

Security: 'There is no way we can manage this level of security'

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The Daily Astorian/File Photo

Security was scaled back at the Clatsop County Courthouse after the sheriff and others objected to the added manpower and costs.

at the courthouse. Traditionally, the Sheriff's Office is in charge of courthouse security with one deputy on-duty each day. The heightened security last week required four to five deputies.

"We assessed the true factors surrounding this trial and came to the conclusion there is no way we can continue to manage this level of security with our current staffing levels for what could be up to three months in length," Bergin wrote in an email to Brownhill and other court and county officials Friday.

Bergin said his deputies are already overworked patrolling

and covering shifts in the jail, including inmate transports to prison, Tillamook jail, medical and dental appointments and court appearances. The Sheriff's Office does not have the personnel to move those shifts to the courthouse, Bergin said.

"I know we have the court security fund to help pay for these extra hours but that does not address the fact we just do not have the manpower," Bergin wrote in the email.

Moore said talks are ongoing to find a permanent solution to secure the courthouse following the death penalty trial. Everyone seems to agree the courthouse needs tougher security, Moore said, but various factors need to be considered.

Moore estimates staffing enough deputies for a fully secured courthouse could cost \$300,000 a year, which would have to be worked into the county's budget.

In addition, Moore said, the various officials need to determine how much they want to inconvenience people entering a public building. One proposal is to build a separate security screening entrance for the public, including people

with disabilities. "This is the public's building. We don't want to make it too difficult," Moore said. "It's finding the balance between appropriate access and appropriate security."

Bergin said he is doing what he can with the resources he has to secure the courthouse. He does not want to create a false sense of security. Until a permanent plan is agreed upon, Bergin will continue to work with the court and county officials.

"I understand your concerns and know this is a different world in which we live, but there also has to be some common ground," Bergin wrote in the email.

Dam: 'It made a difference knowing that we actually do own it'

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Questions swirl

The City Commission has twice signed off on a \$1.2 million agreement to remove the dam and build a single-lane bridge so the city could preserve emergency access over the river. But the commission declined to renew the agreement in May as questions swirled about the potential consequences of removing the dam. The water district and the Columbia River Estuary Study Taskforce announced they would move forward with the project without a bridge for the city, but CREST pulled out after it became clear the city might make legal claims.

Critics of the dam's removal — including Mayor Mark Kujala's family, which owns property near the dam, and the Nygaard family, which owns Warrenton Fiber — warned of the potential for flooding if the dam was taken out.

Privately, critics also relayed to commissioners that Kurt Fritsch, the city manager at the time, did not disclose a city consultant's technical review of the water district's engineering plan on the dam. The technical review questioned whether the water district and CREST had accurately modeled the flood plain.

Fritsch said it would have been inappropriate to share the technical review with the City Commission, which may have had to hear an appeal once the Planning Commission decided whether or not to approve the dam removal project.

After learning that commissioners might place him on administrative leave pending an independent investigation, Fritsch resigned in June, explaining that he had become a distraction.

Preliminary findings

The City Commission assigned Blitz in July to sort through the issues surrounding the dam, particularly ownership.

In a presentation of his preliminary findings Tuesday night, Blitz contended that the city owns the dam and should take control of the structure, either for flood control or as a "priceless" asset that could one day be removed as wetlands mitigation for a development priority.

The attorney said it makes sense for the city to control the dam because of the uncertainty around evolving federal flood-control regulations that could influence land use and property insurance.

"I don't think there can be any question that we do not know what the consequence of a dam removal will be, and that it could be substantial, and it's, at best, difficult to foresee," Blitz said. He said the structure is "an asset that the city should hold and maintain until such time as the city chooses to offer to remove it as offsetting mitigation for development priorities that may arise for the city of Warrenton effecting wetlands."

Blitz relies on a 1938 Circuit Court ruling on the city's title claim to land and a 1962

easement for the water district on the dam.

According to the easement, the property reverts back to the city once the water district ceases to use the easement to operate the dam.

Blitz argues that the water district ceased operating the dam as intended when the district chose to permanently leave the tide gates open in 2012. The water district removed the tide gates last year. The district has also barricaded a gravel road over the dam.

Ownership tangle

The city and the water district have long presumed the water district owns the Eighth Street Dam. The U.S. Department of Agriculture helped build the dam in 1963, along with two other flood control structures on the Skipanon River. The water district, created with the support of the city, had an operation and maintenance agreement with the federal government.

In a 2014 letter, after the dam and the other structures reached the end of what the

federal government described as their 50-year useful lives, the USDA's Natural Resources Conservation Service said the water district was "free to operate and maintain the structures as the owner" or pursue modifications or decommissioning.

Blitz said the federal government's "sloppily written letter" did not convey ownership rights to the dam. Scheller, at the water district, has acknowledged that the district has no deed to the property, but has had operational control for 53 years.

Blitz suggested the city conduct a new hydrology report to determine whether the dam is useful for flood control. The state Water Resources Department, after a 2012 inspection, had found that the dam may no longer be capable of flood control and could probably increase risk to people near the dam in a major flood. The state said an engineering analysis and options for removal were warranted, but if the dam was not removed, further evaluation and analysis was necessary.

The dam is not in the

National Inventory of Dams or the state's dam safety database.

'Game-changer'

City commissioners seemed convinced by Blitz's presentation that the city is the rightful owner of the dam. "It made a difference knowing that we actually do own it," Commissioner Tom Dyer said. "That was a game-changer for me."

Some who had fought the dam's removal interpreted Blitz's findings as vindication. Warrenton Fiber, for example, had raised early concerns about flood control while the Kujala family and others were focused on getting a wider bridge over the river.

Warrenton Fiber has feuded with the Columbia River Estu-

ary Study Taskforce on land use issues. CREST was going to use salmon-restoration money from the federal Bonneville Power Administration to help the water district remove the dam.

"I must say, it confirms a lot of the things that we brought up," said John Nygaard, an attorney whose family owns Warrenton Fiber, adding "I told you so."

Nygaard claimed that CREST, the water district and their allies — in coordination with the local media — intentionally misled the community and attempted to defraud property owners "by hiding the actual flooding and levee impacts their proposed project would cause in order to improperly secure a \$1.2 million contract with BPA."

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TV LISTINGS

Evening listings
WEDNESDAY

WEDNESDAY EVENING												SEPTEMBER 28		
A - Charter Astoria/Seaside - L - Charter Long Beach														
A	L	6 PM	6:30	7 PM	7:30	8 PM	8:30	9 PM	9:30	10 PM	10:30	11 PM	11:30	
2	KATU	(2) KATU News at 6		Jeopardy!	Wheel of Fortune	The Goldbergs (N)	Speechless (N)	Modern Family (N)	Black-ish (N)	Designated Survivor "The First Day" (N)	KATU News at 11	(35) Jimmy Kimmel		
3	KOMO	(4) KOMO 4 News		Jeopardy!	Wheel of Fortune	The Goldbergs (N)	Speechless (N)	Modern Family (N)	Black-ish (N)	Designated Survivor "The First Day" (N)	KOMO 4 News	(35) Jimmy Kimmel		
5	KING	(5) NBC Nightly News	KING 5 News	KING 5 News	Evening	Blindspot "Hero Fears Imminent Rot" (N)	Law&Order: SVU "Making a Rapist" (N)	Chicago P.D. "Made a Wrong Turn" (N)	Chicago P.D. "Made a Wrong Turn" (N)	Chicago P.D. "Made a Wrong Turn" (N)	KING 5 News	(35) Tonight Show		
6	KOIN	(6) KOIN 6 News at 6	CBS Evening News	Extra	Ent. Tonight	Survivor: Millennials vs. Gen X (N)	Crim. Minds "The Crimson King" (SP) (N)	Crim. Minds "The Crimson King" (SP) (N)	Code Black "Second Year" (SP) (N)	Code Black "Second Year" (SP) (N)	KOIN 6 News @ 11	(35) S. Colbert		
7	KIRO	(7) KIRO 7 News	CBS Evening News	The Insider	Ent. Tonight	Survivor: Millennials vs. Gen X (N)	Crim. Minds "The Crimson King" (SP) (N)	Crim. Minds "The Crimson King" (SP) (N)	Code Black "Second Year" (SP) (N)	Code Black "Second Year" (SP) (N)	KIRO News	(35) S. Colbert		
8	KGW	(8) KGW News at 6:00 p.m.		Live at Seven	Inside Edition	Blindspot "Hero Fears Imminent Rot" (N)	Law&Order: SVU "Making a Rapist" (N)	Chicago P.D. "Made a Wrong Turn" (N)	Chicago P.D. "Made a Wrong Turn" (N)	Chicago P.D. "Made a Wrong Turn" (N)	KGW News at 11	(35) Tonight Show		
9	KRCW	(9) Last Man Standing	Last Man Standing	Modern Family	Modern Family	Penn & Teller: Fool Us	Whose Line (N) Whose Line Is It?	Whose Line (N) Whose Line Is It?	Whose Line (N) Whose Line Is It?	Whose Line (N) Whose Line Is It?	KGW News at 10 Two and a Half	Two and a Half	Met Your Mother	
10	KOPB	(10) Journeys in Japan	Business (N)	PBS NewsHour		Forces of Nature "Color" (N)	Nova "Iceman Reborn"	Nova "Iceman Reborn"	Nova "Iceman Reborn"	Nova "Iceman Reborn"	India: Nature's Wonderland (N)	Secrets of Dead	Bones of the Buddha	
12	KPTV	(12) 6 O'Clock News		Family Feud	Family Feud	Lethal Weapon "Surf N Turf" (N)	Empire "Sin That Amends" (N)	Empire "Sin That Amends" (N)	Empire "Sin That Amends" (N)	Empire "Sin That Amends" (N)	10 O'Clock News	11 O'Clock News	2 Broke Girls	
13	KPDx	(13) Mike & Molly	Mike & Molly	Big Bang Theory	Big Bang Theory	FOX 12's 8 O'Clock News on PDX-TV	FOX 12's 9 O'Clock News on PDX-TV	FOX 12's 9 O'Clock News on PDX-TV	FOX 12's 9 O'Clock News on PDX-TV	FOX 12's 9 O'Clock News on PDX-TV	The Simpsons	Family Guy	American Dad	Cleveland Show
14	KCPQ	(14) Modern Family	Modern Family	Big Bang Theory	Big Bang Theory	Lethal Weapon "Surf N Turf" (N)	Empire "Sin That Amends" (N)	Empire "Sin That Amends" (N)	Empire "Sin That Amends" (N)	Empire "Sin That Amends" (N)	Q13 News at 10	Q13 News	The Simpsons	
20	TBS	(20) Seinfeld	Seinfeld	Seinfeld Pt. 1 of 2	Seinfeld Pt. 2 of 2	Big Bang Theory Big Bang Theory	Big Bang Theory Big Bang Theory	Big Bang Theory Big Bang Theory	Big Bang Theory Big Bang Theory	Big Bang Theory Big Bang Theory	Big Bang Theory	Full Frontal (N)	Conan (N)	
22	KZJO	(22) Two and a Half	Two and a Half	Pre-match	MLS Soccer Chicago Fire at Seattle Sounders FC Site: CenturyLink Field -- Seattle, Wash. (L)						Big Bang Theory	Big Bang Theory	Friends	
29	ESPN	(29) (4:00) MLB Baseball (L)		MLB Baseball (L)							SportsCenter	SportsCenter	Friends	
30	ESPN2	(30) WNBA Basketball Playoffs (L)									SportsCenter	SportsCenter	Friends	
31	NICK	(31) Henry Danger	Henry Danger	The Thundermans	The Thundermans	NickyRickyDicky	Game Shakers	Full House	Full House	Full House	Younger	(35) Impastor	(05) Friends	Friends
32	DISN	(32) Backstage (N)	K.C. Undercover	Girl Meets World	Liv Maddie Cali	★★★ Cloudy With a Chance of Meatballs ('09) Bill Hader.	(35) Elena Avalor	Polly Zhu Zhu	Stuck in Middle	Polly Zhu Zhu	Stuck in Middle	Backstage	Friends Whenever	
34	FAM	(34) The Middle	The Middle	★★★ 10 Things I Hate About You ('99) Julia Stiles, Heath Ledger.		★★★ Freaky Friday (2003, Comedy) Lindsay Lohan, Mark Harmon, Jamie Lee Curtis.		★★★ In Time ('11) Amanda Seyfried, Justin Timberlake.			★★★ In Time ('11) Amanda Seyfried, Justin Timberlake.		The 700 Club	
35	FMC	(35) (5:00) ★★ Flight ('12) Nadine Velazquez, Denzel Washington.		(50) ★★ Flight (2012, Drama) Nadine Velazquez, Carter Cabassa, Denzel Washington.										
36	LIFE	(36) LW Atlanta "Welcome Home Aubrey"		Little Women: LA "Plastic Problems"	Little Women "Birthday Blowout" (N)	Little Women "Belly Dance Battle" (N)	Little Women "Belly Dance Battle" (N)	LW Atlanta "Three's a Crowd" (N)	LW Atlanta "Three's a Crowd" (N)	LW Atlanta "Three's a Crowd" (N)	LW Atlanta "Three's a Crowd" (N)	LW Atlanta "Three's a Crowd" (N)	LW Atlanta "Three's a Crowd" (N)	
38	ROOT	(38) Sounders Access	In Depth (N)	Sounders (N)	MLS Soccer Chicago Fire at Seattle Sounders FC (L)			MLB Baseball	Post-game	Mariners (N)	In Depth	MLB Soccer		
39	F51	(39) (4:30) MLS Soccer Orlan/Tor (L)		Ultimate Fighter 24 (N)	TUF Talk (N)	Garbage Time (N)	Fox Sports Live	MLB Baseball	Post-game	Mariners (N)	TUF Talk	MLB Soccer		
43	SPIKE	(43) (5:30) ★★ The Longest Yard ('05, Com)	Chris Rock, Burt Reynolds, Adam Sandler.	★★★ The Longest Yard (2005, Comedy) Chris Rock, Burt Reynolds, Adam Sandler.							Big Daddy ('99, Comedy) Adam Sandler.			
44	COM	(44) (25) South Park "The Ring"	(55) South Park	South Park	South Park	South Park	South Park	South Park	South Park	South Park	L.C. Heights (N)	The Daily Show (N) @midnight (N)		
45	HIST	(45) Amer. Pickers "Cowboys and Cobwebs"	American Pickers	American Pickers	American Pickers	American Pickers	American Pickers	American Pickers	American Pickers	American Pickers	Pawn Stars	Pawn Stars	Pawn Stars	
46	A&E	(46) Storage Wars	Storage Wars	Storage Wars	Storage Wars	Storage Wars	Storage Wars	Storage Wars	Storage Wars	Storage Wars	(35) Storage Wars	(05) Storage Wars	(35) Storage Wars	
47	TLC	(47) Say Yes-Dress	Say Yes-Dress	Toddlers & Tiaras: Game On	Toddlers & Tiaras: Game On (N)	Toddlers & Tiaras: Game On (N)	Toddlers & Tiaras: Game On (N)	Toddlers & Tiaras: Game On (N)	Toddlers & Tiaras: Game On (N)	Toddlers & Tiaras: Game On (N)	Dance Kids ATL	(05) Tots/Tiara "Just Hit Somebody!"		
48	DISC	(48) Dual Survival "Forest From Hell"	Dual Survival	Dual Survival "Dying of Thirst"	Dual Survival "Gator Bait"	Dual Survival (N)	Dual Survival (N)	Still Alive "Hell or High Water" (N)	Still Alive "Hell or High Water" (N)	Still Alive "Hell or High Water" (N)	Dual Survival	Dual Survival		
49	NGEO	(49) Philly Mob	Philly Mob	Chicago Mob Takedown	Vegas Mafia	L.A. Gang Wars	L.A. Gang Wars	Bloods and Crips: L.A. Gangs	Bloods and Crips: L.A. Gangs	Bloods and Crips: L.A. Gangs	Bikers and Mobsters	Bikers and Mobsters		
50	TNT	(50) Castle "Driven"	Castle	Castle "Montreal"	Castle "What Lies Beneath"	Castle "The Nose"	Castle "The Nose"	Castle "The Last Seduction"	Castle "The Last Seduction"	Castle "The Last Seduction"	Castle "Clear and Present Danger"	Castle "Clear and Present Danger"		
51	AMC	(51) (5:30) ★★ True Grit (2010, Adventure) Matt Damon, Hailee Steinfeld, Jeff Bridges.		★★★ Mad Max (1979, Sci-Fi) Joanne Samuel, Mel Gibson.				★★★ Mad Max 2: The Road Warrior ('81) Bruce Spence, Mel Gibson.			★★★ Mad Max 2: The Road Warrior ('81) Bruce Spence, Mel Gibson.			
52	USA	(52) NCIS "Blast From the Past"	NCIS	"The Artful Dodger"	NCIS "Status Update"	NCIS "Patience"	NCIS "Patience"	NCIS "No Good Deed"	NCIS "No Good Deed"	NCIS "No Good Deed"	NCIS: Los Angeles	"Missing"		
53	FOOD	(53) Halloween "Swamp Creatures Attack"	Halloween Wars	Halloween Wars	Halloween Wars	W.Cooks "Celebrity: Oktoberfest Feast"	W.Cooks "Celebrity: Oktoberfest Feast"	Cutthroat Kitchen	Cutthroat Kitchen	Cutthroat Kitchen	COOKS vs. CONs "Chicken Wingin' It!"	COOKS vs. CONs "Chicken Wingin' It!"		
54	HGTV	(54) Buying and Selling "Cold, Hard House"	Buying & Selling	Buying & Selling "Lesson in Location"	Property Brothers	Buying & Selling "Eat, Move, Love" (N)	Buying & Selling "Eat, Move, Love" (N)	House Hunters (N) House Hunters (N)	House Hunters (N) House Hunters (N)	House Hunters (N) House Hunters (N)	Property Brothers	Property Brothers		
55	FX	(55) (4:30) ★★ Iron Man 3 ('13) Robert Downey Jr.		★★★ Thor: The Dark World (2013, Action) Chris Hemsworth, Tom Hiddleston, Natalie Portman.				AHS: Roanoke "Chapter 3" (N)	AHS: Roanoke "Chapter 3" (N)	AHS: Roanoke "Chapter 3" (N)	AHS: Roanoke "Chapter 3" (N)	AHS: Roanoke "Chapter 3" (N)		
57	CNN	(57) CNN Presidential Town Hall (N)		Anderson Cooper 360 (L)	CNN Tonight With Don Lemon (L)	CNN Presidential Town Hall	CNN Presidential Town Hall	Anderson Cooper 360	Anderson Cooper 360	Anderson Cooper 360	CNN Tonight With Don Lemon	CNN Tonight With Don Lemon		
58	FNC	(58) The Kelly File With Megyn Kelly	Hannity	The O'Reilly Factor	The O'Reilly Factor	The Kelly File With Megyn Kelly	The Kelly File With Megyn Kelly	Hannity	Hannity	Hannity	On the Record	On the Record		
61	CNBC	(61) Shark Tank	Cleveland	"Expanding Horizons" (N)	The Profit "Murchinson-Hume"	The Profit "Dilascia"	The Profit "Dilascia"	ClevelandHustles "Expanding Horizons"	ClevelandHustles "Expanding Horizons"	ClevelandHustles "Expanding Horizons"	Paid Program	Paid Program		
63	BRV	(63) Real Housewives "The Moral Minority"	The Real Housewives	Real Housewives	Real Housewives	Don't Be Tardy... Don't Be Tardy...	Don't Be Tardy... Don't Be Tardy...	Don't Be Tardy (N) Don't Be Tardy...	Don't Be Tardy (N) Don't Be Tardy...	Don't Be Tardy (N) Don't Be Tardy...	WatchWhat (N)	Housewives NJ		
64	TCM	(64) Movie	(45) ★★ Top Secret! ('84, Comedy) Lucy Gutteridge, Christopher Villiers, Val Kilmer.	★★★ Anchorman: The Legend of Ron Burgundy				(15) ★★ Strange Brew ('83, Comedy) Dave Thomas, Max Von Sydow, Rick Moranis.			(15) ★★ Strange Brew ('83, Comedy) Dave Thomas, Max Von Sydow, Rick Moranis.			
65	SYFY	(65) Movie	★★★ Push (2009, Thriller) Dakota Fanning, Djimon Hounsou, Chris Evans.			Ghost Hunters "Overdue for Death" (N)	Ghost Hunters "Overdue for Death" (N)	Paranormal Witness "The Ranch" (N)	Paranormal Witness "The Ranch" (N)	Paranormal Witness "The Ranch" (N)	Ghost Hunters "Overdue for Death" (N)	Ghost Hunters "Overdue for Death" (N)		
69	RFD	(69) Cowboy TV	Noble Outfitters	JHS Rodeo Tour	Equestrian Nation	RW Horsemanship	Rural Eve. News	Racer's Edge	Women's Rodeo	Cowboy TV	Noble Outfitters	Product Showcase		

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