

MINUTES  
Warrenton City Commission  
Regular Meeting – October 25, 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, Tom Dyer, Pam Ackley and Rick Newton  
Excused: Henry Balensifer

Staff Present: City Manager Pro tem Linda Engbretson, Police Chief Mathew Workman, Public Works Director Jim Dunn, Public Works Foreman Craig Walter, Finance Director April Clark, Police Officer Robert Wirt, City Engineer Collin Stelzig and Administrative Assistant Dawne Shaw

#### COMMISSIONER COMMENT

Commissioner Newton welcomed everyone and noted he is retiring in one week.

Commissioner Dyer thanked everyone for the kind words about his career as a State Patrol Officer. Mayor Kujala noted the nice article in the newspaper about Commissioner Dyer's career and retirement.

Commissioner Ackley noted the recent Way to Wellville meeting and stated they are applying for a grant for a feasibility study for a universal preschool. The grant is for \$355,000 and the decision will be in early December. They will be coming back to round table/town hall meetings in January. They have talked about extending the program for another 5 years. Mayor Kujala thanked Commissioner Ackley for all her work on the Way to Wellville committee and the Backpack program.

City Manager Pro tem Linda Engbretson congratulated Commissioner Dyer on his retirement and to Commissioner Newton as well.

Mayor Kujala noted there is a walk-a-thon tomorrow at the Grade School to raise money for new equipment and the Backpack program. He will try to make appearance. He also noted this evening's Work Session on water rights, noting the information received should help put fears at ease that we are moving in the right direction. Mayor Kujala stated that per conversation at the last meeting he has put together a letter on behalf of the City Commission regarding Measure 4-181, which he read aloud for the public. The Commission agreed no changes to the letter were

needed and it will be sent out tomorrow to the press.

#### CONSENT CALENDAR

- A. Commission Regular Meeting Minutes – 9.27.16
- B. Commission Regular Meeting Minutes – 10.11.16
- C. Police Dept. Monthly Statistics – September 2016
- D. Fire Dept. Monthly Activity Report – September 2016

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

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

#### BUSINESS

City Manager Pro tem Linda Engbretson requested to move agenda item 6.E to the first item of business.

**Commissioner Ackley made the motion to move Agenda item 6.E to the top of the agenda. Motion was seconded and passed unanimously.**

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

Chief Workman discussed opportunities to get a K-9 Drug Dog for the Warrenton Police Department. He gave a brief explanation of the program, noting this would specifically be a drug dog, not a patrol dog. Officer Robert Wirt and Deputy Chance Moore provided additional information on the program and the training aspect. Officer Robert Wirt, who will be the dog's handler, stated that with the increasing drug problem it is a good time for a Drug K-9, and he is seeking permission to further explore the costs and requirements. Brief discussion followed and the Commission stated they are in support of going forward.

Legal Counsel Akin Blitz, with Bullard Law presented further review (see 9/7/16 minutes), findings and recommendations for the 8<sup>th</sup> Street Dam. He noted he would like meet in executive session, under Litigation (ORS 192.610(2)(h)). Mr. Blitz stated that he and Ms. Engbretson attended the Skipanon Water Control District (SWCD) Board meeting. Mr. Blitz noted SWCD is hiring legal counsel and that they made it clear at the meeting they would like to pursue negotiation/mediation of the issues. Mr. Blitz noted SWCD knows they do not own the 8<sup>th</sup> Street dam, but they are not willing to let go of their control until the Commission commits to a timeline for removal of the structure. Mayor Kujala stated he does not see what there is to negotiate other than they open the barricade and give back the tidegate doors. Mr. Blitz stated the letter from Natural Resources Conservation Service (NCRS), dated February 14, 2014, has caused all of this confusion. "NCRS did not have the authority to it give away".

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Mayor Kujala stated City Engineer Collin Stelzig was Warrenton Engineer of Record during 2014-2015, while working with HLB Otak, noting they had looked at the proposal from SWCD and Crest for removing the dam and installing a bridge. Mayor Kujala mentioned concerns/conclusions from a report by Gary Wolf (Otak) and asked Mr. Stelzig if he would review the matter with the Commission. Mr. Stelzig proceeded with the presentation which explained the function and necessity of tide gates, and confirmed the 8<sup>th</sup> Street dam was designed to function as a tidegate. Mr. Stelzig cited data from a 1977 flood insurance study and noted the Skipanon River has the same hydraulic configuration above the tide gates and experiences the same type of flooding problems as Alder Creek. If the Alder Creek tide gates were removed, there would be consistent flooding. The presentation continued with 2002 data showing the tide elevation differences and effects without the tide gates and 2012 reports that show the tide gates should not be removed without further study/measures. Mr. Stelzig suggested more data collection, with the tide gates in place is needed. The discussion continued on the lifespan of the structure and Mayor Kujala stated for the record again, that he lives and owns a business in the affected area, but feels it is an issue he can speak to without any conflict. Mr. Blitz stated when he met with DSL two weeks ago, their position was they issued no permit to alter use of the 8<sup>th</sup> Street dam at the time the tide gates were removed and for that reason the removal was in violation of State law. The Army's position would be they issued no 408 permit; it was unlawful. The discussion continued on the estimated cost to replace the tide gates, whether the original gates are obtainable and the possibility of fish friendly tide gates being necessary. Mayor Kujala noted a 2002 USDA report recommended that before any changes were made to the 8<sup>th</sup> Street structure there should be flood plain modeling upstream; purchase of property or easements upstream; have all flood structures upstream fortified; and have community buy-in. It appears none of these items had been satisfied before SWCD removed the tide gates. Commissioner Ackley questioned whether the City had made a public records request for all reports and emails related to the 8<sup>th</sup> Street dam from SWCD. Mr. Blitz stated he had requested documents regarding ownership from SWCD and they stated the only thing they have is the letter from NCRS. He would like to request SWCD for all documentation regarding the 8<sup>th</sup> Street dam from its creation in 1962 to present. City Engineer Colin Stelzig continued his presentation on the information from the September 28<sup>th</sup> meeting with FEMA for the Clatsop Estuary Technical analysis and discussed the next steps, which includes continuing to move forward with the geo-technical work. The discussion continued on certification of the levee system.

City Manager Pro tem Linda Engbretson requested the Commission table agenda item 6.C., the franchise request from NW Natural.

Mayor Kujala discussed the contract for City Manager appointment as presented by City Manager Pro tem Linda Engbretson. Terms were briefly discussed. Mayor Kujala stated it is a one-year contract, and includes a six month review. The Commission agreed there were no issues with the contract.

**Commissioner Ackley made the motion to authorize the Mayor's signature on a one-year contract with Linda Engbretson to serve as the City of Warrenton's City Manager,**

**effective October 25, 2016, pending contract approval by legal counsel. Motion was seconded and passed unanimously.**

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

Ms. Engbretson expressed thanks for the support of the community.

PUBLIC COMMENT – Pat O’Grady spoke in favor of the report from Akin Blitz, noting his concerns regarding CREST. John Nygaard echoed Mr. O’Grady’s sentiments and asked the reports be sent to the proper authorities. He also noted the pending street vacation could be subject to Measure 4-181 and suggested the Commission table the street vacation until after the election.

There being no further business Mayor Kujala adjourned the regular meeting at 7:38 p.m., and announced an executive session, under the authority of ORS 192.660(2)(h); *to consult with counsel considering the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.* He stated the Commission is not expected to return to regular session to take action on any item considered in the executive session.

APPROVED:

  
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Mark Kujala, Mayor

ATTEST:

  
\_\_\_\_\_  
Dawne Shaw, Administrative Assistant