



CITY OF MANZANITA

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 368-5343 | Fax (503) 368-4145 | TTY Dial 711
ci.manzanita.or.us

COUNCIL REGULAR SESSION

Pine Grove Community Center
<https://ci.manzanita.or.us>

AGENDA - Updated

January 3, 2024
06:00 PM Pacific Time

Council will hold this meeting at the Pine Grove Community Center

Video Information: The public may watch live on the

[City's Website: ci.manzanita.or.us/broadcast](https://ci.manzanita.or.us/broadcast)

or by joining via Zoom:

<https://us02web.zoom.us/j/82927401871?pwd=d0ZJQVl0bWY2eklmb2ZHOTQ1VjRyZz09>

Meeting ID: 829 2740 1871 Passcode: 792143

Call in number: +1 253 215 8782

If you would like to submit written testimony to the City Council on items included on the agenda, please send your comments to cityhall@ci.manzanita.or.us and indicate the agenda item and date of meeting.

Note: Agenda item times are estimates and are subject to change

1. CALL TO ORDER (6:00 p.m.)

2. AUDIENCE PARTICIPATION

Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to cityhall@ci.manzanita.or.us), or in person to city staff**

3. CONSENT AGENDA

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

A. Approval of Minutes

- a. December 06, 2023, Regular Session
- b. December 13, 2023, Work Session

B. Approval of Bills

4. CITY MANAGER REPORT

5. NEW BUSINESS

- A.** Fiscal Year 2022-2023 Audit and Audit Plan of Action
Nina Crist, Accounting Manager
Kori Sarrett, CPA, Accuity
- B.** Mayor Appointment
Linda Kozlowski, Council President
- C.** Short Term Rental Committee-Good Neighbor Brochure and Window Film
Jo Newhouse, Short Term Rental Committee Chair
- D.** Planning Professional Services Contract
Leila Aman, City Manager
- E.** 4th of July Parade Liaison
Leila Aman, City Manager
- F.** Discussion - Recreational Immunity Impacts for Trails in Manzanita
Dan Weitzel, Public Works Director

6. COUNCIL UPDATES

7. ADJOURN (8:00)

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at cityhall@ci.manzanita.or.us or phone at 503-368-5343. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's youtube channel](#).



MEMORANDUM

To: City Council

Date Written: December 28, 2023

From: Leila Aman, City Manager

Subject: **January 3, 2024, City Council Regular Session**

NEW BUSINESS

A. FISCAL YEAR 2023 AUDIT

Accounting Manager Nina Crist and Auditor Kori Sarrett discuss the findings from the 2022-2023 audit report. Audit Report can be downloaded from the city's website.

B. MAYOR APPOINTMENT

City Council will conduct interviews and appoint a new Mayor. Kathryn Stock submitted an application for the position. (Attachment –Kathryn Stock Application)

C. SHORT TERM RENTAL COMMITTEE – GOOD NEIGHBOR BROCHURE AND WINDOW FILM

Jo Newhouse, Chair of the Short Term Rental Committee will share the new Good Neighbor Brochure and the Window film created by the STR Committee in partnership with the Tillamook County Visitors Association.

D. PLANNING PROFESSIONAL SERVICES CONTRACT

Requesting authority to direct appoint Walt Wendolowski to perform certain tasks related to planning services. The city currently retains 3J consulting for professional planning services. However, the city requires additional support that 3J does not currently have the capacity to perform. The increase in workload stems from a change in staffing in the Development Services Department. Wendolowski will provide support to staff on an as needed basis. Tasks for Wendolowski will be coordinated by the Development Services Manager and 3J. The proposed contract with Wendolowski will not exceed \$100K, will be in place for a period of 5 years with the option to renew. (attachments – 3J Planning Services & Walt Wendolowski Explanation Letter-2023-12-13)

E. 4TH OF JULY PARADE LIAISON

The city will be supporting the 4th of July parade this year by providing liability insurance, staff support from the city's visitor center staff, public works and public safety staff. City council is asked to appoint a member of the council to serve as a liaison between the fourth of July parade committee, and the city. The parade committee will be managed by again by Erin Laskey.

F. DISCUSSION RECREATIONAL IMMUNITY IMPACTS FOR TRAILS IN MANZANITA

The Oregon Court of Appeals issued an opinion in July of 2023 effectively ending recreational immunity for trails. This means that public and private landowners of trails are no longer protected from lawsuits. Specific to Manzanita this applies to beach access trails and other trails throughout the city. Staff have engaged with County Insurance Services (CIS) to evaluate the city's trails and propose next steps. While the report from CIS is not yet complete, staff will review the trails within the city, and discuss initial findings and recommendations with the city council. (attachments – CIS Risk Summary of Fields v. City of Newport, South Trail Map, North Trail Map, Trail Snip It, Trail List)

CITY OF MANZANITA
DECEMBER 6, 2023
CITY COUNCIL REGULAR SESSION

1. CALL TO ORDER: The meeting was called to order on December 6, 2023, at 6:00pm at the Pine Grove Community Center by Council President Linda Kozlowski.

Roll: Council members present: Linda Kozlowski, Jerry Spegman, Kathryn Stock and Brad Hart. Staff present: City Manager Leila Aman, Police Sergeant Mike Sims, Police Officer John Garcia, and Assistant City Recorder Nancy Jones. Staff Present via Zoom: Accounting Manager Nina Crist, Public Works Director Dan Weitzel, and Development Services Manager Scott Gebhart. Panelist's present: Nan Devlin with Tillamook County Vistors Association.

2. AUDIENCE PARTICIPATION: There were 20 people in attendance, 21 attended via zoom, 32 attended via website. There were four public comments.

3. CONSENT AGENDA:

- A. APPROVAL OF MINUTES –
 - a. November 08, 2023, City Council Regular Session
 - b. November 08, 2023, City Council Special Session
 - c. November 15, 2023, City Council Work Session

B. APPROVAL OF BILLS FOR PAYMENT

A motion was made by Hart, seconded by Spegman, to approve the consent agenda that included approval of the November 08, 2023, Regular Session Minutes; November 08, 2023, Special Session Minutes; November 15, 2023, Work Session Minutes; Approved payment of bills and all subsequent bills subject to approval by the Mayor or Council President and City Manager; Motion passed unanimously.

4. CITY MANAGER REPORT - City Manager Leila Aman

City Manager Leila Aman shared the following information:

-The Manzanita Tree Lighting was re-scheduled to Friday 12/8/2023. Vendors will open at 3pm, Santa will arrive at 4:30pm, and the lighting of the tree will happen at 6pm.

-City Office closures for the upcoming Holidays:

December 22nd and December 25th offices are closed in Observance of Christmas. Due to limited staffing on December 26th, we will be accepting phone calls, but the office window will be closed. December 29th and January 1st offices are closed in Observance of New Years.

5. OLD BUSINESS:

A. Public Hearing – Ordinance 23-03-2nd Reading - City Manager Leila Aman

City Manager Leila Aman asked city council to vote on the second reading of Ordinance 23-03. If it is adopted, this will be the first update to the city's Comprehensive Plan in almost thirty years.

Allowed for public comment: There were no public comments.

A motion was made by Spegman to accept the 2nd Reading Ordinance 23-03, Amending Goal 12 Transportation Policies, and Goal 11 Public Facilities Relating to Street Policies of the City of Manzanitas Comprehensive Plan, Rescinding the Downtown Transportation Plan and Replacing it with Volume 2 of the Nehalem Bay Transportation System Plan for Manzanita. Seconded by Stock; Motion Passed Unanimously.

B. Public Hearing – Ordinance 23-04-2nd Reading – City Manager Leila Aman

City Manager Leila Aman asked city council to vote on the second reading of Ordinance 23-04. This would annex approximately 2.55 acres into the City limits and establish the medium density residential zone (R-2) on the newly annexed property.

Allowed for public comment: There were no public comments.

A motion was made by Hart to accept Ordinance 23-04 Annexing and Zoning Property Following Consent Filed with the City Council by Landowners in Said Area Pursuant to ORS 222.120 and ORS 222.170, Tillamook County. Seconded by Spegman; Motion Passed Unanimously.

6. NEW BUSINESS:

A. Off Season Tourism Grant Award Recommendations – Nan Devlin Tillamook Coast Visitors Association

City Manager Leila Aman gave a brief explanation about the Off-Season Tourism Grants that will support our local economy and businesses. The city allocated \$20,000 from the Tourism Promotion Fund to support off season tourism grants this fiscal year. The Tillamook Coast Visitors Association administered the grant program and accepted the applications on behalf of the city. Nan Devlin announced that they received six applications that total \$11,500.00 in eligible requests. She shared information about each application.

A motion was made by Stock to accept all six applications as presented, totaling \$11,500.00. Seconded by Spegman; Motion passed unanimously.

B. Mayor Appointment Process – Linda Kozlowski Council President

Council President Linda Kozlowski spoke about the process to appoint the new Mayor. Applications are due by 5pm on December 20, 2023. All applicants will be asked to attend the Regular Session on January 3, 2024, to be interviewed. If you are planning to apply, please review the duties of the mayor as outlined in the city's Charter.

C. Nehalem Intertie Governmental Agreement (IGA) – Leila Aman City Manager & Dan Weitzel Public Works Director

City Manager Leila Aman asked council to authorize the city manager to execute an Inter-Governmental Agreement with the City of Nehalem for an emergency water intertie. She spoke about the emergency water connection distribution system between Manzanita and Nehalem which will establish the Intertie between both cities. She explained that because the previous intertie was inoperable, a new location was found and the cost to Manzanita for the new intertie was \$1,149.00. She explained and presented the Intertie Governmental Agreement.

Public Works Director Dan Weitzel spoke about the previous water connection and said it was located on Highway 101 in a right of way. He said the new location gives better access and is metered. Currently, the cost is set at a tier one rate scale which is \$9.50 per 1000 gallons of water.

A motion was made by Spegman to Delegate Authority to the City Manager to execute the Intergovernmental Agreement for the Water System Intertie Between the City of Nehalem and the City of Manzanita. Seconded by Stock; Motion passed unanimously.

D. Special Public Works Fund Loan with Business Oregon - Leila Aman City Manager

City Manager Leila Aman shared the Key Loan Terms and fine details of the Special Public Works Fund Loan and said that Oregon Business Development Department authorized the loan proceeds up to \$5,134.631. She asked council to approve the interim financing with Resolution 23-23. She communicated that the signed loan documents, the city's attorney opinion and Resolution 23-23 are required to execute the loan. Aman presented an overview and highlighted the planned timeline process. It is estimated to present council the Gross Maximum Price (GMP) in March, to approve the funding amount. Construction would begin after this approval and would take approximately one year to complete.

Allowed for public comment: There was one public comment.

A motion was made by Hart to accept Resolution 23-23 Authorizing a Loan from the Special Public Works Fund and Delegating Authority to the City Manager to Enter into a Financing Contract with the Oregon Infrastructure Finance Authority. Seconded by Spegman; Motion passed unanimously.

E. COVID Relief Funds - Leila Aman City Manager

City Manager Leila Aman spoke about the Coronavirus State and Local Recovery Relief funds that the city received in the amount of \$147,000.00. These funds need to be allocated by December 31, 2024 and expended by December 31, 2026. Aman explained that there are two sets of rules that govern the use of these funds. The Final Rule dated January 2022, and the Interim Final Rule dated August 2023. Staff is recommending that the funds be used to finance the gap for the construction of the Police Station/Emergency Operations Center.

Allowed for public comment: There were no public comments.

A motion was made by Spegman to accept Resolution 23-22 Approving the Use of the State and Local Fiscal Recovery Funds for the Purpose of Providing Funding for the Manzanita Police Station and Emergency Operations Center. Seconded by Stock; Motion passed unanimously.

F. Budget Committee Council Appointment and Criteria - Leila Aman City Manager
City Manager Leila Aman spoke about the current vacant seat on the Budget Committee. This seat became vacant when Kathryn Stock became a member of the City Council. Aman also announced that Committee Member Dave Dillon's term will end March 2024. The procedures for electing new committee members are listed in the Manzanita Rules and Procedures for City Council Meetings. In chapter 8, section II, section B. Selection Committee Process, a. Brad Hart was appointed as the member of council, b. Chip Greening volunteered and was appointed by council to serve as the existing member of the Budget Committee, c. Accounting Manager Nina Crist was designated by the city manager as the non-voting member. Applications will be posted for 3 weeks. The goal is to appoint the new budget committee members in February.

A motion was made by Spegman to delegate Councilor Hart, Budget Committee Member Greening and Accounting Manager Nina Crist to serve on the Budget Selection Committee; and approve the presented selection criteria. Seconded by Stock; Motion passed unanimously.

G. City Manager Review Process - Council President Linda Kozlowski
Council President Linda Kozlowski spoke about the City Manager review process and asked council to review the packet documents and let her know of any suggestions, changes, or questions. This will be discussed at the January Workshop and the City Managers Review will be conducted in March.

Allowed for public comment: There were two public comments.

7. COUNCIL UPDATES: Council members took turns sharing information and updates of what they were involved in for the month.

8. INFORMATION AND ADJOURN:

Manzanita Municipal Court will be held December 15, 2023, and continues to remain closed to the public.

Council President Linda Kozlowski adjourned the meeting at 7:21PM.

**MINUTES APPROVED THIS
3rd Day of January, 2024**

Linda Kozlowski, Council President

Attest:

Leila Aman, City Manager

**CITY OF MANZANITA
DECEMBER 13, 2023
CITY COUNCIL WORK SESSION**

1. CALL MEETING TO ORDER: The meeting was called to order on December 13, 2023, at 2:00pm via Zoom by Council President Linda Kozlowski.

ROLL: Members present: Linda Kozlowski, Jerry Spegman, Kathryn Stock and Brad Hart. Staff present: City Manager Leila Aman, Accounting Manager Nina Aiello, Police Chief Erik Harth, Police Sergeant Mike Sims, Code Enforcement Officer Max Halverson, Public Works Director Dan Weitzel and Assistant City Recorder Nancy Jones. Panelist present: None

Council President Linda Kozlowski opened the meeting and read a statement about the city's investigation. Councilor Jerry Spegman announced that any public questions about the investigation should be directed to city council. Council will be working to update policies.

2. Dark Skies Ordinance Community Feedback and Proposed: City Manager Leila Aman and Police Sergeant Mike Sims

Police Sergeant Mike Sims shared the results of the October community survey and spoke about the most common comments from the survey in favor and against. There were 250 respondents to the survey, 67% were in favor, 22% were not in favor, and 11% were uncertain. Sims asked council for direction on what the grace period would be for a compliance timeline, and asked if commercial properties would be included or exempt from the ordinance. There was a consensus of council to keep moving forward and to present an updated version of the ordinance for approval at a future meeting. The city will look at commercial property on Laneda to identify any security lighting issues. It was announced that Peoples Utility District (PUD) has replaced the public lighting with dark sky products. If light is trespassing on your property from a streetlight, call PUD directly to request a streetlight shield.

3. Twenty is Plenty: Police Sergeant Mike Sims and Code Enforcement Officer Max Halverson

Police Sergeant Mike Sims shared a summary of the October twenty is plenty community survey. He said that the city started to gather information in September on lowering the speed limit to 20 mph citywide. There were 255 respondents to the survey, 81% were in favor and 19% were not in favor of the change. Sims revealed the top four categories of responses from the survey and identified streets that need measures to make them safer. City Manager Leila Aman stated that the city has a yield roadway system and she spoke about implementation of the 20-mph speed limit. The city would need signage to enforce the speed limit. Council is in support of this and asked the city to continue to move forward with gathering information and research.

4. Adjourn: Council President Linda Kozlowski adjourned the meeting at 3:38pm.

**MINUTES APPROVED THIS
3th Day of January 2023**

Linda Kozlowski, Council President

Attest:

Leila Aman, City Manager

BILLS FOR APPROVAL OF PAYMENT

From 12/1/2023 - 12/31/2023

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
3J CONSULTING (CITY PLANNER)	\$6,691.00	\$6,691.00								
ACCUITY (CITY AUDITOR)	\$4,500.00	\$4,500.00								
BEARING ARCHITECTURE (CITY ARCHITECT)	\$30,651.98						\$30,651.98			
CASELLE (SOFTWARE SUPPORT)	\$2,220.00	\$1,663.00								\$557.00
CHARTER (INTERNET SERVICE)	\$598.85	\$219.98	\$129.98						\$248.89	
CITY OF NEHALEM (FINES & ASSESSMENTS)	\$1,025.00				\$1,025.00					
CITY OF WHEELER (FINES & ASSESSMENTS)	\$446.00				\$446.00					
DAN WEITZEL (STAFF REIMBURSEMENT)	\$69.10								\$69.10	
DATA CENTER (BULK MAILING SERVICE)	\$954.99									\$954.99
DAVE MATTHEWS (REL. OF PERF. BOND)	\$1,000.00	\$1,000.00								
DKI CONSULTANTS (ENVIRO. CONSULTANT)	\$2,625.00						\$2,625.00			
DMV (RECORDS REQUEST)	\$4.15				\$4.15					
FASTENAL (MATERIALS & SUPPLIES)	\$84.80							\$42.40		\$42.40
FERGUSON (MATERIALS & SUPPLIES)	\$300.96									\$300.96
GRAND PEAKS (FINANCIAL CONSULTANT)	\$5,718.75	\$5,718.75								

BILLS FOR APPROVAL OF PAYMENT

From 12/1/2023 - 12/31/2023

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
GROSSENBACHER BROS (MATERIALS & SUPPLIES)	\$457.00		\$457.00							
KLOSH GROUP (OWNERS REP.)	\$4,650.00						\$4,650.00			
LARRY BLAKE (MUNICIPAL JUDGE)	\$400.00				\$400.00					
LEXIPOL (TRAINING)	\$382.68		\$382.68							
LES SCHWAB (VEHICLE MAINTENANCE)	\$190.99									\$190.99
MANZANITA LUMBER (MATERIALS & SUPPLIES)	\$148.94					\$83.17		\$65.77		
MILLER NASH (CITY ATTORNEY)	\$28,773.00	\$23,467.50								\$5,305.50
NANCY JONES (STAFF REIMBURSEMENT)	\$39.80	\$39.80								
NEHALEM BAY WW (SEWER UTILITY)	\$243.00					\$243.00				
NEHALEM LUMBER (MATERIALS & SUPPLIES)	\$34.27									\$34.27
ONE CALL CONCEPTS (LOCATE FEES)	\$35.00									\$35.00
ONE ELEVEN (IT SERVICES)	\$4,060.00	\$4,030.00								\$30.00
OREGON DEPT OF REV (FINES & ASSESSMENTS)	\$936.23				\$936.23					
OREGON HEALTH AUTH (ANNUAL SUBSCRIPTION)	\$200.00									\$200.00
PACIFIC FAB & MACHINE (FABIRCATION SERVICES)	\$1,800.00							\$1,800.00		

BILLS FOR APPROVAL OF PAYMENT

From 12/1/2023 - 12/31/2023

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
PACIFIC OFFICE (POSTAGE & COPIER)	\$182.80		\$182.80							
PORT OF TILL. BAY (ANNUAL ROW LEASE)	\$1,228.00									\$1,228.00
RHYNO NETWORKS (NETWORK SERVICES)	\$255.00	\$136.00	\$68.00							\$51.00
RTI (PHONE SERVICE)	\$494.55	\$96.02	\$98.69							\$299.84
SHELDON OIL CO. (FUEL)	\$2,684.91		\$650.62	\$5.92		\$96.98		\$484.88	\$88.85	\$1,357.66
STAPLES (OFFICE SUPPLIES)	\$249.40	\$249.40								
SWEET SEPTIC (PORTABLE TOILETS)	\$295.00								\$295.00	
TILL. CO. CREAMERY (MATERIALS & SUPPLIES)	\$887.11							\$192.50		\$694.61
TILLAMOOK CO PAYABLE (FINES & ASSESSMENTS)	\$241.03				\$241.03					
TILL CO VISITORS ASSOC. (VC COORDINATOR)	\$924.75								\$924.75	
TILLAMOOK PUD (ELECTRIC SERVICE)	\$3,717.86	\$91.73	\$223.25			\$96.84		\$609.00	\$83.89	\$2,613.15
TRAFFIC SAFETY SUPPLY (MATERIALS & SUPPLIES)	\$149.79							\$149.79		
US BANK (CITY VISA)	\$3,569.41	\$1,007.51	\$395.00	\$800.00					\$376.28	\$990.62
VERIZON (TELEPHONE)	\$1,244.31	\$294.58	\$324.83	\$114.98					\$134.00	\$375.92
TOTALS	\$115,365.41	\$49,205.27	\$2,912.85	\$920.90	\$3,052.41	\$519.99	\$37,926.98	\$3,344.34	\$2,220.76	\$15,261.91



CITY OF MANZANITA

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January 3, 2024

Oregon Secretary of
State, Audits Division
255 Capitol St. NE, Suite
#500 Salem, OR 97310

Plan of Action for City of Manzanita

The City of Manzanita respectfully submits the following corrective action plan in response to deficiencies reported in our audit of fiscal year ended June 30, 2023. The audit was completed by the independent auditing firm Accuity and reported the deficiencies listed below. The plan of action was adopted by the governing body at their meeting on January 3, 2024 as indicated by signatures below.

The deficiencies are listed below, including the adopted plan of action and timeframe for each.

1. Deficiency #1

- a. Significant Deficiency – Adequate segregation of duties in most areas in impractical due to the limited number of employees.
- b. The City has developed alternative procedures to mitigate deficiency as much as possible. Management continually evaluates the monitoring and controls established to ensure risks are mitigated.
- c. Continually working towards segregation of duties.

2. Deficiency #2

- a. Significant Deficiency – City lacks the ability to draft financial statements in accordance with the modified cash basis of accounting due to the limited number of employees.
- b. The City has contracted with Accuity to prepare financial statements.
- c. Due to limited staff the City will continue to contract with Accuity to prepare financial statements.

Linda Kozlowski, Council President

Date

Leila Aman, City Manager

Date

APPLICATION FOR MAYOR APPOINTMENT

Please provide the following information:

Name: Kathryn Stock

Street Address:

Mailing Address:

Email Address:

Telephone:

Length of Fulltime Residency: 6 years

Occupation: Retired...Supply Chain Management

Previous Governmental Experience: Manzanita Budget Committee, Manzanita City Council.
See details below.

Are you available to meet (Y/N): Days: Yes Evenings: Yes

Please explain your interest in becoming Mayor. Be brief but be as specific as possible.

My reasons are the same as when I applied to be on the Budget Committee in 2020 and the City Council this past August. I am committed to our community and wish to serve it with integrity and in an even-handed manner.

Of the issues facing the City, what is the most compelling to you personally, and how would you address it?

Most compelling to me are the areas requiring long-range planning. This includes our next version of the city's Comprehensive Plan, infrastructure planning and a revenue base for the city that allows us to continue to deliver solid service to the community in the near and long-term. Underlying all of this work is a deep need for community involvement and engagement. This will be addressed by continuing the work already begun by Council over the past two years.

What is your experience working with Budgets? Have you reviewed the City's Budget? If so, what were your observations?

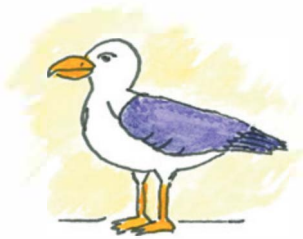
I had the privilege of serving on the Budget Committee beginning in 2020. Prior to that, in my career, I had extensive experience developing and managing both capital and operating budgets for Nike's supply chain. City staff have made large improvements in the budgeting process over the past few years and that work continues. Revenue diversification and continued work on our long-range infrastructure planning and funding remain some of the most important financial work for our city.

Is there anything else you would like to share with council about your experience and interest in the position.

What I can offer is many years of leadership experience from my paid-for-work life. I have a deep background in short and long-term planning, facilitating meetings and conversations, finding common ground when opinions are wide and varied, and making sound investment decisions for the future. I can also offer what I have learned thus far about city government

and how it functions. I commit to continue to listen and learn and form my best possible judgement regarding important work that will be done in the year ahead and decisions the council will make.

My involvement in the Manzanita and Nehalem Bay area communities has also prepared me to understand our community. I have been an active supporter of the Hoffman Center for the Arts, the Lower Nehalem Community Trust, the North Coast Land Conservancy and the North Tillamook Library Friends. I actively support local business and am honored to know some of the business owners who keep our community going.



Welcome to Manzanita!

Manzanita has full-time residents, part-time residents, vacationers, and day-trippers alike. Our friendly, good-neighbor atmosphere, typical of what is best in small-town America, has drawn visitors for many years. Many of those visitors have chosen to stay and become part of our community. We have established a rich culture of respect for the arts, for the nature that surrounds us, and for the diversity of individuals who visit or live here.

Manzanita has developed ordinances and guidelines to help preserve the values that frame our good neighbor policies. Violations of an ordinance may result in fines from the City.

Following these guidelines will help you and your neighbors have a safe and comfortable experience, be it long or short.

Brought to you by the Manzanita Short-Term Rental Committee and the Tillamook Coast Visitors Association. Art by Lori Dillon.



Short-Term Rental Questions

For short-term rental issues, the contact information for the owner or agent is posted and visible on the outside of the property or can be found on the city website at ci.manzanita.or.us/str-contact-list



scan barcode to launch website

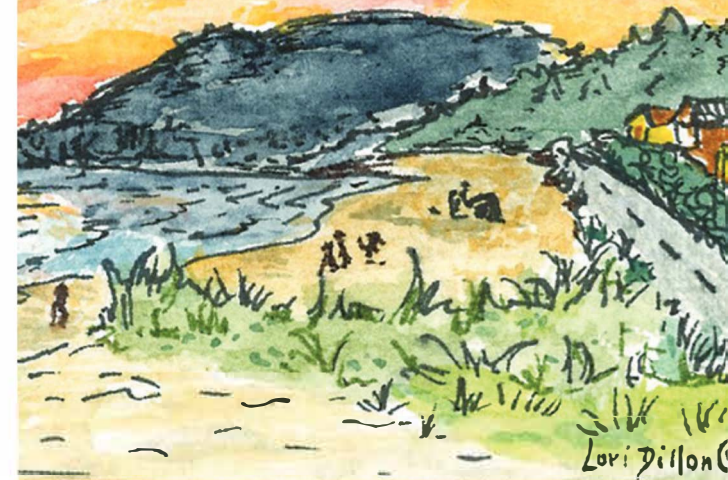
Should a call be made, the agent is required to make contact with the renters, by phone or in person, within 20 minutes of receiving any complaint for resolution.

If the issue is not resolved, contact the code enforcement officer or non-emergency police line.

Code Enforcement Officer: 503-985-9851

Non-Emergency Police Line: 503-368-7229

Good Neighbors



Tillamook Coast
Visitors Association

Neighbors and Quiet Time

Quiet hours are 10pm – 7am. Please be aware of others and respect their privacy. Outdoor lighting should not shine beyond the property perimeter or into neighboring homes. Keep noise levels down, especially around hot tubs and fire pits.



Parking



Off-street parking is required for all homes. Parked vehicles may not block driveways or emergency access lanes. Limits to the number of automobiles and parking

maps are established for each short-term rental home. Please park responsibly.

Pets

Leash your pet unless you are in a clearly defined off-leash area. It is your responsibility to pick up after your pets. This includes the beaches. Please be aware that a barking dog, even inside a home, can disturb neighbors.



Recreational Vehicles

Overnight occupancies of RVs and trailers are not allowed in the City of Manzanita.

Traffic and Speed Limits

Be mindful of posted speed limits and be aware that pedestrians often use the roads for walking and cycling. During the summer, the center of town can be quite congested with people, pets, and bicycles. Be alert, and, if you are not sure of speed limits, just slow down.



Garbage and Litter

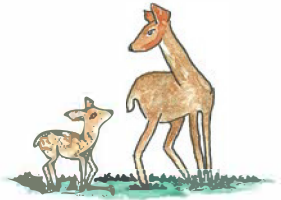
Homeowners supply secure garbage containers for their visitors. Be sure lids are tightly replaced to prevent wild animals from getting in. We encourage you to recycle. Glass, metal, paper, etc. may be taken free of charge to the Manzanita Transfer Station at 34995 Necarney City Rd.

The city provides several containers around town for your litter. Please use these to keep our streets, forests, and beaches clean. There are also many dog waste stations alongside the beach access paths. Please do not put regular garbage into these receptacles.



Wildlife

Manzanita is known for its wildlife. These animals are part of our community and are part of the Manzanita experience. Stay a safe distance. Please do not try to approach or feed them.



Fires

The Oregon Parks Department, which controls all beaches, prohibits driftwood in beach fires. Bring your own kindling and wood. Fires must be on dry sand and must be at least 50 feet away from any dry grass or driftwood.



Check burn restrictions at nbfrd.org before starting an open fire. Please be sure all fires are fully extinguished, with water, prior to leaving.

Tsunami and Earthquake Preparedness

A Tsunami Evacuation Map is available at the Visitor's Center and provided in short-term rental homes for your safety. The Emergency Volunteer Corps of Nehalem Bay, our award-winning group of volunteers, provides training and information for your safety. Go to evcnb.org for more information on emergency preparedness.

ESSENTIAL RESOURCES

911

If you are having an emergency and need POLICE, FIRE, EMERGENCY MEDICAL SERVICES, **please call 9-1-1 immediately.**

NON-EMERGENCY

Manzanita Police Department

☎ 503-368-7229

Emergency Alerts

- ➔ Sign-up to: **NIXEL alerts**. Text your zip code to **888777** for mobile alerts. Manzanita's zip code is **97130**.

MEDICAL

Oregon Poison Control

☎ 1-800-222-1222

Adventist Health Tillamook

1000 3rd St, Tillamook

☎ 503-842-4444

Providence Seaside Hospital

725 S Wahanna Rd, Seaside

☎ 503-717-7000

Urgent Care: Adventist Health

10445 Neahkahnie Crk Rd, Manzanita

☎ 503-368-6244

Nehalem Bay Health Ctr & Pharmacy

230 Rowe St, Wheeler

☎ 800-368-5182

SHORT-TERM RENTALS

Issues needing immediate attention:

- ☎ Call the agent or owner using the number on the exterior house sign _____ or _____
- ➔ visit ci.manzanita.or.us/short-term-rental-info/ to look up the contact information using the house address.

Other questions or problems:

Manzanita Code Enforcement Officer

☎ 503-985-9851

OTHER

Travel

- ➔ ODOT: tripcheck.com

Power

- ➔ tpud.org ☎ 503-842-2122

Animals

Oregon Department of Fish and Wildlife
(Injured or dead animal on the beach, cougar sighting, aggressive bear)

☎ 503-842-2741, Option 1

Animal Haven by the Sea Rescue (dogs and cats)

☎ 503-358-7719

Recycling

Manzanita Transfer Station

34995 Necarney City Rd, Manzanita

Write house address here.



Tillamook Coast
Visitors Association

3J CONSULTING

9600 SW NIMBUS AVENUE, SUITE 100
BEAVERTON, OREGON 97008
PH: (503) 946.9365
WWW.3JCONSULTING.COM

December 13, 2023

Scott Gebhart
Development Services Manager
City of Manzanita
PO Box 129
Manzanita, OR 97130

Scott,

This letter is intended to explain why both 3J Consulting and Walt Wendolowski will perform current planning services for the City of Manzanita. 3J is currently contracted to be the City Planner, however over the past several months it has become clear that some of the simpler tasks may be done quicker by another support planner, this is primarily due to staff capacity at 3J. Walt can perform those tasks and act as City Planner alongside 3J staff. He will only be assigned the tasks that 3J confirms we can't cover.

The following are example tasks that 3J may be assigned to Walt:

1. Assist with the day-to-day questions and decisions that can be made at the staff level
2. Variances
3. Conditional Uses
4. Annexations
5. Partitions
6. Remedial Dune Grading
7. Commercial Design Reviews

Walt may not be assigned all the above tasks, only the tasks that 3J doesn't have the capacity to cover. Clearly some of these tasks will overlap so 3J will coordinate with the city who is best to complete the work. The general idea is to have Walt assist with the smaller projects and have 3J continue to assist with the larger more complex ones.

Scott Fregonese



Senior Project Manager
3J Consulting





Real-Time Risk



TIMELY NEWS AND TIPS TO HELP REDUCE RISK

November 2023

OREGON'S HIGHER COURTS END RECREATIONAL IMMUNITY FOR IMPROVED TRAILS

By Kirk Mylander, CIS General Counsel

On July 6, the Oregon Court of Appeals issued an opinion effectively ending recreational immunity for improved trails. Public and private landowners of improved trails are no longer protected from lawsuits. ([Fields v. City of Newport](#)).

Nicole Fields Falls While Walking With a Friend and their Dogs

In *Fields v. Newport* a woman was walking with her friend and their dogs on the beach. She walked away from the beach on an improved trail which was owned and maintained by the city of Newport. The woman came to a wooden footbridge that was wet. She slipped and fell, then filed a lawsuit against the City.

Ms. Fields' suit alleged the City was negligent in maintaining the bridge and not putting up warning signs. Newport responded that it was immune from suit because Fields was using the Ocean to Bay Trail for a recreational purpose, walking with a friend and their dogs while they talked and socialized.

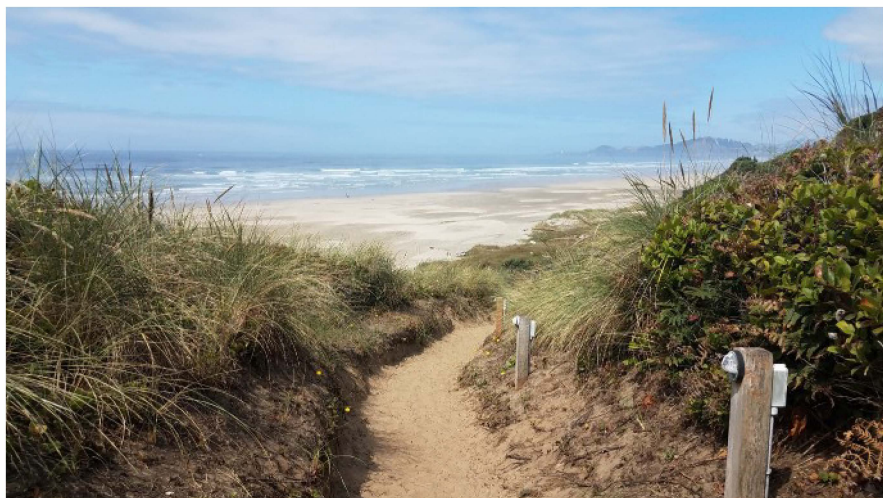
Oregon's recreational immunity provided liability protection to landowners who open their property for recreational activities, shielding them from certain lawsuits and claims related to injuries or accidents that occur on their land.

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Real-Time Risk

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The Trial Court Applied Recreational Immunity, Protecting Newport

The trial court agreed with the City, ruling that recreational immunity protects landowners from a lawsuit when they open their property to the public for recreational purposes without a fee. Because of recreational immunity the trial court granted summary judgment, which ended the case early in favor of Newport .

The trial court determined “there are no genuine issues of material fact in dispute” and that under state law, the plaintiff was “using the trail for recreational purposes” by “walking her dog on a trail to the beach with a friend,” and thus the City was entitled to recreational immunity from any liability.

Plaintiff Fields appealed the trial court’s ruling, arguing that the trial court could not conclude that her “**principal purpose**” (as required under state law) in walking on the trail was recreational as long as she claimed that the subjective intent in her mind was something else.

The Oregon Court of Appeals Strikes Down Recreational Immunity

The Oregon Court of Appeals decided that there is a factual dispute between Plaintiff Fields and the City as to whether her use of the trail was recreational, or whether her primary purpose was instead for “accessing the beach.” In other words, the Court of Appeals held that the trial court needed to hold a jury trial to determine whether the plaintiff’s principal purpose on the trail was accessing the beach, or to recreate while using the trail with a friend and their dogs while they “socialized.”

Either way, recreational immunity no longer stops a case at the beginning (an “immunity” from suit), because any plaintiff can claim their “principal purpose” was not to recreate.

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Real-Time Risk

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Local Governments Requested that the Oregon Supreme Court Restore Recreational Immunity — But the Court Refused to Hear the Case

The City of Newport asked the Oregon Supreme Court to overrule the Court of Appeals and restore recreational immunity. Other members of the local government community in Oregon also asked the Oregon Supreme Court to review the *Fields* case and reverse the Court of Appeals. The City of Medford, the League of Oregon Cities, the Association of Oregon Counties, the Special Districts Association of Oregon, and the Oregon Recreation and Park Association all joined Newport in asking the Oregon Supreme Court to reverse the Court of Appeals:

"A decision from the Oregon Supreme Court is necessary here. The Court of Appeals created an exception that swallows the rule by finding a question of fact exists on whether socializing with a friend, walking dogs, and enjoying a scenic trail to access the beach is recreational or not."

The City asked the Supreme Court to reverse the Court of Appeals because of the damage the Court of Appeals opinion will have on the public's access to recreational land. If the Court of Appeals opinion were to stand, the City argued, then "Landowners must decide if making their land available for recreational purposes is worth the risk of effectively losing access to the immunity by having to litigate through trial whatever subjective beliefs an injured plaintiff asserts their principal purpose was."

Unfortunately, that is where things stand today. On Oct. 5, 2023, the Oregon Supreme Court officially declined to review the Court of Appeals' decision in *Fields*. This action, called "review denied" functions as a de facto endorsement by the Oregon Supreme Court of the Oregon Court of Appeals' decision striking down recreational immunity.

At the heart of the dispute is whether a trial court can decide at the beginning of a case whether or not a plaintiff's "primary purpose" when entering land was recreational or not recreational.

Subjective Intent is Too Subjective for Recreational Immunity to Function as the Legislature Intended

The Court of Appeals did not base its decision on what *Fields* was actually doing on the City of Newport's trail. Instead, the Court of Appeals turned to a dictionary for assistance with the word "walking."

The Court of Appeals found that walking with a dog could sometimes be a recreational activity, but was not necessarily always a recreational activity. The Court of Appeals said that even when walking and socializing, *Fields*' "principal purpose" could have been "to go to and from the beach" which the Court did not consider to be recreational.



*The Oregon Supreme Court Building,
Gary Halvorson/Oregon State Archives*

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Real-Time Risk

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If, the Court reasoned, Fields was thinking that her “principal purpose” was to “access” the beach where she would begin to “recreate” with her dog and her friend, then recreational immunity does not protect the City (or any landowner). The key, according to the Oregon Court of Appeals, is the plaintiff’s subjective intent ***not her objective activities at the time***.

Unless the Legislature steps in, from now on when a person using the city’s path claims that their subjective intent was not primarily to recreate, then recreational immunity does not apply at the beginning of a suit. Instead, the municipality (or private landowner) will have to defend the lawsuit all the way through a jury trial, so the jury can decide what the plaintiff was thinking about their “primary intent.”

Legally, this transforms recreational “immunity” from a legal rule that stops a lawsuit at the outset, and turns it into a defense that a city, county, school district, or private landowner can only try to use at trial. Recreational immunity is no longer a true immunity.

Is Anything Left of Recreational Immunity?

The protection from lawsuits that landowners relied on in deciding to open their land to the public is now likely gone for all trails. It may be gone for any property that someone can claim they “were just passing through”.

The Oregon Court of Appeals and Oregon Supreme Court have repeatedly issued rulings that have the effect of striking down some, or all, of the Legislature’s recreational immunity statute. The good news, though, is that the Oregon Legislature has repeatedly stood behind Oregon’s policy of encouraging private and public landowners to open their property to the public for recreational activities like hiking, mountain biking, kayaking, hunting, fishing, rock climbing, and accessing the beautiful coastline.

Once again, the League of Oregon Cities and the Association of Oregon Counties are ready to bring a bill to the Legislature in 2024 to restore recreational immunity. But the support of individuals and local governments is needed. The people of Oregon who enjoy recreational access to a wide range of properties, especially including trails to access climbing areas, the coast, rivers, streams and lakes, need to contact their local legislator and their local city or county officials to express their desire to restore recreational immunity.

Your CIS risk management consultant is available to assist you as you plan, evaluate, and mitigate the heightened risk as a result of the *Fields v. City of Newport* ruling.

For more information, visit CIS’ Recreational Immunity FAQ at cisoregon.org/Reclmmunity.



Real-Time Risk

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RECOMMENDATIONS FOR CITIES AND COUNTIES

1. **Improved trails that are used to access a recreational area should be closed.** This especially includes trails, walkways and stairs used to access bodies of water, such as the ocean, lakes, rivers, streams and reservoirs.
2. **Consider closing unimproved trails,** because the subjective intent of the user can now nullify recreational immunity, which means if someone is injured on an unimproved trail, the city or county may find itself facing a costly jury trial to determine the injured person's intent in using the trail.
3. **Speak with your City Attorney or County Counsel** about how *Fields v. Newport* could negatively affect your other recreational offerings to the public. For instance, someone who trips in a park can now say their primary purpose in using the park was not recreation, but rather they were simply passing through the park to access some other area in your jurisdiction.
4. **Download and utilize this audit** for property you decide to leave open because it is not conducive to a claim from someone "just passing through", to ensure your facility is protected as much as possible from liability claims.
 - a. Consider requiring people to sign a form affirming they are using the property only for recreational purposes if your organization can afford to post someone at that location (at a skate park, for example).
5. **Contact your legislator** and any of the following organizations you are affiliated with: the League of Oregon Cities, the Association of Oregon Counties, the Special Districts Association of Oregon, or the Oregon Recreation and Park Association; express your desire to keep property free and open to everyone in Oregon for recreational activities.

If you have any questions, please contact your Risk Management Consultant:

Northwest Oregon Coast and Columbia River Gorge

Margaret Ryan
mryan@cisoregon.org

Willamette Valley and Central Coast

Katie Durfee
kdurfee@cisoregon.org

Southern and Central Oregon

Laurie Olson
lolson@cisoregon.org

Eastern Oregon

Lisa Masters
lmasters@cisoregon.org



North Trail Map

Legend



South Trail Map

Legend



1000 ft

State Lands

I am trying to figure out who ROW this is. County ROW I believe.

This is city ROW



Trail #	Trail	Start point	End point	Length (Ft)	Beach Access	Steps	Located in
1	Horizon	Horizon Ln	Oregon State Lands	70	yes		Street ROW
2	Spyglass	Spyglass Ln	Oregon State Lands	75	yes		Street ROW
3	Spindrift	Spindrift Ln	Oregon State Lands	66	yes		Street ROW
4	Oceancrest	Oceancrest Ln	Oregon State Lands	84	yes		Street ROW
5	Sitka	Sitka Ln	Oregon State Lands	87	yes		Street ROW
6	Windward	Windward Ln	Oregon State Lands	48	yes		Street ROW
7	Pelican	Pelican Ln	Oregon State Lands	63	yes		Street ROW
8	Sandpiper	Sandpiper Ln	Oregon State Lands	108	yes		Street ROW
9	Puffin	Puffin Ln	Oregon State Lands	48	yes		Street ROW
10	Chinook	Chinook Ln	Oregon State Lands	108	yes		Street ROW
11	Beach (south of Sunset)	Beach St	Oregon State Lands	150	yes		Trail ROW
12	Beach Cr.	Beach Cr	Beach St	138	no		Trail ROW
13	Beach and Sunset	Beach St	Oregon State Lands	111	yes		Trail ROW
14	Beach (south of Tie)	Beach St	Oregon State Lands	135	yes		Trail ROW
15	Pacific	Pacific Ln	Oregon State Lands	105	yes		Trail ROW
16	Beeswax	Beeswax Ln	Oregon State Lands	99	yes		Trail ROW
17	Edmund	Edmund Ln	Oregon State Lands	102	yes		Trail ROW
18	1st street	1st St.	2nd St.	204	no	yes	Trail ROW
19	Division	Ocean Ave	North Ave	160	no	yes	Street ROW
20	North Classic	North Ave	Classic St (near Pine)	294	no		Street ROW
21	Oak Fire Ln	Oak St	Poplar St	100	no		Fire Lane ROW
22	Nutmeg Fire Ln	Nutmeg	Oak St	240	no		Fire Lane ROW
23	Madrona Fire Ln	Madrona St	Nutmeg	102	no		Fire Lane ROW
24	Netmeg	Nutmeg ROW	Unimproved	150	no		Street ROW
25	Reservior	Poysky Ave	Epoh Ave	150	no		City Property