

Corrected 01/06/2020
dshaw

MINUTES
Warrenton City Commission
Regular Meeting – January 8, 2019
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

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

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

Excused:

Staff Present: City Manager Linda Engbretson, City Attorney Spencer Parsons, Finance Director April Clark, Community Development Director Kevin Cronin, Police Chief Mathew Workman, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, and City Recorder Dawne Shaw

OATHS OF OFFICE: Henry A. Balensifer was sworn into office for City Mayor; Rick Newton was sworn into office for City Commissioner, Position No.4, by City Recorder Dawne Shaw.

Per City Charter, the Mayor Pro Tem is selected by ballot by the Commission at its first meeting each calendar year. City Recorder Dawne Shaw read aloud the cast ballots.

Commissioner Balensifer voted for Commissioner Rick Newton
Commissioner Ackley voted for Commissioner Rick Newton
Mayor ~~Kujala~~ *Balensifer* voted for Commissioner Rick Newton
Commissioner Dyer voted for Commissioner Rick Newton
Commissioner Newton voted for Commissioner Rick Newton

By unanimous vote, Commissioner Rick Newton was elected Mayor Pro Tem for calendar year 2019.

CONSENT CALENDAR

- A. Commission Town Hall Meeting Minutes – 12.04.18
- B. Commission Regular Meeting Minutes – 12.11.18
- C. Monthly Finance Report – November 2018
- D. Police Department Monthly Statistics – November 2018

Mayor Balensifer asked Police Chief Workman to talk about crime statistics and Walmart. Chief Workman stated there has been an increase in property crimes, and there are several reasons why. He noted Walmart is a new store; people that have been trespassed at other stores, start going there. He also noted Walmart has a very sophisticated surveillance system and security

staff; and they are catching a lot more. Chief Workman also noted he is trying to get statistics on homeless and panhandling, and stated they are going to start tracking calls with transient non-resident people. Brief discussion followed on statistics.

Commissioner Ackley made the motion to approve the consent calendar. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

COMMISSIONER REPORTS

Commissioner Newton introduced Denise Lofman from the CREST board, who presented a check to the city. She thanked the city for working with them on getting the modeling information to the Corps, and for helping pay for it. She noted the study cost less than expected so they are able to give \$540 back to the city. Commissioner Newton gave a brief update on the economic development and improvements happening on S. Main Avenue. He also noted the historical pictures he put up in the windows of the vacant brown building on the corner of S. Main Ave. and First Street. He stated it was his Christmas gift to the City of Warrenton.

Commissioner Dyer welcomed everyone.

Commissioner Ackley welcomed everyone and noted they had a successful Christmas gift and toy drive. She mentioned the companies that helped fund the project and provided space; they served 238 children. She also noted there is an RDI meeting this Thursday at 11:30, for the downtown economic vitality.

Commissioner Baldwin thanked everyone for coming.

Mayor Balensifer stated he has received some phone calls regarding the article in Daily Astorian about the Gearhart elk meeting, and noted it is a contract negotiation meeting, not a town hall meeting. He further explained the purpose of the meeting.

PUBLIC COMMENT

Ms. Dixie Dowaliby noted the letter she submitted regarding the Pacific Seafoods worker housing, which noted her concerns about vehicle traffic on the dike. She suggested blocking access to the dike with barrier posts. City Manager Linda Engbretson stated this issue will be discussed at tomorrow's department head meeting.

Mr. Mike Balensifer spoke in support of the worker housing, noting he supports bringing housing to a facility that cannot find it for their workers. He recommended the Commission approve the zone change with conditions.

Mr. Scott Widdicombe commented on the Pacific Seafoods zone text amendment, stating he believes that if it is not approved, the process will be done; but if approved, it will give Pacific Seafoods some legal advantage to challenge the conditions. He submitted his written comments

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for the record. Mr. Widdicombe noted these comments differ from his written submission of January 2.

Mayor Balensifer stated that because the public hearing portion of this land use decision is technically closed, the information that is submitted cannot be used towards an appeal of the decision, but it does into the public record as a general comment. He briefly clarified the public hearing process.

PUBLIC HEARING

Mayor Balensifer opened the Public Hearing on the Transportation System Plan & Code Amendments (DCA 18-5). Formalities followed and no conflicts of interest were reported. Community Development Director Kevin Cronin presented his staff report. He noted the City has been working on a TSP update since 2015; this is a great milestone for the city, and he is happy to push it to home plate. He recognized the project advisory committee for their volunteer efforts throughout this process. He explained the development amendments as outlined in the agenda memo. Mayor Balensifer asked for public comment. No one spoke in favor or opposition. There being no further comments, Mayor Balensifer closed the public hearing. He noted the commission had just received the agenda packet, and stated he would prefer to table this agenda item until the next meeting, to have enough time to review and process the information. There was consensus to table the agenda item. Commissioner Ackley thanked Mr. Cronin for the information, stating it is very well presented.

Mayor Balensifer opened the Public Hearing on the Clatsop County Street Vacation; Ordinance No. 1226. Formalities followed and Commissioner Newton noted a conflict of interest - he noted he owns property that abuts the subject property. He stated he will remove himself from the discussion and abstain from voting. Commissioner Dyer noted he lives adjacent to the subject property, but feels he can be impartial. Community Development Director Kevin Cronin presented his staff report. Mayor Balensifer asked for public comment. No one spoke in favor or opposition. There being no further comments, Mayor Balensifer closed the public hearing.

Commissioner Dyer made the motion to conduct the first reading of Ordinance No. 1226 by title only. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – abstained; Dyer – aye; Ackley – aye; Balensifer – aye

Mayor Balensifer conducted the first reading of Ordinance No. 1226, by title only; An Ordinance Vacating Undeveloped Streets Rights-of-way in the Plat of WC Smith's Warrenton in Warrenton, Oregon.

BUSINESS ITEMS

Paul Nielson of Isler CPA presented the financial statements and audit results for the period ending June 30, 2018. Brief discussion followed.

At 6:48 p.m. Mayor Balensifer recessed the regular meeting, and convened the Urban Renewal Agency meeting. At 6:50 p.m. Mayor Balensifer reconvened the regular meeting.

Community Development Director Kevin Cronin discussed the proposed development code amendment for Pacific Seafoods employee housing. He noted two slight changes that were made by the applicant. Mayor Balensifer discussed the good neighbor agreement and noted his concerns on enforceability and how the city will know complaints are being addressed. He suggested the agreement be with the city, so the complaints are routed through the city, so the city is aware of issues; and also require the applicant have a good neighbor agreement with the adjacent neighbors. The applicant, Pacific Seafoods accepted the suggested change. Commissioner Newton noted concerns, stating the residents do not trust the cannery. He stated he needs six things to get the people to trust the cannery: 1. a good neighbor agreement in writing with the neighbors; 2. a sunset clause; 3. proper dormitory management; 4. an enforcement procedure; 5. he also would like them to have \$500,000,000 insurance policy in place to cover neighbor's property insurance claims, so citizens have recourse if an issue occurs. Mayor Balensifer asked legal counsel to clarify sunset policies on zones; City Attorney Spencer Parsons noted it would not be automatic; the commission would have to go through a process to rezone. Mayor Balensifer clarified that they are currently talking about a zone, and allowing a particular use in a zone; not a conditional use hearing or a development application hearing. Commissioner Newton noted his sixth concern - the clause regarding multi-business use – he stated he would like to reserve that use for two years. Brief discussion followed. Mayor Balensifer discussed worker housing in Newport, noting it is an outright use, not a conditional use. Discussion followed on conditional use standards. Mr. Cronin noted if the conditions are violated, there are enforcement procedures that he can use already on the books. Mayor Balensifer noted the nationwide shortage of manufacturing workers, and stated he thinks worker housing is a good thing to offer for employees. Commissioner Ackley noted they have all deliberated and listened to the community, and making it a conditional use give the city the most protection. She noted this is just code change, the conditional use process will determine everything. She also noted there is a lot of I-2 property that is rendered worthless to the owners; and this could add value to their property. Discussion continued.

Mayor Balensifer made the motion to amend 16.64.050 Paragraph 4 of Ordinance 1223, to include that a good neighbor agreement must be made with the city first, and a good faith effort be made by the applicant to make a good neighbor agreement with the adjoining residents as well, directly adjacent to their facility. Motion was seconded and passed unanimously.

Baldwin – abstained Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Commissioner Ackley stated based on the staff report, application and exhibits presented to the Planning Commission, the record established by the Planning Commission in its review of Application DCA 18-4, and Agenda Summary for November 13, 2018, December 11, 2018, and January 8, 2019 City Commission public hearing, public testimony, and further input received at the town hall, made the motion to approve the first reading of Ordinance No. 1223, by title only, as amended. Motion was seconded and passed unanimously.

Baldwin – abstained Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Commissioner Baldwin abstained from voting due to a conflict of interest.

Mayor Balensifer conducted the first reading of Ordinance No. 1223, by title only; An Ordinance Amending Warrenton Municipal Code Chapter 16.64.020 amended.

Community Development Director Kevin Cronin noted Homestay Lodging was a topic of discussion at the August 14, August 28, October 9, and November 13 City Commission Meetings. The Commission directed staff to prepare an ordinance to amend the Municipal Code to add new safety regulations for homestay lodging businesses. He stated the City Attorney recommended breaking the original proposal into two distinct proposals: Municipal Code and Development Code. Mr. Cronin noted the proposed safety regulations have been reviewed by the Building Official. Mr. Cronin stated he will conduct inspections to verify safety improvements and consult the Building Official as needed. He stated staff has begun to reach out to known homestay lodging and vacation rental owners about the new regulations, and will launch a formal outreach strategy to initiate a one-month grace period beginning January 2 to February 1, 2019. After further discussion, Mayor Balensifer suggested two amendments; item E – the wording regarding the NOAA weather radio should state “permanently displayed in a visible location;” and section O should be moved before section N. There were no objections to these amendments.

Commissioner Ackley stated based on the body of evidence and research presented to the City Commission over numerous work sessions and regular meetings, including the Agenda Summary for January 8, 2019 City Commission, made the motion to approve first reading of Ordinance No. 1224, by title only, as amended, and schedule the second reading for January 22, 2019. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Mayor Balensifer conducted the first reading of Ordinance No. ¹²²⁴1221, as amended; An Ordinance Creating Warrenton Municipal Code Chapter 8.24, Regarding Safety Standards for Short Term Rentals Referred to Homestay Lodging.

Community Development Director Kevin Cronin gave a quick update on two existing nuisances; 1086 S. Main Court has been purchased by Mark Korpi. The house will be demolished and a new duplex built in its place. Mr. Cronin also stated Mr. Burdett has not made any progress on his property, and Mr. Cronin will come back to the commission to ask for direction on how to move forward. Mr. Cronin presented his staff report on the nuisance property at 1940 S. Main Avenue. He noted the yard is chronically littered and strewn with rubbish, trash, junk, inoperable vehicles, vehicle parts, boats, recreation vehicles, unguarded machinery and equipment, construction debris, tall grass, and the like. Mr. Cronin stated the buildings are designed for storage and have illegal residents tenants living inside the premises. He stated this is one of the worst nuisances he has seen. Brief discussion continued.

Commissioner Dyer made the motion to declare that enumerated and unenumerated nuisances exist at 1940 S. Main Avenue, and direct staff to commence actions to notify the

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owner of record and person responsible for the property to bate the nuisances within 10 days as prescribed in WMC 8.16.160. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Mr. Cronin discussed the nuisance property at 1030 Third Avenue (Hammond). He noted the yard is chronically littered and strewn with junk, inoperable vehicles, vehicle parts, boat, recreation vehicles, and the like. He stated since September 2018, staff has worked with the property owner to resolve tall grass, derelict sign structures, and rubbish. However, staff concludes that conditions at the subject address are consistent with, and meet the intent of the descriptions of various nuisances. He stated the Police Department posted the site on December 13, 2018. Brief discussion continued. Mayor Balensifer recommended that if the nuisance is not remediated in the specified timeframe, fines should occur; the Commission concurred.

Commissioner Ackley made the motion to declare that enumerated and unenumerated nuisances exist at 1030 Third Avenue, and direct staff to commence actions to notify the owner of record and person responsible for the property to bate the nuisances within 10 days as prescribed in WMC 8.16.160. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Police Chief Workman discussed the two 2019 Chevrolet Police Tahoes that were budgeted to replace two 2011 Police Tahoes. He stated the WPD solicited quotes from three vendors to install all of the safety equipment. He explained the quotes and outlined the goods and services contract for the complete safety equipment installation.

Commissioner Baldwin made the motion to approve the Goods and Services contract between Emergency Responder Services, Inc. and the City of Warrenton to complete the installation of equipment on the two 2019 Chevrolet PPV 4x4 Police Tahoes and the have the Mayor and City Manager sign the Contract. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

City Manager Linda Engbretson discussed the lease assignment from the estate of George Campbell to Paul Leitch for interest in the lease with the City of Warrenton for the property located at 60 NE Iredale, otherwise known as “Fishermen’s Storage.” She noted the lease terminates in 2036 with an additional 10 year option. Ms. Engbretson stated she has been working with Mr. Leitch, through legal counsel; Mr. Campbell has passed away, and this takes Mr. Campbell’s name off the lease and puts it entirely into Mr. Leitch’s name. Discussion continued on lease rates being well below market. Commissioner Newton noted the leasee has the option to have the property appraised, and to have the rent reset based on the appraisal. Brief discussion followed and it was noted the city has that option as well. Mayor Balensifer stated the city should exercise that right to do an appraisal. Ms. Engbretson stated she has other properties within the city that she would like updated appraisals on, and suggested doing them all as a package. There was Commission consensus to have staff get appraisals on all lease properties that the city has the right to do so.

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Commissioner Ackley made the motion to authorize the Mayor's signature on the Lease Assignment from the estate of George R. Campbell to Paul Leitch for the property located at 60 NE Iredale. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – absent; Dyer – aye; Ackley – aye; Balensifer – aye

Commissioner Newton was not present for the vote.

City Manager Linda Engbretson stated the City has been working with Falcon Community Ventures I, dba Charter Communications to renew its Franchise Agreement with the City. While other utilities that had franchise agreements are transferred to requirements under the city's right-of-way ordinance as they expire, cable companies must have a franchise agreement. She noted this process began several years ago. Discussion followed.

Commissioner Baldwin made the motion to conduct the first reading, by title only, of Ordinance No. 1227. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Mayor Balensifer conducted the first reading of Ordinance No. 1227, by title only; An Ordinance Granting a Non-Exclusive cable television franchise to Falcon Community Ventures I, LP, dba Charter Communications.

City Recorder Dawne Shaw stated Oregon State Legislature approved Senate Bill 481 in July 2017, which took effect January 1, 2018. SB 481 modified the Oregon Public Records Law in the Oregon Revised Statutes (ORS) 192.410 to 192.440. This resolution updates the City's public records request procedures and response timelines to comply with this new law, and also update the applicable fees. The City has not increases its fees since 2010. In order to provide the public an opportunity to comment, rate increases are considered over two meetings. Brief discussion continued.

Commissioner Ackley made the motion to conduct the first reading, by title only, of Resolution No. 2531 Policy, Procedures and Fees for Public Records and Information Requests, and Repealing Resolution No. 2301. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Mayor Balensifer noted since this is being done over two readings, if anyone has any public comment they can submit their written comments before the next meeting, or come to the next meeting and fill out a comment card, and make their comments known.

Mayor Balensifer explained the various committee appointments and his suggested nominations as outlined in the agenda packet material.

Commissioner Baldwin made the motion to appoint Mr. Gerald Poe to Position No. 3 on the Warrenton Budget Committee. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Commissioner Dyer made the motion to appoint Ms. Carol Snell to Position No. 3, Ms. Penny Morris to Position No. 5, and Mr. Jerry O’Neill to Position No. 7 on the Warrenton Community Center Board. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

City Manager Engbretson reminded everyone of the joint Parks Advisory Board meeting on Monday, January 14, at 5:00.

Commissioner Baldwin made the motion to appoint Ms. Sara Long to Position No. 2 on the Warrenton Parks Advisory Board. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Commissioner Dyer made the motion to appoint Mr. Tommy Smith to Position No. 2, Ms. Penny Morris to Position No. 3, and Ms. Darlene Warren to Position No. 4 on the Warrenton Business Association. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Commissioner Newton noted that Mr. Yuill takes the time to go out to look at every single property that comes before the Planning Commission.

Commissioner Dyer made the motion to appoint Mr. Mike Moha to Position No. 4, and Mr. Ken Yuill to Position No. 5 on the Warrenton Planning Commission. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Dyer – aye; Ackley – aye; Balensifer – aye

Mayor Balensifer noted Mr. Justin Kobe’s application for the Parks Advisory Board, and his letter asking for commission guidance on spouses serving on same board. He noted Mrs. Kobe serves on the Parks board; he has not interviewed Mr. Kobe, and stated he would like to get the commission’s policy guidance on this matter. Discussion followed and there was consensus that spouses can serve on the same board, with the exception of the Budget Committee and the Planning Commission. Mayor Balensifer stated he will move forward with an interview.

At 8:14 p.m. Mayor Balensifer recessed the regular meeting and convened the URA meeting. He reconvened the regular meeting at 8:23 p.m.

DISCUSSION ITEMS

Public Works Operations Manager Kyle Sharpsteen discussed low pressure sewer systems. He noted the city does not currently allow grinder pumps to go into the common system. He stated that while the city prefers gravity sewers, but it is not always the best case for all areas. He noted if there is an overflow, DEQ says the city is ultimately responsible. Mr. Sharpsteen noted other cities across the state are doing them. He noted if the city wants them, we have to figure out how to make them work; and to come up with a plan that is acceptable to DEQ. He felt the homeowners could be responsible for the costs; if there was an overflow the city would have some liability. He suggested a service plan, with an annual permit which includes a service plan. Discussion continued on the details of a service plan and other options. The Commission agreed they would like Public Works to pursue this option. Brief discussion followed. Mayor Balensifer requested they come back with some numbers. Mr. Sharpsteen noted the county requires people with sand filters to have the same type of service agreement. Public Works will come up with some plans and come back to the Commission with information. Mayor Balensifer stated he would like to discuss an LID ordinance later in the year.

GOOD OF THE ORDER

Commissioner Newton discussed a nuisance property at 826 NE 1st and asked Mr. Cronin to follow up. He also noted the adjacent property looks great; it is all cleaned up after the fire. He stated he was happy at end of 2018, at how the commission and the city have moved forward.

City Manager Linda Engbretson stated folks may see a \$100 credit on their utility bill; deposits being refunded to people who signed up for service after 2015, and paid a deposit. She noted it was reviewed while updating the water ordinance. She also recognized the historical photo display, and thanked Commissioner Newton. She noted the historical society has a lot more.

Commissioner Newton Rick clarified to Mr. Mike Balensifer, that when he was seen working in the dog park, he was filling in holes on his own time.


Mayor Balensifer thanked Miss Travers for being here, and noted she is job shadowing the Mayor. She is interested in politics and is pursuing a political science degree.

There being no further business, Mayor Balensifer adjourned the regular meeting at 8:44 p.m., and announced they will now meet in executive session under ORS 192.660(2)(e); *to deliberate with persons designated by the governing body to negotiate real property transactions*, and 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 is not expected to return to regular session to take action on any item considered in executive session.

APPROVED:


Henry A. Balensifer III, Mayor

ATTEST:


Dawne Shaw, City Recorder