

MINUTES
Warrenton City Commission
Regular Meeting - May 24, 2016
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, Or 97146

Mayor Mark Kujala called the meeting to order at 6:00 p.m., then led the public in the Pledge of Allegiance.

Commissioners Present: Rick Newton, Tom Dyer, Henry Balensifer, Pam Ackley, Mayor Mark Kujala

Staff Present: City Manager Kurt Fritsch, City Attorney Harold Snow, City Recorder Linda Engbretson, Finance Director April Clark, Wastewater Treatment Superintendent Kyle Sharpsteen, Police Chief Mathew Workman, Public Works Director James Dunn, Fire Chief Tim Demers, Public Works Foreman Craig Walter

COMMISSIONER COMMENTS

Commissioner Balensifer - reported he and City Manager Fritsch recently met with the FEMA Region 10 Administrator at a meeting in Portland. He said it was a very productive meeting, and thanks to Senator Johnson, Warrenton got a lot of time to discuss levee certification improvement projects, needed assistance, and hopefully becoming a "test project." He asked what the others thought about becoming an Oregon Solutions Project. Mayor Kujala strongly supported that, stating anything the City can do to move the levee certification process forward is important.

Mayor Kujala noted the completion of the budget process for FY 2016-2017 . He thanked the budget committee and staff, commenting it was a smooth process.

City Recorder Linda Engbretson explained the County has verified that the initiative petition proposing a charter amendment to require voter approval for transfer of City assets has received enough qualified signatures for referral to the ballot. She requested its presentation to the Commission be added to the Agenda.

Commissioner Balensifer made the motion to add Item F as presentation of IP 28 - Initiative Petition filing. Motion was seconded and passed unanimously.

Newton - aye; Dyer - aye; Balensifer - aye; Ackley - aye; Kujala - aye.

Public Works Director James Dunn reported several volunteers helped the City out with Quincy and Bessie Robinson Park improvements in recent weeks. He thanked teacher Sue Marchello and the Warrenton High School Leadership Class for painting dugouts on May 16 and Hans Lund, Rick Walter, Craig Walter, and Jason Krupp for building concrete benches in the dugouts on Field 1 on May 22nd.

CONSENT CALENDAR

- A. City Commission Regular Meeting Minutes - 5.10.16
- B. Commission Work Session Minutes - 5.10.16
- C. Monthly Finance Report - April
- D. Fire Dept. Monthly Activity Report - April
- E. Monthly Police Statistics Report - April
- F. WBA Meeting Minutes - Sept. And Oct. 2015/ Jan., Feb. And March 2016
- G. Community Library Board Minutes - 4.29.16

Commissioner Henry Balensifer made the motion to approve the Consent Calendar as presented. Motion was seconded and passed unanimously.

Newton - aye; Dyer - aye; Balensifer - aye; Ackley - aye; Kujala - aye.

BUSINESS

Mayor Kujala introduced Clatsop County Manager Cameron Moore. Mr. Moore briefly reviewed his 30 years in local government, and said he is looking forward to his work here in Clatsop County.

Police Chief Mathew Workman presented several citizen recognition awards; Chief Workman reported that Mr. Chris Mayer, Warrenton Rite Aid Store Manager, was instrumental in preventing a woman from falling prey to a phone scam. She was asked to purchase \$2,000 in rechargeable credit cards to bail her grandson out of the Warrenton Jail. Mr. Mayer contacted Warrenton Police and was able to keep her from completing the transaction until police assured her it was a phone scam. Chief Workman commended Mr. Mayer's persistence in preventing the woman from completing the transaction. Chief Workman presented Mr. Dan Withers and Mr. Travis Addison with recognition awards for their assistance in aiding a woman during an attempt to steal her purse in the Fred Meyer parking lot. He explained that their intervention kept the woman from being seriously injured, she was knocked down by the suspects vehicle, as well as identifying the suspect was later detained and convicted. Chief Workman then recognized Warrenton Police Officer Robert Wirt and Sr. Officers Aaron Berndt and Richard Kraynak. He explained local resident Darlene Warren had stopped to assist a woman in mental distress after

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witnessing the woman fall into a ditch. The woman had a knife who was threatening to harm herself. Ms. Warrenton was able to make contact with Warrenton Police officers and then stayed with the woman and talking with her to keep her from harming herself until the officers arrived. The officers were able to diffuse the situation, and Ms. Warren had posted the incident on face book stating she was very impressed that the officers de-escalated the situation without compromising anyone's safety. It could have ended very badly, as the woman was brandishing the knife. Chief Workman presented letters of commendation to the officers. Chief Workman then recognized Darlene Warren for her care and compassion, assisting the woman, that most likely prevented this woman from harming herself.

Mayor Kujala recused himself from the next Agenda Item - consideration of the MOU between the City, CREST, and the Skipanon Water Control District explaining he and family members own property in the project area, and he could be economically impacted by the project. Mayor Kujala turned the meeting over to Mayor Pro Tem Henry Balensifer. City Manager Fritsch requested consideration of renewal of the Memorandum of Understanding (MOU) between CREST, the Skipanon Water Control District, and the City regarding the 8th Street Dam Restoration Project. He explained the MOU was previously approved by the Commission (4 - 0), but expired December 31, 2015. He explained the project is the removal of the dam by the Skipanon Water Control District and the replacement of the dam with a bridge for traffic conveyance paid for through a federal BPA grant. Crest is the third party administrator for the project. Mr. Fritsch explained the project was delayed due to the City's request for additional information and the City hiring an engineering consultant to review the plans of the project engineers. The engineering plans for the bridge were modified with input from the City's consultant. Mr. Fritsch explained that this evenings requested action will not give approval to the project as a whole. He explained the project itself will be before the Planning Commission as a land-use action; however, the renewal of the MOU does show the City's continued interest in accepting a bridge at the current location of the dam, built using BPA funds, at no cost to the City. He stated that should the Commission decline the renewal of the MOU and not wish to participate, then the Skipanon Water Control District may or may not move forward with the project with no commitment for a replacement structure. Mr. Fritsch noted the dam is not part of the City's levee system nor is it an integral part of flood control within the City. While this item is not a land use action or public hearing, Mayor Pro-tem Henry Balensifer stated he would allow public comment specifically addressing the renewal of the MOU, limited to a 3 minute time period.

John Nygaard - Warrenton - stated CREST, the Skipanon Watershed Council, and City staff are missing the biggest potential harm of the project. He said the size of the bridge and actual water elevation change and flooding that will occur is important but immaterial compared to the bigger question as to how this project will impact the City's flood plain, maps, and levy system costs. Mr. Nygaard stated the Federal Emergency Management Agency (FEMA) and the National Oceanic and Atmospheric Administration (NOAA) are discussing how to force a "no development zone" over all of Oregon's mapped flood plains and 170 feet out from all the

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mapped flood plains. He suggested the only potential safe pathway is to have the levees certified as a complete flood protection system. He said the 8th Street Dam was recognized as a critical flood structure in providing at least 1 ft. of flood protection in the 1978 FEMA flood plain maps, and he believes it prudent to wait until it is known what FEMA and the USACE are going to require to certify the levee system. Mr. Nygaard then stated the City Commission's approval of the previous MOU improperly influenced the Planning Commission's independent review of the project. He said the adoption of the MOU caused confusion for the Planning Commission; that the City had already reviewed and approved the project because of the MOU. Mr. Nygaard also said the City should take back control of the 8th Street Dam from the Skipanon Water Control District, if they are unwilling to maintain it, as it is critical to the City's levee certification process and the Commission should vote No on the MOU until FEMA, NOAA, and the USACE have confirmed the City's actual options and costs to protect the community from the no development zone.

Paul Kujala - Hammond - said he believes the removal of the dam will adversely affect private property, and he said engineering studies show this. He said that the Skipanon Water Control District opened the lids on the dam around 2000 to allow flow back and forth and that compromised the main purpose of the dam. "It negatively impacted the upstream properties." He said the engineering report that was done before opening the lids is the report that really matters. Mr. Kujala said the City should take responsibility for the dam. He said he wants the dam to stay where it is and the lids put back on.

Judy Kujala - Warrenton - said she is a landowner upstream from the 8th Street Dam, and her property is in and adjacent to FEMA's currently mapped flood plain. She said the removal of the dam would greatly harm the value of her property. Ms. Kujala said FEMA and NOAA are currently discussing forcing a no development zone over all of FEMA's mapped flood plains in Oregon and a 170 ft. no development setback in all directions from the mapped flood plains. Ms. Kujala said the only protection of the no development agenda is flood protection structures such as the 8th Street Dam. She said the removal of the dam will force her to pay flood insurance on her property even if the City is able to get the levee system certified. Ms. Kujala said that since the Skipanon Watershed Council has stated they are unable or unwilling to properly maintain the dam as a flood control structure, then the City should take control of the dam since it is critical to the levee certification.

Dick Hellberg - Warrenton - explained he owns the first 240 ft. of property above the dam on the west side. He said the dam has been there since he purchased his home in 1971. Mr. Hellberg said the dam has never functioned well and the water quality was really poor before they opened up the lids. Mr. Hellberg said he had erosion problems and he had to put in a rock berm in to protect his home. The water level was kept up and it saturated the sand and then the bank would fall away in the wintertime when they opened the gates. He said it works better now than when it was closed. If the dam isn't there it will work better. He said he'd like to see the dam removed and the City accept a bridge.

Bruce Francis - Vice Chair of the Skipanon Water Control Board - he explained the structure was designed over 50 years ago with a design life of 50 years. It is now a real risk to the City and anyone who goes over it. He said it was not designed as a bridge and is a real liability by allowing heavy traffic to run across it. He said the City is assuming the liability if any failure occurs. Mr. Francis stated engineering studies show it is prudent to decommission the structure, not only because of liability issues but because it would create a free flowing stream with better water quality. Mr. Francis said he is quite surprised that people are so adamantly opposed, as he believes that property values upstream will increase with a navigable stream fronting them. Mr. Francis reiterated the dam is not part of the City's diking system. He said it's totally independent and the hydro logic report shows it is not producing any flood control benefits. Mr. Francis stated the Skipanon Water Control Board is going to move forward with or without the MOU to decommission the structure. He said that by signing the MOU the City will get a free bridge.

Stan Johnson -Astoria - stated he owns property upstream from the dam. Mr. Johnson said he's "been a victim of the Skipanon Watershed Council's zeal, so I take whatever they say with a grain of salt." You should take your time and look into this further. I do not like the idea you are being forced, "either you get the bridge or don't get the bridge."

Commissioner Tom Dyer made the motion to approve entering into and authorizing the signature on the Memorandum of Understand regarding the 8th Street Dam Restoration Project between CREST, the Skipanon Water Control District, and the City of Warrenton.

Motion was seconded. Commission discussion followed with Commissioner Dyer stating the MOU is separate from the dam project itself. He said he believes the Planning Commission will do its due diligence regarding the removal of the dam and building of a bridge as a land use issue. "I'm not telling the Planning Commission to approve it because we approved the MOU."

Commissioner Dyer said he believes it is in the City's best interest to accept a bridge if a bridge is built. Mayor Pro tem Balensifer stated the MOU is whether or not we want to accept a bridge if a bridge gets built. The Planning Commission will decide the land use issues. He noted the clause included in the previous MOU requiring that permits be approved has been removed. He reiterated the requested action this evening is not a land use action. Commissioner Newton asked for clarification on the 170 ft. setback. City Manager Fritsch explained the 170 ft. setback is a proposal from NOAA. He stated the dam really has no impact on that matter, as to whether or not they are considered to have protection or not, just as the levees will have no positive impact on that decision, even if they are certified. Manager Fritsch stated the City isn't "blackmailed." He explained that the City approached the Skipanon Water Control District several years back after the District started discussing removing the dam insisting there be a replacement for emergency access to the properties on the east side. Discussion resulted in the BPA grant that would accomplish that for the City at no cost. Commissioner Ackley said it is difficult for her to support the renewal of the MOU due to the FEMA and NOAA discussions and the update from Tetra Tech. She said it doesn't make any sense when there are clear photos of the upstream properties being eroded. I think we are going down the wrong path not having any tidal inundation. Commissioner Balensifer disagreed stating he believes the degradation and flooding is because

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correction

the dam is holding the water back. **The question was called.**

Nay - Ackley; Nay - Newton; Dyer - aye; Balensifer - aye

Mayor Pro tem Balensifer noted the MOU fails to be renewed and turned the meeting back over to Mayor Mark Kujala.

City Recorder Linda Engbretson reviewed the proposed amendment to the Visitor Center Ground Lease with Atlas Young's Bay LLC. The Visitor Center is located in the Young's Bay Plaza parking lot. Ms. Engbretson explained the City owns the building and the lease is a ground lease only. There is no monetary consideration for use of the site. The amendment extends the lease an additional ten (10) years.

Commissioner Henry Balensifer made the motion to authorize the Mayor and City Manager to sign the Second Amendment to Lease Agreement between the City and Atlas Young's Bay LLC for the Warrenton Visitor Center. Motion was seconded and passed unanimously.

Newton - aye; Dyer - aye; Balensifer - aye; Ackley - aye; Kujala - aye.

Mayor Kujala requested the Commission support Mr. Peter Leipzig for appointment to the Pacific Fishery Management Council. Mayor Kujala explained this was put on the agenda at his request. He said Mr. Leipzig is a person of industry and is needed on the council to make sure there is fair representation. A draft letter of support was included in the meeting packet.

Commissioner Henry Balensifer made the motion to authorize the Mayor's signature on a letter supporting the appointment of Pete Leipzig to the Pacific Fishery Management Council. Motion was seconded. Commissioner Ackley asked whether Mr. Leipzig was running for a commercial or a sport seat, and whether he is from this area. He is from California and represents the trawlers, at large. **Motion passed unanimously.**

Newton - aye; Dyer - aye; Balensifer - aye; Ackley - aye; Kujala - aye.

City Manager Fritsch explained the initiative petition, IP - 28, for a charter amendment to require voter approval for transfer of City assets valued more than \$100,000 has enough signatures to qualify for the November ballot. City Recorder Linda Engbretson explained ORS 250.325 requires the initiative be filed with the city governing body at its next meeting which occurs after the petition has qualified to the ballot. The Clatsop County Clerk notified the City on May 10 that it qualified. The Commission has 30 days in which to review and take action on the measure.

Mr. Marlin Larsen - Hammond- requested the Commission address the idea of lodging on his property adjacent to the Hammond Marina. He wants to offer his 31ft. bay liner as a sleep

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aboard unit. It may be contrary to the code, but he said he thinks it would be a nice addition for tourist accommodation. Mr. Larsen requested the Commission vote to allow his bay liner as a sleep aboard unit.

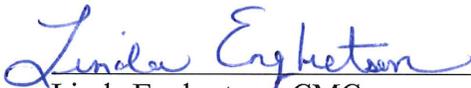
There being no further business, Mayor Kujala adjourned the regular meeting at 7:15 p.m.

APPROVED



Mark Kujala, Mayor

ATTEST



Linda Engbretson, CMC
City Recorder