



**NEHALEM CITY COUNCIL
REGULAR MEETING
MONDAY, MARCH 11, 2024 - 6:00 p.m.**

This meeting will be held in-person at City Hall and through Zoom video conference.

Please use the following phone number or Zoom weblink to access the meeting remotely:

Join by phone: Call (253) 215-8782 and enter Meeting ID: 811 6093 9166

Join online: <https://us02web.zoom.us/j/81160939166>

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
GUESTS**

APPROVAL OF MINUTES: February 5, 2024, Council Work Session and
February 12, 2024, Regular Council Meeting

POLICE REPORT

UNFINISHED BUSINESS:

1. None

NEW BUSINESS:

1. Tillamook County Housing Commission Presentation
2. **Resolution 2024-01:** A Resolution Adopting the 2023 Tillamook County Multijurisdictional Natural Hazards Mitigation Plan
3. **Proclamation:** American Red Cross Month
4. **Proclamation:** SAAM – Sexual Assault Awareness Month
5. Consideration of the Planning Commission Application for Position #3
6. Application for Social Games License
7. Budget Calendar Proposal for 2024–2025 Fiscal Year
8. **IGA:** Manzanita Police Services for Fiscal Years 2025-2028
9. **Resolution 2024-02:** A Resolution for Setting the Policy for Customer Water Leak Adjustments

CORRESPONDENCE/OTHER BUSINESS

STAFF REPORTS

PAYMENT OF BILLS/FINANCIALS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT - Next Regular Council Meeting: April 8, 2024

The meeting location is accessible to people with disabilities. If you need accommodation to access this meeting, please contact City Hall at least 48 hours prior to the meeting.

City of Nehalem • 35900 8th Street • P.O. Box 143 • Nehalem, Oregon 97131
Ph (503) 368-5627 • nehalem.gov

**NEHALEM CITY COUNCIL
COUNCIL MINUTES
WORK SESSION
February 5, 2024**

WORK SESSION

Mayor Chick called the Work Session to order at 6:01 p.m. The meeting was held in-person and by Zoom video conference.

COUNCIL MEMBERS PRESENT: Phil Chick, Mayor
Hilary Howell, Council President
Dave Cram, Council Member
John Coopersmith, Council Member (joined at 6:10 p.m.)

EXCUSED: Doug Larzelier, Council Member

STAFF PRESENT: Lori Longfellow, City Manager
Yuriy Ukhach, Deputy City Recorder
Brian Moore, Public Works Director
Chuck Mumm, Maintenance Specialist (joined on Zoom at 6:24 p.m.)

VISITORS: None in person
on Zoom:
Lane deMoll
Unidentified visitors

DISCUSSION BETWEEN CITY COUNCIL AND STAFF REGARDING GOALS AND PRIORITIES

Mayor Chick reviewed the list of goals and priorities from last year's work session. He noted the projects that have since been completed and those that were in progress. Mayor Chick took the lead in writing the list of this year's goals and priorities on a large notepad. After thorough review and discussion between the Council and the staff, the Council had a consensus on the following list of prioritized projects and goals for the 2024-2025 fiscal year:

- 1) Water Management / Conservation Plan
- 2) Forest Master Plan
- 3) Water Master Plan Amendment
- 4) System Development Charge Study
- 5) Public Works Building
- 6) Master Meter
- 7) Water Meter Replacement
- 8) SCADA System

Other items on the list broke down as follows:

1. Anderson Creek Raw Water Transmission – will be complete 2024 (in process).
2. City Flow Meter.
3. Short Term Dock Improvements – Staff will follow up.
4. Community Clean-Up (this was on the list for last year, staff will reach out to see if they would be interested in doing it annually).
5. City Park Improvements – Staff (will use grant money we are getting back through CIS).
6. Coal Creek Feasibility Study – Delayed.
7. Water Treatment Plant Filtration – Will be done by the end of this budget year.
8. 8th Street Improvements – Staff has an email to engineer for an update.
9. 13th Street Booster Pump – Staff to obtain quotes and budget.
10. Digitization of Records – Delayed.
11. Reservoir Roof Cover 2 – Delayed.
12. Cemetery Master Plan – Delayed.
13. Funding Diversification Plan – Copy from Manzanita was emailed to Council as an example.

14. Leak Policy – Staff is working on.

15. Master Meter – Staff to obtain quotes.

ADJOURNMENT

The next regular Council meeting will be February 12th, 2024.

There being no further business, Mayor Chick adjourned the meeting at 7:17 p.m.

APPROVED: _____
Phil Chick, Mayor

ATTEST: _____
Yuriy Ukhach, Deputy City Recorder

**NEHALEM CITY COUNCIL
COUNCIL MINUTES
REGULAR MEETING
February 12, 2024**

REGULAR SESSION

Mayor Chick called the Regular Council Meeting to order at 6:00 p.m. and led those present in the Pledge of Allegiance. The meeting was held in-person and by Zoom video conference.

COUNCIL MEMBERS PRESENT: Phil Chick, Mayor
Dave Cram, Council Member
Doug Larzelier, Council Member
John Coopersmith, Council Member (joined at 6:02 p.m.)

EXCUSED: Hilary Howell, Council President

STAFF PRESENT: Lori Longfellow, City Manager
Yuriy Ukhach, Deputy City Recorder
Brian Moore, Public Works Director
Contract City Attorney, Carrie Richter (on Zoom)

VISITORS: Karen Sarnaker, EVCNB Yellow Radio Team Leader
on Zoom:
Steven Ziemecki
Unidentified visitors

MINUTES

The Council reviewed the minutes of the January 8, 2024, Regular Council Meeting. Mayor Chick noted a correction to the minutes. Councilor Cram **MOVED** to approve the minutes of the January 8, 2024, Regular Council Meeting as corrected. Councilor Larzelier **SECONDED** the motion. **MOTION PASSED 2-0 (Yes: Cram and Larzelier; Abstained: Coopersmith; No: None).**

POLICE REPORT

The Council reviewed the Police Report for January 2024.

UNFINISHED BUSINESS:

MORATORIUM / NORTH FORK ROAD HYDRANT UPDATE

City Manager Lori Longfellow stated that she would provide monthly updates on the moratorium issue. She related that the North Fork Road hydrant testing results came back lower than expected. City Manager Longfellow noted that the city staff is working with the City Attorney and City Engineer on proposing an amendment to the 2015 Water Master Plan that would allow for more options with regard to fire protection. She stated that she would prepare an action calendar, notify the DLCD (Department of Land Conservation and Development) and keep the City Planner and the City Planning Commission apprised of the proposed amendments.

2024-2025 PRIORITIZED PROJECTS AND GOALS APPROVAL

City Manager Lori Longfellow related that she compiled the list of 2024-2025 Prioritized Projects and Goals and another list of Additional Items as discussed at the Council Work Session on February 5th, 2024, and that were made available as part of the agenda packet of this meeting.

Councilor Coopersmith **MOVED** to approve the 2024-2025 Prioritized Projects and Goals as presented. Councilor Cram **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Cram, Larzelier, and Coopersmith; No: None).**

NEW BUSINESS:

8TH STREET SCA GRANT – NC CIVIL DESIGN ENGINEER SERVICE PROPOSAL FOR APPROVAL

City Manager Lori Longfellow provided a brief review of the project. She stated that according to the ORS 279C.110, the city is not required to put consulting services projects under \$100,000.00 out for bid. City Manager Longfellow answered questions from the Council. She clarified that NCRD is aware of the project. There was some discussion about the proposed location of the sidewalk. Mayor Chick suggested to approach the Elementary School representatives about the sidewalk location. Councilor Cram suggested that the contractor provide as-builts for the city records.

Councilor Larzelier **MOVED** to approve the NC Civil Design Engineer Service Proposal for the 8th Street project with the requirement that the contractor provide as-built records to the city. Councilor Coopersmith **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Cram, Larzelier, and Coopersmith; No: None).**

EVCNB QUARTERLY PRESENTATION

Karen Sarnaker, the Yellow Radio Team Leader for the EVCNB (Emergency Volunteer Corps of Nehalem Bay) spoke about the use of yellow radios during emergencies. She provided an interactive overview of the basic use and functions of the radios. Sarnaker invited the Councilors, and anyone interested to sign up for the yellow radio training provided by EVCNB.

OLCC LICENSE APPLICATION APPROVAL

City Manager Lori Longfellow provided a brief review of the OLCC Application by Hasco Stations. She stated that they are the new owners of the Shell station at 36453 Highway 101.

Councilor Cram **MOVED** to approve the OLCC License Application for Hasco Stations, LLC #8051 at 36453 Highway 101. Councilor Larzelier **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Cram, Larzelier, and Coopersmith; No: None).**

CORRESPONDENCE/OTHER BUSINESS

Mayor Chick briefly reviewed the correspondence from the Tides of Change and the Heart of Cartm that were part of the agenda packet. He asked if the numbers in the Tides of Change report reflected the people served within the city limits or also outside. City Manager Longfellow said she would find out and report back to the Council.

STAFF REPORTS

CITY MANAGER REPORT

City Manager Longfellow summarized the written staff report for January 2024. There was some discussion about the water leak policy. Mayor Chick commented that, keeping in mind the last year's drought, it will be essential that the city completed the Anderson Creek project by August to be able to utilize it as a supplement during the dry summer season. Mayor Chick also asked for the documents from the Cascadia Group who are helping the city on SB 406. City Manager Longfellow noted that she would provide whatever documents were available and added that the Tillamook County Housing Commission representative will do a presentation at the next Council meeting.

PUBLIC WORKS DIRECTOR REPORT

Public Works Director Brian Moore summarized the written staff report for January 2024. He provided some additional information about the ice storm that the city went through recently.

PAYMENT OF BILLS/FINANCIALS

The Council reviewed the bills and the financial reports. Councilor Coopersmith **MOVED** to approve the financials and payment of the bills. Councilor Cram **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Cram, Larzelier, and Coopersmith; No: None).**

COUNCIL COMMENTS

Councilor Coopersmith inquired about the vacant Planning Commission position. City Manager Longfellow explained that Planning Commissioner Julie Chick ended her term on December 31, 2023, and decided not to re-apply. She added that the position is currently being advertised.

Mayor Chick talked about the Memorial sign for Dale Stockton at the dock at the flashing light intersection. He stated that there was money allocated in the budget for this project and he would like to see it completed to honor Dale Stockton.

PUBLIC COMMENTS

None

ADJOURNMENT

The next regular Council meeting will be March 11th, 2024.

There being no further business, Mayor Chick adjourned the meeting at 7:06 p.m.

APPROVED: _____
Phil Chick, Mayor

ATTEST: _____
Yuriy Ukhach, Deputy City Recorder

MANZANITA POLICE DEPARTMENT

February 2024 REPORT

PERSON CRIMES	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
Homicide						
Kidnap						
Sexual Assault						
Assault Simple		1		1		
Assault Serious						
Assault/Police Officer						
Domestic Disturbance		1				1
Disorderly Conduct						
Resisting Arrest						
Menacing						
Harassment		1				
Escape						
Reckless Endangering						
Weapon						

PROPERTY CRIMES	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
Burglary Residence		1				
Burglary Business		1				
Attempted Burglary						
Prowler						
Arson						
Reckless Burning						
Criminal Mischief	1	1				
Theft		6	1	1		
Unauth Use Veh		1				
Unlawful Entry Veh						
Robbery						
Trespass						
Littering						
Fraud						
NSF Check						
Forgery						

OTHER OFF/CRIMES	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
City Ordinance	6	6				
Animal Complaint	1	1			1	
Fish and Game						
Civil	1	3				1
Drug/Liquor						
Misuse/ Incom 911	1	1				
Fireworks	1	1				
Susp. Circumstances	2	7		1		1
Disturbance						

TRAFFIC INCIDENTS	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
Accidents		1				
Warnings	24	34	18	26	3	7
Citations	13	17	2	11	1	8
Crimes		3				
Parking Warnings	5	12		2		
Parking Citations	3	5	1	2		
Abandoned Vehicles						
Vehicle(s) Towed						


PERSON OTHER	Manz		Neh		Whe	
	Mon	Year	Mon	Year	Mon	Year
Death Natural						
Suicide/Attempt					1	1
Missing / Lost		1				
Runaway						
Drowning						
ARREST						
Criminal		1				
Warrant				1		
Detox						
POH						
OTHER						
Loss/Found Property	1	3		1		
Residential Checks	2	9	1	2	1	2
Medical Assist		3			3	
Fire Dept. Assist		2			1	1
Alarms	1	4	1	1		
Unfounded		2			1	
Open Window/Door	2	2			1	
Public Assist	18	48	2	4		3
Other	2	6	1	1		1

OREGON STATE PARKS REPORT

	Nehalem Bay		Oswald West	
	Mon	Year	Mon	Year
No Camp Permit Disp				
Camping Proh. Area				1
No Day Use Permit	18	26		
Viol. Posted Parking				
Handicap Parking				
Traffic Violation	4	4	2	2
General Reg Viol.	1	1		
Search & Rescue			1	1
Ranger Assist	2	3		
Vandalism				
Litter				
Minor in Possession				
Furnishing Alcohol				
Security Checks	49	104	24	41
Crimes				
Other	1	1	3	3
Arrest				

Wheeler Nehalem County

Law Assist	Wheeler		Nehalem		County	
	Mon	Year	Mon	Year	Mon	Year
		4		1	4	16


 Erik Harth, Police Chief 3/04/2024
 Date

RESOLUTION NO. 2024-01

A RESOLUTION ADOPTING THE 2023 TILLAMOOK COUNTY MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN

WHEREAS, natural hazards threaten life, businesses, property, and environmental systems in the City of Nehalem and throughout Tillamook County.

WHEREAS, an understanding of the nature, extent, and potential impacts of natural hazards is the foundation for developing strategies to reduce or eliminate those impacts.

WHEREAS, natural hazards mitigation planning is the process through which such understanding and strategies are developed and a process for implementation is established in the City of Nehalem and throughout Tillamook County.

WHEREAS, it is in the interest of Tillamook County and the cities and special districts located therein to undertake natural hazards mitigation planning and implementation together as coordinated planning strengthens communities and better serves all.

WHEREAS, Tillamook County and the Cities of Bay City, Garibaldi, Manzanita, Nehalem, Rockaway Beach, Tillamook, and Wheeler, and the Ports of Garibaldi and Tillamook Bay previously prepared, implemented, and updated multi-jurisdictional natural hazards mitigation plans in accordance with the Disaster Mitigation Act of 2000. These plans were each approved by the Federal Emergency Management Agency (FEMA) for a period of five years.

WHEREAS, the 2016 Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan is the most recent and expired on September 7, 2022.

WHEREAS, having a natural hazards mitigation plan developed in accordance with the Disaster Mitigation Act of 2000 and approved by FEMA is a prerequisite for local government eligibility for certain federal pre- and post-disaster mitigation funds.

WHEREAS, Tillamook County, the Cities of Bay City, Garibaldi, Manzanita, Nehalem, Rockaway Beach, Tillamook, and Wheeler each participated in updating the 2016 Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan in accordance with the Disaster Mitigation Act of 2000.

WHEREAS, the Ports of Garibaldi and Tillamook Bay each participated in updating the 2016 Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan in accordance with the Disaster Mitigation Act of 2000.

WHEREAS, the Tillamook People's Utility District, the Nestucca Valley School District, and the Nehalem Bay Fire and Rescue District each participated updating the 2016 Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan in accordance with the Disaster Mitigation Act of 2000, thereby developing their first natural hazards mitigation plans.

WHEREAS, as a result of coordinated planning, the 2023 Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan is an integrated plan, without an individual addendum for each participating jurisdiction but with the necessary information for each.

WHEREAS, adoption of the updated 2023 Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan is required for FEMA approval of the 2023 Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan and restored eligibility for certain federal pre- and post-disaster mitigation funds.

WHEREAS, adoption of the updated 2023 Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan demonstrates the City of Nehalem’s commitment to reducing or eliminating the potential impacts of natural hazards and to achieving the Plan’s goals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF NEHALEM:

Section 1. The City of Nehalem’s City Council hereby adopts the recitals above in support of this resolution.

Section 2. The City of Nehalem’s City Council hereby adopts the Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan.

DATED this 11th day of March 2024.

APPROVED:

ATTEST:

Phil Chick, Mayor

Lori Longfellow, City Manager



PROCLAMATION: AMERICAN RED CROSS MONTH

WHEREAS, During American Red Cross Month in March, we recognize the compassion of people in the City of Nehalem and reaffirm our commitment to care for one another in times of crisis.

WHEREAS, This generous spirit is woven into the fabric of our community and advances the humanitarian legacy of American Red Cross founder Clara Barton — one of the most honored women in our country's history — who nobly dedicated herself to alleviating suffering.

WHEREAS, American Red Cross Cascades Region. Today, kindhearted individuals in our community exemplify Barton's commitment as they step up through Oregon and SW Washington to provide a beacon of hope for our neighbors in need. Through their voluntary and selfless contributions, they make a lifesaving difference in people's darkest hours — whether it's delivering shelter, food, and comfort during disasters; providing critical blood donations for hospital patients; supporting military families, veterans and caregivers through the unique challenges of service; saving lives with first aid, CPR and other skills; or delivering aid and reconnecting loved ones separated by global crises.

NOW THEREFORE, the City Council of the City of Nehalem does hereby proclaim March 2024 as Red Cross Month and encourages all citizens of the City of Nehalem to reach out and support its humanitarian mission.

Approved:

Phil Chick, Mayor

Attest:

Lori Longfellow, City Manager



PROCLAMATION
Sexual Assault Awareness Month (SAAM)

WHEREAS, Sexual assault is a devastating public health, human rights, and social justice issue in our communities and around the world;

WHEREAS, Sexual assault is an abuse of power that affects people of every age, race, sex, gender identity, sexual orientation national origin, socioeconomic background, and religion, individuals who are our neighbors, friends, coworkers, family members and often ourselves;

WHEREAS, Recognizing April as “Sexual Assault Awareness Month” provides an opportunity for members of the community to celebrate the voices of survivors of sexual violence;

WHEREAS, When we **Celebrate Survivor Voices**, we will listen to survivor stories with understanding and acceptance, and we will believe them; When we **Celebrate Survivor Voices**, we will choose to speak out against sexual assault, abuse, and harassment. When we **Celebrate Survivor Voices**, we will commit to preventing sexual assault, sexual abuse and sexual harassment, in particular, of the most vulnerable: our children; When we **Celebrate Survivor Voices**, we will take a stand against harmful attitudes and actions and commit to change the culture that allows sexual violence to be widespread; When we **Celebrate Survivor Voices**, we will support the recovery and healing of all who have been subjected to sexual violence; and When we **Celebrate Survivor Voices**, we will uphold every person’s right to live free from sexual violence.

NOW, THEREFORE, We, the City Council of the City of Nehalem hereby proclaim April 2024, to be Sexual Assault Awareness Month in Tillamook, Oregon. We invite community members and partners to join Tides of Change in Celebrating and supporting survivors throughout Sexual Awareness Month and all year long.

APPROVED:

Phil Chick, Mayor

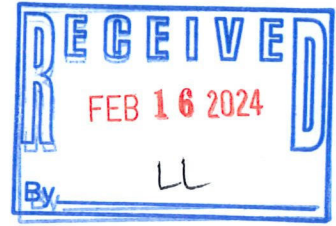
ATTEST:

Lori Longfellow, City Manager



CITY OF NEHALEM

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FX. (503) 368-4175



APPLICATION TO SERVE ON PLANNING COMMISSION

The Nehalem Planning Commission is responsible for hearing and deciding of land-use applications that come before it, as well as providing the City Council with recommendations on legislative amendments to the City's Land-Use Ordinances. Commissioners serve 4 year terms and are appointed by the City Council. By Resolution, up to two Commissioners may reside outside of City Limits but within the City's Urban Growth Boundary. The Planning Commission meets only when there is business to bring before the Commission.

Name: ALAN HOLUBEK Date: 2/16/24

Address: 35850 11TH ST.

City: NEHALEM State: OR Zip: 97131

Home Phone: _____ Cell Phone: [REDACTED] Work Phone: _____

Email Address: [REDACTED]

Occupation: RETIRED Place of Employment: _____

Are you a registered voter? Yes No

Please briefly state why you are interested in serving on the planning commission:

I WOULD REGARD IT AS A PRIVILEGE TO BE A CONTRIBUTING VOICE TO NEHALEM'S FUTURE VISION AND DIRECTION AS DEFINED BY THE CITY'S COMPREHENSIVE PLAN. I FEEL STRONGLY THAT AN INVOLVED CITIZENRY IS VITAL TO A COMMUNITY'S OVERALL SUCCESS AND DEVELOPMENT.

Do you have any experience serving on City boards, committees or commissions?
(Prior service is not a requirement for appointment). If you do, please describe the
experience, and your length of service:

NO PRIOR EXPERIENCE

Any additional information you would like to provide:

I'M NOT SURE WHAT ROLL THE PLANNING COMMISSION
WILL PLAY IN THE FUTURE OF THE NEHALEM BAY TSP,
BUT I HAVE A PARTICULAR INTEREST IN SEEING ITS
RECOMMENDATIONS IMPLEMENTED.

If appointed to the Planning Commission, appointees will be required by State Law to file a
Statement of Economic Interest (SEI) at the same time as your taxes.

Volunteer service on commissions does require effort and time from members.
Your interest and participation can help your community and is greatly appreciated.



Applicants Signature



CITY OF NEHALEM
APPLICATION FOR SOCIAL GAMES LICENSE

INITIAL APPLICATION FEE: \$65.00

DATE PAID: 2.13.2024

This non-refundable fee must be paid at the time this is completed. This form is then submitted to the City Manager and Police Department for investigation and a determination is made.

Business/Organization Name: BayWay Tavern Inc
Business Address and Mailing Address: 3589 S 7th St
Applicant/Owner's Name: Suzie Gruver
Applicant/Owner's Phone Number: [Redacted]

Non Profit Society, Club, or Fraternal Organization: [Redacted]

Will you have a manager? Yes No: X Name:
(Manager must fill out Individual History Statement)

Police Department representative completing the investigation may contact:
Name/Title: Suzie Gruver
Address: [Redacted]
Telephone: Home/Work [Redacted]

Length of license requested: One year from date: X Five day: (Check one)

Note: Five day licenses shall be issued to non-profit societies clubs or fraternal organizations ONLY.

Note: All persons financially interested in a business must be listed below and must fill out an Individual History Statement. In the case of private clubs, all officers and directors should be listed below and each person must fill out an Individual History Statement.

- 1. Suzie Gruver 4. 7.
2. 5. 8.
3. 6. 9.

Has any person financially interested in the business been previously convicted of a felony within the last ten (10) years: Yes No: X

Has any person financially interested in the business been convicted of three (3) or more misdemeanors, the last of which was within the last five (5) years? Yes: No: X

Has any person financially interested in the business been convicted of any offense involving gambling in the last five (5) years, or has any person who has any financial interest in the business forfeited bail for any crime involving gambling within the last five (5) years? Yes: No: X

Has any person financially interested in the business been directly or indirectly involved in a forfeiture regarding a gambling device, as defined in the Oregon Revised Statutes, where such gambling device has been ordered destroyed or a bond has been forfeited in lieu or the gambling device being destroyed within the last five (5) years? Yes: No: X



March 2024

City of Nehalem 2024-2025 Fiscal Year Budget Calendar – Proposal

Publish Notice of Budget Committee Meeting & Post on Website	May 1-3, 2024
Deliver Proposed Budget to Budget Committee	May 9, 2024
Budget Committee Meeting	May 16, 2024
Publish Notice of Budget Hearing	May 29, 2024
Council Public Hearing to Adopt Budget	June 10, 2024
Submit Tax Certification to County Assessor by July 15	July 14, 2024
Submit Copy of Budget to County Clerk by Sept 30	September 1, 2024



INTERGOVERNMENTAL COOPERATIVE AGREEMENT

City of Manzanita - City of Nehalem

POLICE COVERAGE FOR Fiscal Years 2025–2028

THIS AGREEMENT, dated this 1st day of July 2024, the “Effective Date,” between the CITY OF MANZANITA, a municipal corporation of the State of Oregon, hereinafter referred to as "Manzanita", and the CITY OF NEHALEM, a municipal corporation of the State of Oregon, hereinafter referred to as "Nehalem";

WHEREAS, Manzanita and Nehalem have agreed that the public would be better served by Manzanita providing Nehalem with police coverage and Nehalem paying Manzanita for such service; and

WHEREAS, because of this cooperation, greater police protection will be available to both communities; and

WHEREAS, it is understood that the Tillamook County Sheriff's Office provides primary police protection to the City of Nehalem;

THEREFORE, as authorized by ORS Chapter 190, it is agreed as follows:

Article 1 – Terms

- 1.1. Manzanita shall provide supplemental police services to Nehalem from the Effective Date through June 30, 2028, hereinafter referred to as the “Term.” Manzanita will provide Nehalem with the following police services: providing 20 hours per month of coverage for traffic enforcement, routine patrol, emergency response, and other associated duties such as assisting in Tillamook County Sheriff's Office investigations, reporting and court appearances, collectively referred to as “Police Activities.”
- 1.2. Termination of Agreement. Either Nehalem or Manzanita may terminate this Agreement upon three (3) months prior written notice. A prorated amount left over shall be returned to Nehalem, if applicable. However, Nehalem shall be responsible for the costs of any court appearances or other



requirements or obligations upon Manzanita in its performance of this Agreement during the Term.

Article II – Conditions

- 2.1 Manzanita shall provide a monthly written activity report to Nehalem covering Police Activities performed in Nehalem during that month.
- 2.2 Nehalem designates all members of the Manzanita Department of Public Safety its duly authorized officers of Nehalem and grants to them authority to perform Police Activities within the limits of Nehalem and enforce the ordinances of Nehalem, as well as the laws of the state of Oregon.
- 2.3 Nehalem agrees to pay Manzanita the annual sum of \$25,200 by January 31st of each year of this Agreement, hereinafter referred to as the “Annual Payment” for the performance of Police Activities. The Annual Payment will increase annually by the greater of: (a) 5%; or (b) the percentage increase in the Consumer Price Index for all Urban Consumers on each anniversary of the Effective Date. In addition to the Annual Payment, Nehalem will reimburse Manzanita for actual cost associated with required court appearances by Manzanita Department of Public Safety personnel.
- 2.4 All revenue generated by the Manzanita Department of Public Safety under this Agreement, after court costs, including court fines for citations and bail forfeitures, shall be the property of Nehalem. Nehalem authorizes that all citations, complaints, etc. may be issued to the Manzanita Municipal Court, Tillamook County Justice Court, or Circuit Court of the State of Oregon as may be appropriate.
- 2.5 There will be no transfer of personnel under this Agreement nor transfer of or title to real or personal property. Members of the Manzanita Department of Public Safety will preserve all employee benefits associated with their employment with Manzanita.
- 2.6 The parties agree to submit to binding arbitration and to arbitrate all claims, disputes and questions arising out of, or related to, this Agreement. The merits of any claims or disputes shall be arbitrated. Questions of interpretation of any clause of this Agreement, including this arbitration clause, shall be arbitrated. The arbitrator shall decide all questions of law pursuant to Oregon law.
- 2.7 All arbitration shall be conducted by the American Arbitration Association in Tillamook, Oregon, in



accordance with its rules, except to the extent modified herein.

2.8 Notice of intention to arbitrate shall be given by certified mail to the other parties and the arbitrator within 30 calendar days of an incident or event from which the issue arises. A hearing shall be held by the arbitrator within 10 calendar days of the date of notice of arbitration. The award of the arbitration shall be made within 10 calendar days of the hearing and shall be final and binding upon the parties. Judgment, including injunctive relief may be entered upon its award in the Tillamook County Circuit Court.. Expenses incident to the service of the arbitrator shall be borne equally by the parties and each party shall bear its own expenses.

Article III – Liability

3.1 To the extent permitted by Article XI of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, the other party against all claims, demands, losses, damages, injuries, costs, attorney fees, expenses, causes of action, judgments, penalties (contractual or otherwise) or other liability arising from any aspect covered by this Agreement, save and except for the willful or fraudulent misconduct by either party.

3.2 Should suit be filed to enforce or interpret this Agreement, the prevailing party shall be entitled to such attorney fees and costs as the trial court, or if an appeal is filed, the appellate court, shall determine to be reasonable.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED THIS AGREEMENT TO BE EXECUTED BY
THEIR RESPECTIVE OFFICES

City of Manzanita

City of Nehalem



CITY OF MANZANITA

P.O. Box 129, Manzanita, OR 97130-0129
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Signature

Signature

Printed Name and Title

Printed Name and Title

DRAFT



RESOLUTION 2024-02

A RESOLUTION SETTING THE POLICY FOR CUSTOMER WATER LEAK ADJUSTMENTS

WHEREAS, unintentional leaks or inadvertent water line breaks occur periodically on the private property of citizens within the city, and

WHEREAS, the City Council of the City of Nehalem would like to adopt a uniform policy for how the City will deal with excess water charges resulting from inadvertent water leaks or water line breaks, and

WHEREAS, the City believes that a written policy will then let City staff address the issue internally, thereby saving Council time in addressing these issues.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF NEHALEM:

Section 1. Staff is authorized to implement this policy in accordance with the terms of this resolution, without further guidance, assistance, or consultation with the Council. In the event that staff has questions as to whether a particular charge is within the policy, staff may bring that issue to Council for clarification.

Section 2. The customer must request a credit for their water bill within two billing cycles of the increased water consumption being reflected on their water bill. The credit request must be made in writing to City Hall and must include the following:

- a. An explanation of the cause of excess water consumption.
- b. An explanation of what steps the customer took to repair the leak or break.
- c. Copies of receipts showing parts and labor for repair of the leak or break; and
- d. A statement that the leak or break has been repaired.

Section 3. If the leak or break is no fault of the customer and repairs are made in a timely manner, a credit will be applied to the account for up to 50% of the overage charges in excess of the customer's average monthly water usage for the previous 12 months. The city will allow up to two (2) adjustments per calendar year.

Passed this 11th day of March 2024 by the City Council of the City of Nehalem, Tillamook, Oregon.

Approved: _____
Phil Chick, Mayor

Attest: _____
Lori Longfellow, City Manager



FEBRUARY 2024 STAFF REPORT

To: Mayor Chick and City Council
From: Lori Longfellow, City Manager

- 1) **Anderson Creek Raw Water Transmission Main** – Contractor is still in the process of fusing pipe together as time permits. The City Manager has been working with the City Attorney and preparing sub-easements.
- 2) **SB 406** – The City Manager and staff are working with Cascadia Partner’s (consultants obtained through DLCD grant). Cascadia Partner’s has drafted a scope of work and budget for the City of Nehalem’s Middle Housing Code Update and Housing Toolkit. The purpose of this project is to help the City of Nehalem comply with SB406 through a zoning code update, as well as develop a Housing Toolkit to identify additional actions the city can take to address housing needs in the community. Next Meeting is scheduled March 13th.
- 3) **Yardney Pre-Filter Replacement** – This was a Water Capital Project budget for FY 2023-2024. The proposed cost is higher than anticipated. Filters have been ordered by Public Work’s and anticipated to arrive in May.
- 4) **Planning Commission** – Meeting scheduled for March 21, 2024, for review of Site Plan Application – Establishing a dock.
- 5) **SEI Filing Reminder**- Yearly Statement of Economic Interest filing period will be open. The City Manager and Staff will confirm all email addresses necessary are updated, for Council, Planning Commission and Budget Committee for reporting. Filing will open March 15th, City Manager will send out information as soon as it’s available.
- 6) **Moratorium** – City staff is working with the Fire Department, City Attorney and City Engineer to amend the City of Nehalem’s 2015 Water Master Plan and amend Nehalem’s Land Use Development Code, which will alter the minimum fire flow requirements for new residential development.



March 6, 2024

STAFF REPORT

To: Mayor Chick and City Council
 From: Brian Moore, Public Works Director

RE: PUBLIC WORKS MONTHLY REPORT

WATER MONITORING & TESTING

Average Daily Water Usage	
February 2024	Previous Year: 2023
96,000 gallons	102,000 gallons
Comments: Everything looking good	

Rainfall	
February 2024:	Previous Year: 2023
12.20 inches	7.35 inches
Comments: We are in our wet season with lots of rain.	

Turbidity (NTU = Nephelometric Turbidity Unity: A measure of water clarity.) <small>Turbidity is a measure of the cloudiness of the water. We monitor it daily because it is a good indicator of the effectiveness of our filtration system.</small>	
Turbidity Monthly Average:	Highest Allowed:
0.06 NTU	Never more than 5 NTU and less than 1 NTU in 95% of samples.
Comments: Result well below highest allowed.	

Bacteriological Testing <small>To ensure water safety, our state-certified Public Works staff routinely monitor for contaminants in your drinking water according to federal and state laws. Total coliform and E.coli test samples are taken twice per month.</small>	
Results for February 2024:	Comments:
Both Negative	A negative result is desirable and indicates that no bacteria was present in the drinking water sample.

OTHER PUBLIC WORKS UPDATES:

Our new multi-media Pre- filters will be arriving 8 weeks from now in the first part of May.

