

MINUTES  
Warrenton City Commission  
Regular Meeting – September 27, 2016  
6:00 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, Or 97146

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

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

Staff Present: City Manager Pro tem Linda Engbretson, Fire Chief Tim Demers, Public Works Director Jim Dunn, Public Works Foreman Craig Walter, Finance Director April Clark and Administrative Assistant Dawne Shaw

#### COMMISSIONER COMMENTS

Commissioner Newton brought several newspapers back from his vacation in Alaska and noted two articles, one noting a \$1.4 million deficit in the Kodiak marina and another article about an ordinance that was passed in regards to discharging dangerous weapons within in city limits. Mayor Kujala noted that last Friday Harbor Master Jane Sweet had an interview with “Fishing News” and they were very interested in all the improvements we are making to our marina that are funded by the Urban Renewal District.

Commissioner Dyer welcomed everyone and said he was glad to be back, noting that he has been down in weather and in the hospital. He has decided that after 32 years with the State Troopers, he will retire. Mayor Kujala stated he knows it was a big decision but he is happy for him.

Commissioner Balensifer welcomed back Commissioners Newton and Dyer.

Commissioner Ackley also welcomed the Commissioners back and congratulated Commissioner Dyer on his retirement. She also noted the Delaura Beach bike path is coming along nicely.

City Manager Pro tem Linda Engbretson stated City Engineer Collin Stelzig met with Coast and Harbor Consultants to prepare for tomorrow’s meeting with FEMA. She also noted that she will be at the League of Oregon Cities conference Thursday and Friday along with Commissioner Balensifer.

Mayor Kujala said he talked briefly with Public Works Director Jim Dunn about the core conveyance project which is under way and also stated he would like to have a discussion about our water rights extension on the Lewis and Clark at a future meeting. Mr. Dunn stated GSI is currently looking at fish persistence, which is a new regulation. He explained we are acquiring more data such as looking at fish counts and how much water comes through in the summer months. They are trying to get a years' worth of data to make a better argument in the future if we need to push back on water rights. The water master plan will come before the Commission on October 11<sup>th</sup>. The consultant for the master plan will work with GSI and iron out the water rights issues for us.

#### CONSENT CALENDAR

- A. Commission Work Session Minutes – 9.13.16
- B. Commission Regular Meeting Minutes – 9.13.16
- C. Community Library Advisory Board Minutes – 9.9.16
- D. Monthly Finance Report – June 2016
- E. Monthly Finance Report – July 2016
- F. Police Dept. Statistics – August 2016
- G. Fire Dept. Activity Report – August 2016
- H. Planning Dept. Activity Report – January – July 2016
- I. Marinas Monthly Report – August 2016

**Commissioner Balensifer made the motion to accept the consent calendar as presented. Motion was seconded and passed unanimously.**

**Balensifer – aye; Kujala – aye; Dyer – aye; Ackley – aye; Newton – aye**

#### BUSINESS

Finance Director April Clark explained the review of the Sanitation Capital Reserve Funds. A review is required this year, per ORS 294.346. The fund is active and is serving the purpose for which it was intended. The fund was established on September 26, 2006 by Resolution 2161. Since the fund was established a total of \$875,208 has been transferred from the Sanitation Fund to the Sanitation Capitol Reserve Fund to act as a savings account for the purpose of purchasing capital equipment and making capital improvements. During the past 10 years the city has been able to purchase two garbage trucks and pay a pro-rated share of seven public works service trucks, as well as contribute to a fuel pump card-lock system and a data connection with City Hall. Staff recommends continuation of the reserve funds.

**Commissioner Ackley made the motion to continue the Sanitation Capitol Reserve Fund. Motion was seconded and passed unanimously.**

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**Balensifer – aye; Kujala – aye; Dyer – aye; Ackley – aye; Newton – aye**

City Manager Pro tem Linda Engbretson explained Ordinance No. 1208-A, Amending Section 29, Sunset Clause of Ordinance No. 1108-A, An Ordinance Concerning a \$0.03 Per Gallon Business License Tax on Motor Vehicle Fuel Dealers, Providing for Administration, Enforcement and Collection of the Tax. She noted Ord. No. 1108-A was previously approved in 2007 and does not expire until next year but Astoria is currently renewing theirs so we thought it best to renew at the same time. This will extend it for another 10 years.

**Commissioner Ackley made the motion to conduct the first reading of Ordinance No. 1208-A, by title only. Motion was seconded and passed unanimously.**

**Balensifer – aye; Kujala – aye; Dyer – aye; Ackley – aye; Newton – aye**

**Mayor Kujala conducted the first reading by title of Ordinance No. 1208-A; *“Amending Section 29, Sunset Clause of Ordinance No. 1108-A, An Ordinance Concerning a \$0.03 Per Gallon Business License Tax on Motor Vehicle Fuel Dealers, Providing for Administration, Enforcement and Collection of the Tax.”***

Mayor Kujala introduced Akin Blitz of Bullard Law. Mr. Blitz was engaged to conduct an initial investigation related to the 8<sup>th</sup> Street Dam. Mayor Kujala noted for full disclosure that he has a business near the dam and his mother owns property there but feels he can be part of conversation. Commissioner Balensifer noted for the record that this is a public meeting and the presentation material states the information is “Privileged and Confidential”. Mr. Blitz stated the material he is presenting is not privileged. Mr. Blitz presented an in depth power point presentation with his findings and recommendations. He stated the consequences of removing the dam are unclear at this point; the conclusion is unless there is immediate reason to remove it, given the current climate with FEMA litigation, anyone would say do not remove it. He also noted the dam is an asset and something the city should hold on to. Mr. Blitz stated in regards to ownership of the dam, the State of Oregon/DSL claims no interest in the dam itself or the lands beneath it. There is no documentation that supports that the Skipanon Water Control District (SWCD) has ownership interest in the dam or the underlying lands. The City easement was forfeited once they stopped operating it and ultimately removed the tide gates. He stated nothing in the record explains the SWCD’s choice to advocate for removal rather than proper maintenance and operation. CREST’s interests include funding implications for SBU’s. His recommendation is that the City should request the Skipanon Water Control District and its board of directors to convey or surrender to the city the tide gates and all interests in control and responsibilities for the 8<sup>th</sup> street dam. He said it appears the 8<sup>th</sup> street dam presents issues of maintenance and operation not obsolescence and deterioration. Mr. Blitz also noted it is technically not a dam; it is part of the levee system (a reach) and is not in the national inventory

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of dams. The discussion continued on who is now liable. Mr. Blitz explained the options going forward and his fees/budget accordingly. Mayor Kujala thanked Mr. Blitz for the information and noted that the Commission would review it and have City Engineer Collin Stelzig weigh in.

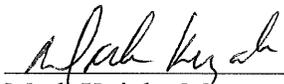
The Mayor opened the discussion for public comment. Christine Bridgens stated she would keep her comments short in respect to time but she wanted to put on record that the Planning Commission is in support of what was discussed tonight. She submitted a written copy of the complete comments that she was going to make. John Nygaard stated that Mr. Blitz' report supports the information they have been bringing forward, and he is happy that the fraud of the Skipanon Water Control District and CREST are being exposed. Stan Johnson who owns property on the Skipanon stated he wishes the Commission "not drop the ball" on this corruption and conspiring of agencies, and to make sure the investigation is ongoing until the end.

Mayor Kujala stated they have the budget presented and they have Mr. Blitz' recommendations. The Commission thanked Mr. Blitz for the information and noted the Commission needs time to review everything and decide the next steps. Commissioner Newton requested a brief executive session.

There being no further business Mayor Kujala recessed the regular meeting at 9:00 p.m.; and announced an executive session, under the authority of ORS 192.660(2)(h); *to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.* He stated the Commission will likely return to regular session to take action on items discussed during executive session.

At the conclusion of the executive session the Commission did not return to take any action.

APPROVED:

  
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Mark Kujala, Mayor

ATTEST:

  
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Dawne Shaw, Administrative Assistant