

MINUTES  
Warrenton City Commission  
Regular Meeting – November 22, 2016  
6:00 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, Or 97146

Mayor Kujala called the meeting to order at 6:06 p.m. and then led the public in the Pledge of Allegiance.

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

Staff Present: City Manager Linda Engbretson, Fire Chief Tim Demers, Police Chief Mathew Workman, Public Works Director Jim Dunn, Public Works Foreman Craig Walter, Finance Director April Clark, Library Site Manager Nettie Calog, Wastewater Treatment Plant Superintendent Kyle Sharpsteen and Administrative Assistant Dawne Shaw

#### COMMISSIONER COMMENTS

Mayor Kujala welcomed everyone and noted the work session went a little long, but they have finally outlined the steps that are needed for levee certification.

Commissioner Newton mentioned that he is retired and took two weeks off to do nothing. He stated he was glad to see everyone in attendance at tonight's meeting.

Commissioner Dyer welcomed everyone and stated he would like to see everyone really think about what's going on in the nation's new direction and try to keep peace. Seeing "people go haywire in the streets" is disconcerting, and it would be nice to see people come together.

Commissioner Ackley welcomed everyone and noted that Warrenton-Hammond Healthy Kids put out 95 turkey boxes for the backpack families and noted there is a Christmas gift drive ongoing and there will be a tree in the lobby of the grade school for 107 children and Main Street Market is sponsoring 20 teenagers from the high school and will have a tree there as well, and the Fire Department is having a food drive.

City Manager Engbretson reminded everyone of free Thanksgiving dinner at the Community Center and also asked about the December 27<sup>th</sup> Commission meeting, noting it is the day after the City's Christmas holiday closure. The Commission would like to keep the meeting date open and make a decision at a later date. Ms. Engbretson asked to remove the Library Board agenda item,

as there are still some questions and information that needs to be looked into, and to add an agenda item for an update on K-9 program from Officer Wirt.

**Commissioner Balensifer made the motion to remove agenda item 6E and add agenda item 6F for a Police dog update and to move item 6F to the first item of business. Motion was seconded and passed unanimously.**

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

Mayor Kujala thanked Pacific Power for assistance in getting the Christmas decorations up, noting the lighted boats are a nice touch. He stated the Commission will have a discussion with legal counsel regarding ballot measure 4-181 that was passed. Discussion continued on whether to discuss at a work session or a regular meeting and it was decided to have a work session at 5:00 on December 13<sup>th</sup>. Mayor Kujala also invited everyone to the Walmart ground breaking ceremony on December 8<sup>th</sup> at noon.

#### CONSENT CALENDAR

- A. Commission Regular Meeting Minutes – 10.25.16
- B. Commission Regular Meeting Minutes – 11.08.16
- C. Fire Dept. Monthly Activity Report – Octobers 2016
- D. Police Dept. Monthly Statistics Report – October 2016
- E. Monthly Finance Report – October 2016
- F. Update on Committee Applications

Commissioner Balensifer noted a correction/addition to the November 8, 2016 minutes.

**Commissioner Balensifer made the motion to accept the consent calendar with the amended minutes for November 8<sup>th</sup>. Motion was seconded and passed unanimously.**

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

#### BUSINESS

Police Officer Robert Wirt gave an update on the K9 program, stating he met with the trainer yesterday and discussed training process. He would like to explore the option of adding search and rescue training in the future and would also like to have bite work as well. Officer Wirt clarified that the dog would not be trained to bite but when to bite, on command, which gives the handler more control. He noted there has been a lot of interest inside and outside of the City and he has even received a few donations from Portland Metro. Officer Wirt asked the Commission for approval to move forward on collecting donations. The discussion continued on the budget

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and Officer Wirt noted the cost estimate is \$15,000 and the ongoing budget includes a 5% pay increase for the K-9 officer, and adding a cage to a vehicle is approximately \$3,300. The discussion continued on the breed of dog he is looking into, Dutch Shepard or German Shepard and he noted fund raising money would be used for the total purchase price of the dog. The timeline goal is to have certification completed by the end of May. The Commission gave confirmation to collect funds and go forward.

City Manager Linda Engbretson noted the Commission initiated a street vacation on October 11, 2016 and held a Public Hearing on November 8, 2016. The proposed area for vacation is SE Galena that runs from SE 14<sup>th</sup> Place, south for a distance of 361.2 feet, in Block 2, Tract 3 of Chelsea. Staff has prepared an Ordinance for the first reading. She noted that questions were raised if Measure 4-181 will affect this vacation and the legal opinion is that it will not apply, due to the dollar value and the timeline.

**Commissioner Dyer made the motion to conduct the first reading, by title only, of Ordinance No. 1210-A. Motion was seconded and passed unanimously.**

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

**Mayor Kujala conducted the first reading by title: Ordinance No. 1210-A; *Vacating a Portion of SE Galena Avenue in Warrenton, Oregon.***

City Manager Engbretson explained the request from NW Natural Gas to renegotiate its franchise agreement instead of applying for a right of way (ROW) license and noted in 2011, the City began the process of instituting a right of way ordinance which basically eliminates the need to negotiate franchise agreements with utilities and provides a uniform code for all utilities to follow. The City worked with legal counsel and went through an extensive process before adopting the ordinance which established standards for use of the city's right of way making it part of the municipal code. There are several advantages to the City, including the time and expense to negotiate franchise agreements with each company. Ms. Engbretson recommended that NW Natural Gas be required to apply for a Utility Right of Way License and follow Warrenton Municipal Code, Chapter 12.32. Teresa Browlie from NW Natural Gas addressed the Commission and stated they have been in the area for over 51 years and that having a franchise agreement allows them to know the rules for each city. She asked the Commission to consider keeping the franchise. City Manager Engbretson stated she did receive the ROW license application in the meantime, and noted that a ROW license gives the City more control or notice of when they are doing work in the ROW. Mayor Kujala stated it is important to keep consistent and go with the ROW license. The Commission concurred and denied the franchise request.

City Manager Engbretson presented a contract for Professional Services for Beery, Elsner & Hammond LLP, noting the City has engaged them for various legal services for several years.

They are currently providing legal services relating to the City's defense in Steadfast, LLC v. ODOT and the City of Warrenton. The \$25,000 that was added to the contract last year has been used and an estimated additional \$25,000 will cover the ongoing costs through the trial. They have also recently provided opinions on election laws, franchise agreements and street right-of-way issues. This contract also covers other services as may be requested. Ms. Engbretson noted since the Snows are closing their law practice, the City would like to continue to use Beery, Elsner & Hammond until we further secure legal counsel, possibly with an RFQ. Brief discussion continued.

**Commissioner Balensifer made the motion to authorize the Mayor's signature on the Contract for Professional Services between the City of Warrenton and Beery Elsner & Hammond LLC. Motion was seconded and passed unanimously.**

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

City Manager Engbretson explained the agreement between the City and the Dept. of the Army for payment of administrative fees and costs associated with the conveyance of the Hammond Marina, noting the \$50,000 fee is not unexpected, and this is the next step needed to get moving on the transfer. Ms. Engbretson stated she checked with Benjamin Heir at the USACE, and he explained that once the survey of the property, renewal of the lease with Sturgeon Paul, and paying the administrative fees are complete, they will begin the environmental and cultural resource reviews. There are several levels of further review, and Mr. Heir estimates at least one year process for disposal, barring any major issues.

**Commissioner Balensifer made the motion to authorize the City Manager's signature on the Agreement to Pay Administrative Fees and Costs in Connection with the Conveyance is US Government Property from the Department of the Army to the City of Warrenton, Oregon. Motion was seconded and passed unanimously.**

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

There being no further business Mayor Kujala adjourned the regular meeting at 6:52 p.m., and announced the Commission would meet in 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 would not be returning to regular session to take action on any item considered in the executive session.

APPROVED:



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Mark Kujala, Mayor

ATTEST:



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Dawne Shaw, Administrative Assistant