



The view looking from Nehalem Bay State Park's beach looking north toward Neah-Kah-Nie mountain.

PHOTO BY WILL CHAPPELL

# Nehalem Bay State Park prepares for major infrastructure upgrades

WILL CHAPPELL  
Citizen Editor

Rangers at Nehalem Bay State Park are preparing for extensive upgrades to their power and water systems along with other projects that are scheduled to be carried out during a park closure from November 1 to the end of June 2025.

Park Manager Ben Cox said that the work will not yield many new facilities for the public but will allow the park to continue serving the community and visitors for years to come.

“That’s the non-sexy infrastructure stuff that we really need to meet demand and maintain the capacity we have,” Cox said.

Funding for the \$11 million in work is coming from general obligation bonds that were approved by the Oregon legislature in 2021 to help improve state parks.

Cox said that even before the funding became available, he and other parks staff had been asked to come up with a list of projects at Nehalem State Park that needed funding. Cox said that during a spit

balling session the group had come up with a list of 20 to 25 ideas and sent it in to a committee for review.

After the bonds were approved, that committee evaluated requests from parks across the state, weighing the age of their infrastructure against visitor statistics and demographics to eventually choose nine parks to receive funding across the state.

Having received a green light from the selection committee, Cox and the team at Nehalem Bay State Park hired a

project manager and other consultants in 2022 to get the ball rolling on the upgrades.

Whereas the original list of projects included ambitious items like adding 14 camper cabins and a new 50-campsite loop, once preparatory work began, it became clear that the allocated funds would not support all the ideas. Cox said that this led the team to pare back the list and focus in on projects that were necessary.

“Let’s kind of pull in our horns and focus on those things that we know that we need,” Cox said

he remembered thinking.

Prime among those was the need to upgrade the park’s water and electrical infrastructure, much of which dates to the park’s construction in the early 1970s.

All the park’s 265 campsites currently receive water via PVC pipe, through a system whose valve locations are lost to time, making localized issues necessitate widespread shutdowns. The system will be completely replaced with a new

See **NEHALEM**, Page A5

## Rockaway Beach balloting methodology withstands legal challenge

WILL CHAPPELL  
Citizen Editor

After an extended hearing on August 28, Tillamook Circuit Court Judge Jonathan Hill ruled that the City of Rockaway Beach can proceed with its November city council elections with position numbers on the ballot on August 30.

Numerous citizens spoke on the stand about their belief that the city’s elections would be fairer if they were conducted using an at-large methodology. But Hill found that the current approach was a reasonable interpretation of the city’s charter and ordinances and declined to issue a writ of mandamus to change the city’s ballot.

“It is not the court’s place to determine public policy for the city of Rockaway Beach,” Hill said.

The matter came before the court when two Rockaway Beach Citizens, Daniel Howlett and Justin McMahan, who is running for city council, filed a petition for a writ of mandamus on August 8. The petition alleged that a 2014 change in balloting methodology had been made illegally, without legislative action.

Prior to 2014, the city used an at-large or block-voting format, with all candidates running against each other and the top vote getters being elected. But starting in 2014, the city began attaching positions to its council seats and requiring candidates to select a seat to contest.

The petition alleged that

See **BALLOTS**, Page A6



PHOTO COURTESY CAVITT FAMILY

Kyler at his high school graduation with sister, Kayla, and Dennis and Amanda.

## Kyler’s Big Heart Benefit to help boost cardiac disease awareness and prevention

WILL CHAPPELL  
Citizen Editor

Following the sudden death of their son, Kyler, earlier this year from a cardiac event, Dennis

and Amanda Cavitt have planned a benefit concert for September 7.

Dennis and Amanda said they plan to put proceeds from the concert into a foundation that will support awareness of and training to respond to cardiac diseases for area first responders.

“If I can save some parents from having to go through what we’ve gone through I’d love to do that because it’s just devastated our family,” Dennis said.

Tragedy struck earlier this year while Kyler, 28, was working a carpentry job in the Phoenix suburbs in late May.

Kyler grew up in Garibaldi and played basketball, baseball and football at Nestucca High School. He loved the Oregon coast, but Dennis said that the pay for the job in Arizona was too enticing and Kyler had decided to work there for a year or two before moving back to

See **KYLER**, Page A6

## Hoffman Center celebrates two decades

WILL CHAPPELL  
Citizen Editor

Manzanita’s Hoffman Center for the Arts marked its 20th anniversary with an all-day festival on August 31, welcoming volunteers and the community for a day filled with artistic activities.

Volunteers staffed tables to let event attendees experience all the center’s

offerings, including visual arts, horticulture, clay and writing, before local band Stay Tuned performed in the late afternoon.

The festival began with a welcome ceremony in the center’s Wonder Garden. Executive Director India Downes-Le Guin welcomed guests before turning the ceremony over to Adria Badagnani.

Badagnani spoke about

the center’s integral place in the community and gave a brief history of the nonprofit. Formed in 2004 when Lloyd and Myrtle Hoffman left their estate, including a house and vacant property, as well as their savings to the community to start a center for the arts.

See **HOFFMAN**, Page A2



Community members congregated in the Wonder Garden at the Hoffman Center for the Arts to celebrate its 20th anniversary on August 30.





# Salmonberry Trail event held at creamery

**WILL CHAPPELL**  
CITIZEN EDITOR

Local elected officials, volunteers and interested community members gathered for an informational event on the Salmonberry Trail at the Tillamook County Creamery's Red Barn on August 18.

At the event, groups partnering with the Salmonberry Trail Foundation to advance the project hosted informational tables before participating in an update on the trail.

Salmonberry Trail Foundation Executive Director Caroline Fitchett started the update by welcoming the crowd and thanking the local elected officials for making time to come to the event.

State Senator Suzanne Weber then spoke, sharing her history with the trail, which dates to her time as a city councilor in Tillamook. Weber said that when visiting her native Minnesota she had seen rails-to-trails projects that had sparked her interest in developing a similar project in northwest Oregon and helped get the ball rolling on

the idea of the Salmonberry Trail.

During her time as mayor, Weber and then-City Manager Paul Wyntergreen led efforts to build the first section of the trail between the Hoquarton Interpretive Park and Goodspeed Park, which opened in 2018.

Wheeler City Councilor Karen Matthews then spoke about her vision for the trail. Matthews said that she thought the trail should be pursued in a sectional manner, with towns and other groups building parts of the trail as they can and worrying about connecting them later.

Representatives from the Tillamook County Wellness Coalition and Tillamook Coast Visitors Association then discussed the positive impacts the trail would have on public and economic health in the communities it connects.

Oregon Coast Railroad Superintendent Samuel Aldridge said that he and his team were enthusiastic about the trail's prospects and wanted to offer whatever help they could.



Fitchett addresses the crowd assembled at the Boots on the Ground event at the Tillamook County Creamery Association's Red Barn.

Aldridge said that the railroad had lots of excavating and earth moving equipment that it was willing to lend to the foundation to help with trail construction and that

railroad staff would be able to help maintain the trail once it opens. Aldridge also discussed the railroad's plans to help with the construction of an 1,800-foot section of

trail in Wheeler, expected to be complete by October 2025.

Aldridge said that from the railroad's perspective, the trail was a big win, as

walkers and bikers who find Highway 101 too intimidating often find their way onto the train tracks already, and providing the trail as an alternative would increase safety.

A retired teacher and representative from the Northwest Regional Education Special District then discussed the educational opportunities that the trail would make accessible to students in Tillamook and Washington Counties through expanded field trip opportunities.

Finally, Fitchett wrapped up the update with an overview of the projects currently taking place on the trail. In addition to the planned section in Wheeler, more than seven miles of rails and ties have been lifted in Washington County and the foundation plans to have that section of the trail, which ends in Stub Stewart State Park, open by 2026.

Planning is also underway on a section of trail by the Tillamook County Creamery Association's Tillamook factory and visitor's center with a projected opening date of 2026.



## U.S. 101 traffic will be open to one lane with traffic flaggers 24/7 into September

### ODOT assessing damage to a bridge four miles north of Manzanita

A bridge on U.S. 101 in Oswald West State Park will be open to a single lane with traffic flagging 24/7 into September. We are assessing damage to the Necarney Creek Bridge and do not have an estimate of when we can start repair work or reopen the other lane.

A section of concrete sidewalk and guardrail collapsed sometime Thursday on the bridge located four miles north of Manzanita. We closed the bridge at

about 4:30 p.m. Thursday so that we could inspect the structure. We found it was safe to open one lane and start flagging traffic by 6:45 p.m.

Because we're heading into a busy holiday travel weekend, we urge north coast travelers to plan extra time into their trips on U.S. 101. Before hitting the road anywhere in Oregon, visit Tripcheck.com for current highway travel conditions.

Oregon State Park staff at Oswald West State Park alerted Manzanita Police Department about the damage at about 4 p.m. Thursday. Manzanita Police notified ODOT and closed

the lane next to the collapsed section immediately. By 4:30 p.m., we asked the police to close the bridge fully as a precaution until we could inspect it.

We believe the bridge was struck by a vehicle Thursday but have not received any reports of a crash or heard from witnesses.

The Necarney Creek Bridge was built in 1937, and the section that collapsed is a part of the original concrete sidewalk and guardrail. We installed a modern tubular guardrail along the concrete guardrail in 2008 to increase protection for vehicles.

## Hoffman Center

From Page A1

Originally housed in the Hoffman's home, the center constructed a new building in 2006 to house their indoor activities and demolished the house to make way for the Wonder Garden.

Badagnani read a love letter to the arts center that she had composed based on community members' responses to a survey in the lead up to the festival.

It noted that the center had faced funding struggles in the past, notably in 2014, but that it was now on a stable footing.

From its origins as a "scrappy little arts place," Badagnani said that the center had since grown into a professional arts organization on the coast and anchor for the community. She said that center staff and volunteers dreamed of further expansion in the future. Badagnani thanked the thousands of people who had volunteered since 2004 to help sustain the center and said that it would have been impos-

sible to stay afloat without them and specifically thanked the volunteers who helped organize the festival.

Badagnani invited the crowd to experience the center's offerings, check out the gallery, which also featured a slide show highlighting the center's history, and reconvene at 4 p.m. for closing ceremonies ahead of the concert and birthday cake. Plant bingo was hosted in the Wonder Garden with seeds given away as prizes and attendees participated in magnetic poetry, funny faces clay art and life drawing.



Hoffman Center Executive Director India Downes-Le Guin welcomes the crowd to the festival.

## Highway 101 upgrade in Garibaldi now underway

**WILL CHAPPELL**  
CITIZEN EDITOR

Crews began working on a \$10.6-million project to upgrade Highway 101 and pedestrian access in downtown Garibaldi earlier this month and work is expected to last through summer 2025.

Once finished, the entire stretch of the highway through town will be repaved and the sidewalks between First and 11th Streets will be replaced, with upgraded ADA access-

sibility.

David House, with the Oregon Department of Transportation's public affairs office, said that the project is part of normal maintenance operations carried out by the department. The repaving will extend the life of the highway, while the sidewalk work will bring the city's accessibility for disabled residents and visitors up to the current standard and meet the needs generated by the city's growth.

In addition to the repav-

ing and sidewalk replacement, workers will also improve the city's railroad crossings to make them ADA compliant, add a pullout bus stop, improve drainage and signage, and restripe the roadway.

House said that the work will not force any closures of the roadway and that it will only proceed during favorable weather conditions, shutting down days that are too wet, hot or cold. Residents can expect intermittent lane closures with flaggers and pedestrian and bike access will be maintained throughout.

# September

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# Tillamook County criminal convictions

STAFF REPORT

On May 15, Ronald Dale Warren, 58, was found guilty by a jury on one count of assault in the fourth degree, a class A misdemeanor, and one count of harassment, a class B misdemeanor, both committed on or about December 7, 2023. On May 16, Warren was found guilty by Judge Jonathan Hill of failure to appear in the second degree, a class A misdemeanor, committed on or about February 12. On August 23, Warren was sentenced to 18 months' probation.

On June 13, Jerry E. Neumiller, II, 43, was found guilty by Judge Mari Garric Trevino on one count of harassment, a class B misdemeanor, committed on or about October 9, 2023. On August 1, Neumiller was sentenced to five days in jail and was ordered to pay a \$100 fine and \$500 in restitution.

On July 22, Harlan John Brosa, Jr., 66, pled guilty to one count of failing to register as a sex offender, a class A misdemeanor, committed on or about March 28. Brosa was sentenced to 20 days in jail and ordered to pay a \$100 fine.

On July 29, Gerardino Gregorio Herrera, 25, pled guilty to one count of failure to perform the duties of a driver relating to property damage, a class A violation, committed on or about May 10. Gregorio Herrera was ordered to pay a \$440 traffic fine.

On July 30, Raymond Dale Burt, Jr., 44, pled no contest to one count of public indecency, a class A misdemeanor, committed on or about July 13, and one count of criminal trespass in the second degree, a class C misdemeanor, committed on or about July 14. Burt was sentenced to 30 days in jail.

On July 30, Brian Tierail Kvasnikoff, 19, pled no contest to one count of assault in the fourth degree, a class A misdemeanor, committed on or about November 28, 2023, and one count of attempt to commit a class C/unclassified felony, assaulting a police officer, a class A misdemeanor, committed on or about January 2. Kvasnikoff was sentenced to time served in jail.

On July 31, Devin Kelly Hyde, 34, pled no contest to one count of harassment, a class B

misdemeanor, committed on or about April 11. Hyde was sentenced to five days in jail.

On August 5, Edgar Quevedo Rocha, 27, was sentenced on one count of driving under the influence of intoxicants, a class A misdemeanor, committed on or about February 25, 2023, to which he pled guilty on April 24, 2023. Quevedo Rocha was sentenced to two years' probation and his driver's license was suspended for one year.

On August 5, Raul Martinez Ponce, 28, pled no contest to one count of driving under the influence of intoxicants, a class A misdemeanor, committed on or about August 1, 2020. Martinez Ponce was sentenced to two days in jail and two years' probation, his driver's license was suspended for one year and he was ordered to pay \$2,628 in fees and fines.

On August 8, Quentin Thomas Darby, 26, pled no contest to one count of theft in the third degree, a class C misdemeanor, committed on or about March 20. Darby was sentenced to 15 days in jail.

On August 15, Nicholas Lawrence Gefre, 35, pled

no contest to one count of criminal trespass in the second degree, a class C misdemeanor, committed on or about July 8. Gefre was sentenced to 15 days in jail.

On August 16, Oreain J Pearson, 21, pled no contest to one count of sexual abuse in the second degree, a class C felony, committed on or about December 17, 2023, and one count of strangulation, a class C felony, committed on or about December 19, 2023. Pearson was sentenced to 57 months' probation and ordered to register as a sex offender.

On August 19, Benjamin Michael Bowman, 41, pled no contest to one count of prohibited acts at an archaeological site, a class B misdemeanor, committed on or about December 17, 2023. Bowman was sentenced to one year on probation and ordered to pay a \$100 fine.

On August 19, Linda Lee Wisner, 63, pled guilty to one count of driving under the influence of intoxicants, a class A misdemeanor, and one count of assault in the third degree-DUII, a class B felony, both committed on or about July 17, 2023. Wisner was

sentenced to 19 months in prison, 364 days in Tillamook county jail and three years' post-release supervision, and her driver's license was suspended for three years.

On August 20, Daniel Robert Essary, 37, pled no contest to one count of criminal mischief in the second degree, a class A misdemeanor, committed on or about July 4. Essary was sentenced to ten days in jail and two years' probation.

On August 23, Vincent Anthony Gingerich, 21, pled no contest to one count of harassment, a class A violation, committed on or about July 25. Gingerich was assessed a \$440 fine.

On August 23, Matthew Oge, 42, pled no contest to one count of coercion, a class C felony, committed on or about September 3, 2021. Oge was sentenced to two years in prison and two year's post-release supervision.

On August 26, Skipper Rosemary Aufdermauer, 30, pled no contest to one count of recklessly endangering another person, a class A misdemeanor, committed on or about May 26. Aufdermauer was sentenced to two years'

probation and ordered to pay a \$100 fine.

On August 25, Adolfo Chacon Alvarez, 50, pled no contest to one count of taking, angling, hunting or trapping in violation of wildlife law or rule with culpable mental state, a class A violation, committed on or about May 26. Chacon Alvarez's fishing license was suspended for three years, and he was ordered to pay a \$440 fine.

On August 26, Luis Miguel Farias Sanchez, 35, pled guilty to one count of violation of wildlife law with culpable mental state, a class A violation, committed on or about July 20. Farias Sanchez was ordered to pay a \$440 fine.

On August 26, Samantha Guadalupe Farias, 30, pled guilty to one count of violation of wildlife law with culpable mental state, a class A violation, committed on or about July 20. Guadalupe Farias was ordered to pay a \$440 fine.

On August 26, Patrick Eugene Lynch, 68, pled no contest to one count of theft in the third degree, a class C misdemeanor, committed on or about June 20. Lynch was sentenced to 20 days in jail.

## Nehalem Bay Pottery Presents: Día de Los Muertos Celebration

Exhibit Dates: August 31st - November 2nd, 2024

Location: Nehalem Bay Pottery, 12955 Highway 101 North, Nehalem, OR 97131

Community Reception: September 22nd, 2 - 5 p.m.

Nehalem Bay Pottery is delighted to announce a special exhibition in celebration of Día de Los Muertos (Day of the Dead), running from August 31st through November 2nd, 2024. This vibrant display of clay artistry honors the tradition of remembering and celebrating loved ones who have passed on.

Studio members Kopali Serna, Rae Mahaffey, and Janice Gaines-Ehlen have created unique ceramic pieces inspired by the colorful and festive traditions of Día de

Los Muertos. The studio will feature a traditional ofrenda (altar) showcasing these handmade works alongside the customary flowers and treats that pay tribute to the deceased.

Community Reception: We invite you to join us for a special reception on September 22nd from 2 to 5 p.m. This gathering will provide an opportunity for the community to come together, meet the artists, and celebrate the spirit of Día de Los Muertos while enjoying the beautiful art on display.

The Día de Los Muertos holiday is traditionally celebrated on November 1st and 2nd and symbolizes the reconnection of the living with their loved ones who

have passed away. Families create elaborate ofrendas to honor their ancestors, filling them with items that bring memories to life. The ceramic art on display is available for purchase, encouraging visitors to bring a piece of this tradition into their own homes—whether by setting up their own ofrendas or simply embracing the spirit of the occasion.

Visit Nehalem Bay Pottery at 12955 Highway 101 North, Nehalem, OR 97131. The studio is open Monday through Saturday from 11 a.m. to 3 p.m.

For more information, please contact Kopali Serna at kopalita@gmail.com or Rae Mahaffey at raemahaffey@gmail.com.



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## CryptoQuip

This is a simple substitution cipher in which each letter used stands for another. If you think that X equals O, it will equal O throughout the puzzle. Solution is accomplished by trial and error.

Clue: H equals B

KUJL'X LUO HOXL HYOKOB  
HOMOYJIO LP BYFAZ KUOA  
KYFLFAI LUO SFYXL MOYXFPA  
PS J KPYZ? BYJSL HOOY.

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## GO FIGURE!

The idea of Go Figure is to arrive at the figures given at the bottom and right-hand columns of the diagram by following the arithmetic signs in the order they are given (that is, from left to right and top to bottom). Use only the numbers below the diagram to complete its blank squares and use each of the nine numbers only once.

DIFFICULTY: ★★

★ Moderate ★★ Difficult  
★★★ GO FIGURE!

	-	2	×		= 6			
+		+		+				
	+		÷		= 1			
+		+		×				
	+		+		= 24			
=		=		=				
17		12		63				
1	2	3	4	5	6	7	8	9

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Oregon Department of Forestry Tillamook District Firewood cutting areas will open Tuesday, September 3, 2024

You may come into the office or call to purchase your permit over the phone. Woodcutters are advised to be familiar with the areas as there is no guarantee wood will be available at any location.

For more information on permit areas and requirements, please call the Tillamook District Office at 503.842.2545, Monday through Friday.

SONGS FROM THE 1970s

J A M I N C  
P L N G I N R  
L L D N L A R E  
M E B S O I D E B  
I T E L S C T K M  
N O I T I T S R E P U S O E  
G T H D U C C B A J T  
B E E M N O N A E L E P  
E R A C M Y H E  
E V I L A N I Y A T S

Super Crossword

NOVEL INTRODUCTIONS

ACROSS

1 Downgrade  
7 Morals  
13 Rich fabric with a silky finish  
20 "Bam!" chef Lagasse  
21 Result in  
22 Went to the polls again  
23 1978 arcade classic  
25 Immemorial  
26 Gyro breads  
27 Sue Grafton's "— for Alibi"  
28 Its highest mountain is Denali  
30 "... good witch — bad witch?"  
31 Emphasize  
33 Healthy  
34 Bread sliced doubly thick  
37 College transcript no.  
39 Charge to pitch a product  
44 Many a hospital delivery  
45 Bottled water brand  
49 " 'Tis a pity!"  
52 What a DJ talks into

55 President before Sadat  
56 Not duped by  
57 Jungle beast  
58 Said "There, there" to, e.g.  
60 Raised fortification  
62 Song closing a Catholic service  
67 Kauai, e.g.  
68 Patch affixed with heat  
69 Many a hospital delivery  
70 Abbr. before an alias  
71 "To quote myself ..."  
73 Opposed to  
74 Colorado's nickname  
77 Big name in car parts  
79 "Evita" star  
80 Meadowland  
81 Copy a lion  
82 Old video game consoles  
85 Not just moist  
86 Yard uglifiers  
88 Aruba is in it  
91 Barbecue serving  
92 "Gypsy" composer  
96 July

93 "Hip Hop Is Dead" rapper  
94 Annual game at Aloha Stadium  
101 Did perfectly  
104 Fliers' military branch  
105 He wrote "The Raven"  
106 Annual honor given by Sports Illustrated  
112 NYC subway line  
113 Twin sister of He-Man  
115 Actress on the sitcom "American Housewife"  
116 Author of the novels whose titles are the starts of nine answers in this puzzle  
119 1990s talk show host Watts  
120 Fly planes  
121 Singer Dolly  
122 Calls a talk show, e.g.  
123 Went back over, as one's steps  
124 Peripherals

DOWN

1 Cruel ruler  
2 Domain  
3 Butcher's tool  
4 Whale variety  
5 Dead heats  
6 Lilly of drugs  
7 TV's "Mistress of the Dark"  
8 Tantalizes  
9 Contained  
10 Brain gains  
11 Key near Alt  
12 Sammy of the diamond  
13 Car stopper  
14 Of monarchs  
15 Coincide partly with  
16 Coke, e.g.  
17 Truckloads  
18 China's — Xiaoping  
19 Border  
24 Mil. alliance since 1949  
29 White birds  
31 Pig's digs  
32 Auto garage brand  
35 Lawyers' gp.  
36 Lay turf on  
37 Enthusiastic greeting  
38 Mas' mates  
40 Stops harping on the subject  
41 "As is" transaction  
42 Beseched  
43 Acronym for four entertain-ment prizes  
46 Scott Turow memoir  
47 Actress Laura  
48 Sp. woman  
49 Dress of India  
50 Opulent, floor-length cloak  
51 Of lesser importance  
52 Parisian pronoun  
53 "You win"  
54 Religious law  
58 1040 ID  
59 Must-see  
61 It's south of Tenn.  
63 Become a participant  
64 Pollute  
65 "Got what I'm talkin' about?"  
66 Home to Augusta  
71 It's south of Tenn.  
72 Senate affirmatives  
74 Pigeon shed  
75 Allay  
76 Home pest  
77 Curved paths

78 Hailed vehicle  
83 Brand of root beer  
84 Stranded cell stuff  
86 Nintendo game console  
87 Fall away  
89 Lighthouse lights  
90 Sushi tuna  
91 Border  
95 Noble sort  
96 Thawed  
97 Beginning painting class  
98 Accepting of  
99 Became tiresome to  
100 Gets wiser  
102 Pop singer Lauper  
103 City in southeast Minnesota  
104 Fess up to  
106 Frying fat  
107 "The Time Machine" race  
108 — monster  
109 No-show GI  
110 Not fully shut  
111 Super review  
113 Food herring  
114 Cattle group  
117 Cochlea site  
118 W-2 pro

MAGIC MAZE

SONGS FROM THE 1970s

Y R W U L R P N K I G E D B Z  
J A P I A N O M A N X C V S Q  
A I O L N M K G I I G N E R C  
M N L D A Y N L W U A R E S  
M D E B S Q P O I N L D E B J  
I R T E L H F S C E C T K M A  
N O I T I T S R E P U S O E Y  
G P T H D X V U C C B A J T U  
S S B E E M N O N A E L E P Q  
P N E R A C M Y M K J I I I E F  
E C B E V I L A N I Y A T S Z

Find the listed words in the diagram. They run in all directions: forward, backward, up, down and diagonally. Unlisted clue hint: **Keep Fallin' On My Head**

ABC Cecilia  
I'll Be There  
Jamming

Landslide  
Last Dance  
Lean On Me  
Let It Be

Piano Man  
September  
Stayin' Alive  
Superstition

The Joker  
YMCA  
Your Song

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Weekly SUDOKU

by Linda Thistle

7		3	8				9	
	8			2				5
		6			4	1		
8				6				3
	9		1				5	
		2			3	8		
5				9		2		
		7	4				3	
	4				6			7

Place a number in the empty boxes in such a way that each row across, each column down and each small 9-box square contains all of the numbers from one to nine.

DIFFICULTY THIS WEEK: ♦♦

♦ Moderate ♦♦ Challenging  
♦♦♦ HOO BOY!

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North Coast  
CITIZEN

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The Citizen welcomes letters that express readers' opinions on current topics. Letters may be submitted by email only, no longer than 300 words, and must be signed and include the writer's full name, address (including city) and telephone number for verification of the writer's identity. We will print the writer's name and town of residence only. Letters without the requisite identifying information will not be published. Letters are published in the order received and may be edited for length, grammar, spelling, punctuation or clarity. We do not publish group emails, open letters, form letters, third-party letters, letters attacking private individuals or businesses, or letters containing advertising.

Deadline for letters is noon Fridays.  
The date of publication will depend on space.

Obituaries  
The North Coast Citizen has several options for submitting obituaries.  
• *Basic Obituary*: Includes the person's name, age, town of residency, and information about any funeral services. No cost.  
• *Custom Obituary*: You choose the length and wording of the announcement. The cost is \$75 for the first 200 words, \$50 for each additional 200 words. Includes a small photo at no additional cost.  
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All obituary announcements are placed on the North Coast Citizen website at no cost.

+

church services by the sea

Cannon Beach to Nehalem

Nehalem  
Nehalem Bay  
United Methodist Church

36050 10th Street, Nehalem, OR  
(503) 368-5612

Pastor Celeste Deveney +  
Sunday service 11 a.m.  
Food Pantry  
Open Friday, Saturday & Monday  
10 a.m. to 2 p.m.  
Wednesday

March - October 2 p.m. to 6 p.m.  
November - February noon to 4 p.m.  
Nehalem Senior Lunches  
Tuesday & Thursday served at noon  
email: nbumcns12020@gmail.com

To feature your spiritual organization on this panel:

Contact Katherine at  
(503) 842-7535,  
headlightads@countrymedia.net.

SNOWFLAKES

by Japheth Light

There are 13 black hexagons in the puzzle. Place the numbers 1 - 6 around each of them. No number can be repeated in any partial hexagon shape along the border of the puzzle.



DIFFICULTY THIS WEEK: ♦♦♦

♦ Easy ♦♦ Medium ♦♦♦ Difficult

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Weekly SUDOKU

Answer

7	2	3	8	1	5	4	9	6
4	8	1	6	2	9	3	7	5
9	5	6	3	7	4	1	2	8
8	1	5	9	6	2	7	4	3
3	9	4	1	8	7	6	5	2
6	7	2	5	4	3	8	1	9
5	3	8	7	9	1	2	6	4
2	6	7	4	5	8	9	3	1
1	4	9	2	3	6	5	8	7

SNOWFLAKES

solution



SCRAMBLERS

solution

1. Snack; 2. Warden;  
3. Parent; 4. Amount

Today's Word  
TEAMWORK

Super Crossword

Answers

D	E	M	O	T	E		E	T	H	I	C	S		B	R	O	C	A	D	E	
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S	P	A	C	E	I	N	V	A	D	E	R	S		A	G	E	L	O	N	G	
P	I	T	A	S		A	I	S		A	L	A	S	K	A	R	A	N	G	E	
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D	I	A	L	S	I	N		R	E	T	R	O	D		A	D	D	O	N	S	





Day-use restroom: The day-use restroom near the park's south end will be added to the sanitary sewer system.

# NEHALEM

## Bay State Park

From Page A1

system of high-density polyethylene pipes that will allow each campsite's water to be turned off in isolation, if necessary. The new water system will also be complemented by a new main along Necarney Boulevard.

Electrical upgrades will occur at around half of the campsites, with 50-amp service replacing the current 30-amp service to match the amperage available at the park's other sites following a 2015 upgrade and accommodate modern RVs.

These upgrades will allow visitors to utilize more peripherals on their vehicles on hot days, when the current system's capacity is strained by high air conditioning use.

The day-use restroom at the south end of the park will also be added to the sanitary sewer system, as

will the concessionaire who offers horseback rides.

Other projects will include the addition of a new restroom facility between the C and D campsite loops, neither of which currently has facilities, repaving of the park's main road near the entrance and adding two snowy plover docent sites. The docent sites will be staffed by volunteers and used to help increase awareness of the endangered species' habitat at the park and the need for visitors to avoid it for conservation.

Additionally, nine campsites will be upgraded for full ADA-accessibility, including paved access to restroom facilities, easy-grip water faucets and expanded maneuvering space.

The upgrades are scheduled to begin November 1, but that date is up in the air as the park has run into pushback from neighbors in the permitting process at the county.

Cox explained that the confrontation began when consultants advising the park on the project recom-

mended that they submit a master plan to the county for conditional use approval as part of the permitting process. The master plan was developed in 2009 and includes all the current projects as well as potential future expansions that Cox emphasized were not funded or planned for any time soon.

However, when neighbors were notified by the planning commission about the park's application, they became concerned about the potential traffic impacts of increased capacity at the park, according to Cox.

This led a group of neighbors to challenge the conditional use master plan's approval before the county's planning commission, where it was approved, and appeal that decision to the board of county commissioners.

A hearing on the appeal is set for late September, according to Cox, but the kerfuffle has already forced the project's start date to be pushed back a month from October 1.

Cox said that in retro-



One of the sections of the park's main entry road that will be repaired.

PHOTO BY WILL CHAPPELL



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# Rockaway Beach Seeks Community

## Input on Sourcewater Protection Plan

On September 12, the City of Rockaway Beach will host a town hall to discuss a draft Sourcewater Protection Plan focused on the Jetty Creek watershed. The hybrid meeting will be held from 5:30 pm to 7:00 pm at City Hall (276 US-101 - Civic Facility, Rockaway Beach, OR) and virtually via Zoom.

The City of Rockaway Beach seeks community input on the draft Sourcewater Protection Plan, which will help inform the City's source water protection efforts in the Jetty Creek watershed, the City's primary drinking water source. The town hall will include an overview of the plan development process, and a discussion of risks to drinking water sources identified and prioritized thus far. There will be a timed public comment section at the beginning of the meeting, in addition to opportunities for community members to ask questions and share feedback at the end. Those unable to attend will be able to view a recording of the town hall and submit comments and questions afterwards.

The planning process has been made possible by a grant from the Oregon Health Authority. The City Council established the Sourcewater Protection Plan Development Advisory Committee (SPPDAC) to provide reviews and community input during the development of the Plan. Additionally, the City has engaged a Sourcewater Protection Team consisting of local stakeholders and technical experts to guide development of the Plan. This will be the first of two town halls for community

members to provide input on the Plan.

To read the draft risks prioritization document,

join the Zoom meeting, or view the meeting recording, please visit the City's SPPDAC webpage.



5374 Woodlawn St, Oceanside

\$830,000



850 Ridgewood Rd, Oceanside

\$1,599,000



440 Capes Dr, Oceanside

\$885,000



100 Capes Dr, The Capes, Oceanside

\$995,000



9350 Whiskey Creek Rd, Netarts

\$970,000



4803 Holly Heights Ave, Netarts

\$654,000



614 Ginger Ave, Garibaldi

\$1,900,000



1800 Pearl St #9, Netarts

\$469,000

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answer

What's the best brewed beverage to drink when writing the first version of a work? Draft beer.



# KYLER

From Page A1

Tillamook County.

While at work on May 29, Kyler started having severe chest pains and went to the nurse at his worksite who called an ambulance to transport Kyler to the hospital. After arriving at the emergency department, preliminary testing showed that Kyler’s heart was enlarged, and his blood pressure was running high.

Kyler continued to experience severe chest pains while the doctors awaited further results and evaluated next steps. About eight hours after starting to experience chest pains, while exiting the bathroom, Kyler fell to the ground dead and could not be revived.

An autopsy showed that Kyler had suffered an

aortic bisection, a rupture his heart’s aorta that allowed blood to pump into his chest cavity, eventually killing him.

Dennis said that doctors at the hospital had noted fluid in Kyler’s chest on x-rays but that they had failed to diagnose the condition because it typically occurs in older patients with weakened blood vessels. If the condition had been diagnosed, emergency surgery could have saved Kyler’s life.

In the aftermath of the calamity, while beginning to work through the grief, Dennis said that he and Amanda decided they wanted to do something positive in Kyler’s memory and the idea for Kyler’s Big Heart Benefit quickly took shape.

Dennis reached out to his old friend Jacquie Roar, a finalist on 2023’s season



Kyler with his sister Kayla and father Dennis.

PHOTO COURTESY CAVITT FAMILY

of “The Voice”, who signed on to headline the concert, with Scott Casey and the Gentlemen Bandits scheduled as an opening act.

A friend offered the use

of their moribund 501(c) (3) to receive the proceeds from the benefit concert while the couple works through the paperwork to form their own.

Dennis said that the plan is to use the money raised by the first benefit concert to purchase lifesaving equipment for local fire districts and departments and

pay for training for their staff and volunteers, with an emphasis on cardiac conditions.

In the future, Dennis envisions the foundation adding initiatives focused on preventative measures and educational outreach.

Dennis said that since Kyler’s passing, he has become convinced that the chemicals and preservatives being added to food are causing a health crisis in young people. Kyler was overweight but did not have any symptoms of high blood pressure or cardiac disease.

By increasing awareness of the increasing risk of cardiac events in younger people, Dennis and Amanda hope that they can prevent other families from going through a similar tragedy. “It’s about saving people and awareness, that’s my biggest goal,” Dennis said.

# BALLOTS

From Page A1

the change was made without approval from the city council, violating the city’s charter that required such action to change the methodology, and that the city’s elections official had declined to stop using the incorrect ballot.

After a preliminary hearing on August 20, Judge Jonathan Hill set a full hearing for the matter for August 28.

## Motion to dismiss

Proceedings commenced with a hearing on a motion to dismiss the petition for the writ of mandamus, brought by the attorney representing the city, Truman Stone.

Stone argued that the petition did not meet the criteria for a writ of mandamus because the relators, Howlett and McMahan, had other remedies available and had waited too long to file the petition. Stone contended that the duo could have filed a statutory appeal or sought declaratory relief to chal-

lenge the balloting methodology, and that the writ of mandamus had been filed too long after the 2014 change to electoral procedures.

Volpert, representing Howlett and McMahan, responded that getting the cases on a court’s regular docket would have taken at least a year under normal circumstances, at which point the issue would have been moot. Volpert also said that using 2014 as the starting date for his client’s window to file legal action was unreasonable and said that a July letter from City Manager Luke Shepard informing his clients that the city would not change its voting methodology was the actual precipitating cause of the petition.

Hill said that the petition was of too great an importance to the public with the election fast approaching and denied the motion to dismiss, allowing the petition to proceed to a contested hearing.

## Opening remarks

Volpert delivered his opening remarks first and told the court that the

petition was a simple legal issue, with his clients only asking for the illegal change in balloting from 2014 to be corrected by the court.

Volpert also preemptively responded to the city’s defense, offered in a written response the week before, that a February ordinance addressing nominating procedures for city positions had codified the balloting methodology. Volpert said that the new ordinance had been presented at the time by city staff as a separate issue from the balloting procedures in response to a question by Councilor Kristine Hayes.

Finally, Volpert took Shepard to task over his communications with the council regarding the process to change the balloting procedure. Volpert pointed to a February council meeting, when Shepard told councilors that the city’s attorney had advised him that it was the county clerk’s responsibility to decide on the balloting method, even though this was incorrect.

Stone then addressed the court, saying that despite the allegations of “conspiracies and such,” the city

wanted to do nothing more than run fair elections in compliance with the law.

Stone argued that the February nominating ordinance update had in fact codified the city’s current approach and that even if it hadn’t, the court was required to assume that the city had acted legally, placing the burden to prove illegal action on the relators. Stone continued that the city council had never prescribed a method for balloting prior to 2014 and that reverting to the old approach would be no more correct than the current.

Stone also argued that altering the approach after the filing deadline had passed would be unfair to the candidates who had filed and create issues as one of the positions being contested only has two years left in its term. Stone further contended that calling witnesses at the hearing was unnecessary, as the judge simply needed to rule on the legal question of whether the balloting methodology was legal.

## Witness testimony

Nonetheless, Volpert began calling witnesses following the close of Stone’s opening, beginning with Tillamook County Clerk Christy Nyseth.

Nyseth confirmed that the county was not in charge of the balloting procedures used by cities and that it did not require position numbers to be included in races. She said that she had confirmed with the secretary of state’s office that removing the positions would be allowable, but that doing so would require action by the city council.

Howlett was then called to the stand, where he testified that he had become interested in the issue while volunteering for a city council campaign in 2022. After seeing the lack of effort that other candidates running unopposed had put in, Howlett said that he came to believe the position-based balloting approach was unfair.

Becoming more engaged in the issue, Howlett began to conduct research, requesting the records from all city council meetings between 2012 and 2014 to see if the council had voted on the change. Howlett said that he had not found a vote in the records and had confirmed with Nyseth’s office that they also had no record of a vote.

Next, Rockaway Beach City Manager Luke Shepard was called to testify and Volpert immediately addressed the incorrect legal advice Shepard had given at the February council meeting, asking if Shepard had accurately relayed the attorney’s message or mis-

spoken. After an objection to the question was overruled, Shepard eventually said that he believed that it had been what the attorney said.

Volpert then questioned Shepard on the procedure for placing proposed ordinances on the council’s agenda, drilling down on the fact that Hayes had requested the balloting procedure be added to the agenda repeatedly.

Shepard said that the council requested items and that if there seemed to be a majority consensus around adding it, he would, as the person who makes the agendas.

Hayes was the next witness called and detailed how she had been concerned about the balloting procedure since at least 2016, and first broached the subject of removing position numbers with Shepard in 2020. Hayes said that she had been repeatedly rebuffed in her requests to add discussions or resolutions about the issue.

Hayes also confirmed that Shepard had explicitly told her that the February resolution did not address the position issue and that she would not have voted in favor of it had she believed it did.

McMahan was then called to the stand and said that he had spoken with many other residents of the city who had been deterred from running by the need to choose an opponent.

At that point, Stone asked the judge for a directed verdict, arguing that the relators had called the wrong party in the petition since the county clerk oversaw certifying the ballots. Volpert said that the city’s election official was in charge of the submission and that the county clerk’s role was simply to approve their work. Hill denied the request for a directed verdict, allowing the hearing to continue.

McGinnis then took the stand and said that she believed the issue should be addressed after the November election with the formation of a citizens’ advisory committee.

Finally, Mayor Charles McNeilly took the stand and said that he had been under the impression that the February nomination ordinance had addressed the position issue and that he did not remember the conversation when Shepard said it hadn’t.

## Closings

Closing statements then proceeded, with Stone reiterating his argument that the February ordinance had codified the position-specific electoral approach. Stone said that the relators had waited too long to file their petition and likened their arguments to “throwing spaghetti at the wall.”

Volpert renewed his contention that the February ordinance had explicitly not addressed the position question. Volpert argued that the nebulous process to place items on council agendas and Hayes’ inability to have the council address the issue despite repeated efforts showed that it was necessary for the court to remedy the situation, or a new council would likely perpetuate the current system.

At that point the hearing concluded, with Hill telling the parties to return on August 30 to hear his ruling.

## Ruling

Judge Hill began the August 30 hearing by saying that even though the hearing had contained emotional testimony about the situation in Rockaway Beach, his role as a judge was to make a decision based on statutory grounds. Hill continued that his task was to determine if the city’s balloting methodology complied with its charter and ordinances.

While the charter required that councilors be elected at large, ambiguity arose because the document failed to define at large, Hill said. Referencing the dictionary and model charter for Oregon cities did not give much more clarity, according to Hill, as both defined at large as meaning that the whole population participated, rather than a subset, a definition met by both methodologies.

With the lack of clarity, Hill said that he had to rely on the words on the page in the charter and ordinances and addressed the February passage of Ordinance 2024-02.

Despite the differing understandings of the ordinance’s purpose among councilors, Hill said that in calling for nominations to include position number in two separate places, the ordinance had codified the positional approach.

“Regardless of the intent of the people voting for the ordinance, the effect of it is that it creates a position voting system at large,” Hill said.

This left Hill to evaluate whether the city’s voting methodology followed a reasonable interpretation of the charter and ordinance.

Given the lack of charter definition and ambiguity of the other definitions, Hill said that he found both parties’ interpretations reasonable, and since the burden of proof lay with the relators, he could not find good cause to issue the writ.

Hill asked Stone if the city planned to seek attorney’s fees from the relators, as it had previously indicated it planned to. Stone said that he would need to confer with his clients before answering and Hill then adjourned the hearing.

Speaking after the decision, Volpert said that while he and his clients were disappointed with the decision they were not entirely surprised. “We knew from the very beginning that that whole at large is a tough one because a lot of the definitions are vague,” Volpert said. “It’s very hard for a judge to tell a public body what to do in a situation like this.”

“The City of Rockaway Beach’s only goal is to conduct free and clear elections in accordance with the law. The city follows a nomination and election process as recommended by its legal team and supported by city charter and ordinance,” Shepard said in a statement to the Headlight Herald.

“The City of Rockaway Beach is a community with a rich diversity of opinions. Thank you to all who exercised your right to participate in the proceedings on either side of the aisle.”





### Come On In & Love The Skin You’re In

It is easy to forget about the health of our skin, but it is important that we don’t. Even living on the cloudy coast, we must protect our skin each time we go outside by wearing sunscreen.

In addition to wearing sunscreen, it is best to check your skin at least one time per month for any new marks or changes. If you have any questions or concerns about your skin, Dr. Dale Westrom provides dermatological services on Wednesdays from 9AM-5PM.

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#skincancerawareness



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4	-	2	×	3	÷ 6
+		+		+	
5	+	1	÷	6	÷ 1
+		+		×	
8	+	9	+	7	÷ 24
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17		12		63	