

MINUTES  
Warrenton City Commission  
WORK SESSION – December 13, 2016  
5:30 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, Or 97146

Mayor Kujala called the meeting to order at 5:00.

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

Staff Present: City Manager Linda Engbretson, Police Chief Mathew Workman, Public Works Director Jim Dunn, Finance Director April Clark, Wastewater Treatment Plant Superintendent Kyle Sharpsteen and Administrative Assistant Dawne Shaw

Mayor Kujala stated the purpose of the work session is to have a discussion on measure 4-181 with Chad Jacobs from Beery, Elsner and Hammond, via conference call. Mr. Jacobs has reviewed the measure and was asked for his input on how it may impact normal business activities. Mayor Kujala noted the public will have a chance to comment. Mr. Jacobs stated the measure places a requirement in the charter that if the city wants to amend the measure, it would have to go back out to voters; when the Commission wishes to sell certain assets, the measure requires it to go out to the public for a vote and a double majority is needed, (at least 50% of all registers voters in the city must vote and the majority of ballots cast must be “yes”), if it does not get a double majority, it would fail. Mr. Jacobs stated the measure affects assets with a value over \$100,000 in “2014 dollars”; as the cost of living goes up, the value would also change; this includes real property, leased property and tangible physical assets. He noted the Commission may want to adopt an ordinance to help clarify what the terms mean. Another option is to go back to the voters to clarify the language. The discussion continued on leases at the marina which include some over \$100,000 and Mr. Jacobs noted if the city wants to transfer a lease to another party, it would need to go out to the voters and new leases will have to go out to voters for approval; transfers may not need to go to voters. Mayor Kujala noted the need to further define what the contractual interest is to allow lease transfers to occur. Mayor Kujala asked about infrastructure that may be included in this measure, such as water systems, pipes. Mr. Jacobs noted he believes this would be included and that is what needs to be clarified. Discussion continued and Mayor Kujala suggested a Town Hall meeting in January, to clarify what the public’s intent of this measure is. Commissioner Dyer suggested having an attorney assist with word definition and legal terms when writing an ordinance. Mr. Jacobs noted it is a good idea to have a town hall to help clarify whether an ordinance or a charter amendment is best. Commissioner Balensifer noted there are members of the public that were involved in drafting the measure in attendance. Mayor Kujala asked Mr. Ken Yuill, one of the chief petitioners to

speaking. Mr. Yuill stated the voters voted for this measure and asked how much time does the Commission have to get this into the charter? Mr. Jacobs noted the charter provision states takes effect 30 days after the vote, but the vote is not certified until the county certifies election. It was noted the city has the county certification, so it will be part of the charter. City Manager Engbretson asked if an ordinance, which is a Commission action, could be challenged by public. She noted an ordinance would be cheaper than a charter amendment going to the voters. Mr. Jacobs stated it can be challenged when decisions are made on transfers or to sell assets; they can be challenged in court, and noted it is difficult to challenge the adoption of the ordinance itself. Mayor Kujala asked about grants, specifically the statue memorial which exceeds \$100,000. He noted in previous community block grants, once the grant is closed out, ownership is transferred to whoever is going to maintain or operate the facility and asked if that would be something that would need to go to the voters? Mr. Jacobs stated the city would need to look at the value of the asset and that would dictate when the measure would take effect and if so, it would need to go out to the voters. He noted there are instances where state law pre-empts this type of charter provision and gave an example. Mr. Steve Fulton requested to speak about the supply of water, which can be considered an asset, and asked if you can you sell water? He referenced the cannery that will be rebuilding in Warrenton and will use large amounts of water, potentially over \$100,000 per year; can the city sign a contract with the cannery to supply water? Mr. Jacobs replied that his initial reaction would be "yes", but would need to clarify through an ordinance or charter amendment. Mayor Kujala mentioned street vacations, and asked if the City would now need to do an appraisal to confirm the dollar amount before proceeding. Mr. Jacobs said state law comes into play due to specific procedures. The discussion continued on street vacations versus outright selling the right of way; there is no market value and no way to sell a right of way. Mr. Jacobs clarified that if the property could stand alone as a marketable piece of property it would need to go out to voters. Mayor Kujala noted the Urban Renewal properties are exempt as it is a separate entity. Discussion continued on the best way to move forward with Commission consensus on a Town Hall meeting in January for a full discussion of the measure. Mr. Jacobs clarified if the Commission wants to put something on the ballot for the May election, by mindful of the deadlines and have the town hall meeting as soon as possible. He also noted the ordinance could have a lot of details, but suggested keeping it simple in regards to an amendment to voters.

There being no further business Mayor Kujala adjourned the work session 5:38 p.m.

APPROVED:



Mark Kujala, Mayor

ATTEST:



Dawne Shaw, Administrative Assistant

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