She attended the required public meetings law educational training (Beery, Elsner & Hammond LLP) and submitted verification of completion to Administrator Sweet. She attended a Community Sheltering During Disasters educational outreach by the CERT team and Clatsop County. She participated in the women's ham radio net and identified her call sign (KF7IRN). She met with some constituents and indicated would share more under Councilor Concerns. Councilor Cockrum shared about her experience with composting at home and brought in a sample. She also added that she attended a Clatsop County Housing Taskforce meeting where they talked about incentives for converting short-term rental properties to long-term rental properties.
- Councilor Kloepper attended the public meetings law educational training (Beery, Elsner & Hammond LLP). She attended the Airport Committee meeting, which was also attended by the new Seaside Public Works Director Paul Stull. She met with two fish biologists from the Oregon Department of Fish and Wildlife to walk the 1st and 2nd street properties, which she will talk more about under Councilor Concerns. She also walked the south dunes with an arborist and learned some pruning best practices in regard to tree restoration.
- Councilor Gould attended a meeting facilitated by Betsy Johnson regarding federal economic freeze impacts. She gained some valuable information on the State's 2025-2027 budgeting process and was able to bring that back to City staff. She worked with Administrator Sweet to ensure that Gearhart was represented at the Joint Committee on Ways and Means hearing in Astoria. She attended the Clatsop Economic Development Resources (CEDAR) meeting. Councilor Gould also attended the Water Caucus Day in Salem and learned about lobbying for the City. She wrote letters requesting support for the Public Safety Building project to Representative Cyrus Javadi, Senator Suzanne Weber, and Betsy Johnson. She provided written testimony in support of HB 3556, which would grant more flexibility with Transient Lodging Tax and offset tourism related issues. She also went over other important events coming up, which included Cannon Beach City Hall's Groundbreaking; a townhall with Representative Javadi at Seaside High School; Gearhart's first Budget Committee meeting; the deadline for filing the State's Statement of Economic Interest; participation/speaker in a Seaside High civic class; a Public Safety Building Work Group meeting; a LOC Small Cities meeting being held in Seaside; and the LOC Spring Conference in Coos Bay. She indicated during Councilor Concerns she would mention 4th of July planning.

City Officer Reports.

- Chief of Police. Police Chief Gregory was out on professional development. Sergeant Brown indicated there have been no major issues and was available for any questions.
- Fire Chief. Division Chief of Training & Operations Park reported that the regular statistical information was still in process. She noted that Chief Como was not available to attend the meeting because he was out prepping with the volunteers for a live burn training event that is scheduled in a few weeks. She mentioned that the department has new volunteers and that she will be teaching a scheduled EMT class. Council Kloepper asked if Gearhart was involved in a girl being swept out in the ocean and Division Chief Park indicated no.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned there were no significant deposits. She did note that although the Building Fund's revenues increased over the previous month, expenditures continue to outpace them. Noteworthy expenditures were: the police department's security renovation; quarterly contributions for reimbursements for the volunteer firefighters; annual fire pump testing and service; partial payments to community grant award recipients; speed sign replacement; and professional assistance on the water modeling application process. Treasurer Hill also gave a reminder about the first Budget Committee meeting.
- City Attorney. Attorney Watts reported that he has been asked by the Department of Land Conservation and Development (DLCD) to be on a work group for local wetlands inventories to assist with writing rule amendments. He and Administrator Sweet have also been having conversations with DLCD staff about information coming out of the Governor's housing bill. The City staff continue to work with the Building Lands Inventory (BLI) consultants to make sure that data is correctly identified. Attorney Watts mentioned that there have been interpretative differences among staff in a section of the tree ordinance. Because of this difference in interpretation, he felt that the Council should clarify. The issue was in regard to the interpretation of the different categories of trees (heritage versus 55" circumference). He thanked the Planning Assistant Angoleana Torres for all of the data she collected. He indicated that the process to clarify the language could be done formally or informally with both being done in a public meeting. Administrator Sweet shared an actual City example. Attorney Watts felt that the intent of the language needs to be clarified to staff so that they can implement consistent decision making processes. There was continued discussion on the potential of a scrivener's error; city staff experts differently interpreting the same language; definition and intent of Heritage tree; Planning Commission's role and responsibility with process; and purpose of different size categories for trees. Mayor Smith felt that there was consensus that more information was

needed. He requested Administrator Sweet ask the Planning Assistant to send out the data she has collected on the language and sent it to all the Councilors. He would bring it back to the May meeting. Mayor Smith also asked Attorney Watts if he had any information on public meeting laws. He indicated that public meeting laws are being reinterpreted by the State and the Oregon Government Ethics Commission. He talked about types of meetings (information gathering versus making recommendations) and how that directly impacts the process. He indicated that when in doubt, have a public meeting notice. He advised that committees making recommendations need to be cautious because the public should be able to see how decisions are made.

- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He noted two lines in his report that were for the same meeting (the Oregon Legislature's Joint Ways and Means Committee public hearing and the Capital Funding meeting at the Liberty Theatre). He mentioned that at the Oregon Legislature's Joint Ways and Means Committee public hearing, due to the volume of speakers, he was unable to present; however, he was allowed a written submission for testimony. Information was submitted on water infrastructure and the Public Safety Building project. He gave some "Save the Dates" events, which included Budget Committee (April 15); Clean-Up/Cans for Coho/Cache Day (April 19); Worksession (April 29); and the Public Safety Building Community Engagement Meeting #4 (May 19). Administrator Sweet mentioned that the draft Water Rights Application was received by the City, which is being internally reviewed. He went over the submission process and timeline. Councilor Cockrum inquired why a Clatsop County land use determination was necessary since it was in Gearhart's boundaries, which Administrator Sweet indicated was a submission requirement.

Visitors.

Melissa Eddy - Street Dance Permission Request. Melissa Eddy (102 10th St) went over the 2025 Street Dance proposal. She indicated that the residents are enjoying the activity and would like to continue the event. She mentioned that as long as the City will continue their support, the Street Dance Committee will continue to organize it. Councilor Kloepper inquired about types of activities and the budget. Melissa Eddy explained that the budget given to the City Councilors was only for the City's portion of costs. Other activities like music (DJ) would be funded by the Gearhart Association, which is not reflective in the budget distributed. She also talked about the photo booth and its benefits. She indicated the Street Dance Committee would like the City to contribute \$1,550.00.

- By consensus, the Council approved to support the 2025 Street Dance with City contributions as represented in the Street Dance Budget - 5 years (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.
- The Council and meeting attendees sang Happy Birthday to Melissa Eddy.

Randall Henderson - Seaside Airport Committee. Randall Henderson (89066 Ocean Drive, Warrenton) introduced himself and gave a brief overview of the Seaside airport. The airport has a seven member committee, with Councilor Kloefer currently serving as Gearhart's representative. He indicated that the airport is managed by the Seaside Public Works Director, who serves as the airport manager. He mentioned that there has been a lot of transition over the years in the Public Works Director position, so the airport management does heavily rely on the institutional committee members for expertise. He talked about airport operations, upcoming projects, and opened the floor for discussion. Mayor Smith mentioned he went to a North Coast Land Conservancy presentation that used a NOAA map that showed a projection that at high tide the airport would start flooding in around 2030. He was interested in any information the airport may have on that potential impact. Randall Henderson indicated that they have not spent any significant time addressing that concern. They have talked about potential strategies, but they are expensive (e.g., hydrology study). He did mention they monitor water levels all the time. Councilor Gould was interested in a list of capital improvement projects, which Randall Henderson indicated were available on the airport's website and that most of the items on the list are aspirational due to budget constraints. He did indicate that pavement management is a priority and that the Oregon Department of Aviation has funding available to help with restriping. Councilor Cockrum asked for clarification on the website address, which Randall Henderson indicated was www.seasideairport.org.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by LOC Foundation Board of Directors (Fundraising Campaign); Bob Carson (Lots - First/Second Streets); Chris Bell (Society of St. Vincent de Paul); Katie Voelke (North Coast Land Conservancy); Robin Lane (Neacoxie); and Lori O'Neil (Proposed Tree Removal).

- Robin Lane (715 2nd St) wanted to express her appreciation for the trees along the Neacoxie. She feels they are part of the character of Gearhart and provide an ecosystem. She feels that the corridor is in jeopardy of development. She feels that having trees cut will negatively impact the area. She knows that people are deeply concerned. She felt the concern should be voiced

because the trees are irreplaceable. Mayor Smith commented that he personally wants to protect the big trees.

- Councilor Devereaux commented on the 1st and 2nd street development. He feels that individuals that are concerned over the properties being developed should put a fund together and purchase the properties. He talked about restricting property owners who have assumed that they have had the ability to develop their properties.

Ordinances/Resolutions.

Resolution 1001 - Cost Recovery Service Fees. Mayor Smith introduced the topic, and Administrative Sweet summarized the process. He talked about Resolution 1001, written by Attorney Watts. Attorney Watts thanked Division Chief of Training & Operations Park for her comprehensive work on the project.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Kloepper to approve Resolution 1001 - Cost Recovery Service Fees by title only , MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.
- There was discussion. Councilor Gould inquired about fees and wanted to know if what was presented was the final version. Attorney Watts talked about the fees and reminded Councilors that they could also be waived. Division Chief Park gave clarifying examples (e.g., Surf Pines false alarm, Business License Inspections). She also indicated that there would be a warming period to familiarize everyone with the new process. Councilor Devereaux inquired about the Oregon State Fire Marshall rates. Division Chief Park indicated she would get a copy to him. Administrator Sweet read Resolution 1001.

Old Business. None.

New Business.

Authorization for Change Order No. 1 with Kloth Group Inc. Mayor Smith introduced the item and asked Administrator Sweet to go over the synopsis. Administrator Sweet mentioned that Kloth Group Chris Mastrandrea was also available online. Administrator Sweet explained that the Public Safety Building project's schedule to potentially go to voters had been extended by six months to support a November 2025 ballot initiative. According to the Kloth Group, this extension increased the scope of their original agreement with the City of Gearhart. Administrator Sweet noted that Kloth Group submitted Change Order No. 1 requesting additional services up to \$9,883. He explained that this would be charged to the Building Reserve Fund.

- ON MOTION by Mayor Smith, 2nd by Councilor Kloepper, MOTION to deny authorizing additional services by the Klosh Group. After some discussion, MOTION was withdrawn by Mayor Smith and released by Councilor Kloepper.
- There was discussion on the timeline. Mayor Smith indicated that the Klosh Group's original agreement never mentioned going beyond the May 2025 scope. Councilor Devereaux asked Administrator Sweet a clarifying question on the original intent to reach out to the voters for support. Administrator Sweet indicated that there just was not enough time to gather data for a May 2025 initiative. He explained that the Klosh Group had to attend more meetings (e.g., City Council; Townhall; Community Engagement). If approved, he explained Klosh Group would continue to provide support for the months of March, April, May, June. Klosh Group Mastrandrea clarified that Change Order No. 1 just takes services through May (includes no hours June and beyond). He indicated that Klosh Group had created an invoice extending through finalizing a ballot initiative; however, they were asked by City staff to scale the scope back through May. Klosh Group Mastrandrea explained that the modified Change Order No. 1 does provide services on cost validations on the third-party cost estimators work on the two proposed building concepts. Councilor Kloepper inquired if FFA was able to provide the services the City needs to get through the final investigation process without needing to extend the Klosh Group scope. Klosh Group Mastrandrea felt that Klosh Group services are vital to get the City's project through the end of May. He feels that Klosh Group would assist the City in using accurate information to create a proposed ballot initiative. He said that FFA does a great job of concepts, design, and community input. He feels Klosh Group can provide more expertise with the cost estimates. They compare other projects' budgets and often find inaccurate and/or incomplete data (e.g., Nehalem Bay Health Center). He mentioned that FFA has also had increased scope; however, they had professional contingency available in their contract. Councilor Devereaux reminded the Councilors that Klosh Group was hired to protect the City's interests. He feels it would be foolish to continue without them. Councilor Gould feels that Councilors are ill-equipped to manage the Public Safety Building project and need professional expertise. She feels that the Klosh Group is needed at least through May. Mayor Smith felt that if a company provides a bid and agrees to the scope, they should be obligated to provide the service. Attorney Watts mentioned that early on he had a conversation with Klosh Group Steiger about the need for community support before any ballot date was decided. He stressed that the Council was in a listening and data gathering process so they could make an informed decision on whether or not to move forward with a ballot measure.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux, MOTION was to approve Change Order No. 1 authorizing additional service by Klosh Group up to \$9,883 using Building Reserve Funds, MOTION was denied - 2 yeas (Devereaux, Gould) - 3 nays (Cockrum, Kloepper, Smith).
- Councilor Cockrum felt like it was a lot of money. She acknowledged that she is newly back on the Council and was not part of many of the other meetings. Councilor Kloepper asked if further negotiations with Klosh Group may be possible. Both Administrator Sweet and Attorney Watts confirmed that Klosh Group could submit another request.

Council Concerns.

- Councilor Gould requested a discussion item be added to the next agenda to start preparations for the 4th of July. She had been approached by several organizations that felt that they could not apply for the City's State Revenue Sharing organizational grants this year. Treasurer Hill indicated that the notification process for the organizational grant award process did not change this year; however, the application had been modified (e.g., potential funding limits; amount requested). She mentioned that no changes to the State Revenue Sharing grants have been agreed upon by the Budget Committee. Councilor Gould announced that she would be stepping down from the Public Safety Building Work Group. She has repeatedly heard from the Mayor and other Council members that they have not been involved in decision making. She indicated that if they feel that way, this would be a good opportunity for one of them to be part of the process. She agrees that architects and engineers are notoriously poor at estimating costs and feels Klosh Group would be beneficial.
- Councilor Kloepper had two concerns. The first concern was the road disrepair on Pacific Way down by the Neacoxie culvert. She regularly walks this route and there are two holes that are getting larger. They fill with water, which she fears may be undermining the area. She would like Public Works to come and discuss and educate Councilors on the situation. Administrator Sweet indicated he has already asked the Public Works Director about giving him an update on the Pacific Way culvert area. Administrator Sweet mentioned some potential paving projects coming up (e.g, Pacific Way; Gearhart Loop). The second concern was the property along the Neacoxie between 1st and 2nd. She mentioned the proposed, not yet permitted, development of two houses. She has concerns because cutting down all the old growth trees would be heartbreaking. She would like to hear any comments from the public.
- Councilor Cockrum supports Councilor Gould's initiation of the 4th of July preparation discussion and had a citizen recommendation to harden the message. She has an interest in


seeing City procedures in the administrative department put into writing, which she feels would be beneficial for training and/or education purposes (e.g., finance, personnel policies).

- Councilor Devereaux also resigned from the Public Safety Building Work Group. He feels the other Councilors have done the City an injustice by denying the Klose Group change order request.
- Mayor Smith had no concerns and thanked Councilor Gould and Councilor Devereaux for their service on the Public Safety Building Work Group.

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 8:57 pm.



Mayor Kerry Smith

Chad Sweet, City Administrator