

MINUTES
Warrenton City Commission
Regular Meeting – February 12, 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, Pam Ackley, Mark Baldwin, and Tom Dyer

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

CONSENT CALENDAR

- A. Commission Joint Work Session Minutes/Parks Board – 1.14.19
- B. Commission Joint Work Session Minutes/Community Center Board – 1.17.19
- C. City Commission Regular Meeting Minutes – 01.22.19
- D. WBA Meeting Minutes – 11.14.18
- E. Community Center Board Minutes – 11.15.18
- F. Monthly Finance Report – December 2018
- G. Thank You Letter - Warrenton High School Transitions Class
- H. ODOT Letter – Requesting Speed Reduction on South Main
- I. Fire Department Activity Report - November 2018
- J. Fire Department Activity Report - December 2018

Mayor Balensifer made a note clarifying that the Parks Board meeting minutes has additional information regarding the Pacific Rim contacts from Mr. Dutcher and there has been some contact with more information forthcoming. He also requested to move Consent Calendar item 3H to Business Item 7F; there were no objections.

Commissioner Rick Newton asked for clarification on the Consent Calendar items. He noticed that the door hangers and disconnects were down. Financial Director April Clark stated that ~~all door hangers have been removed and~~ deposit refunds have been given back with residents receiving a \$100.00 refund; this has resolved a large majority of outstanding accounts. Mr. Newton also mentioned that there is a lot of information available on the City's website. He also noted concerns about the charges for the Fire and Police Departments. Ms. Clark explained that the fire charges are from conflagration pay, and police charges are from police reports, annual charges for towing, etc.

Commissioner Newton made the motion to approve the Consent Calendar as presented, with the exception of moving Item 3H to 7F. Motion was seconded and passed unanimously.

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

COMMISSIONER REPORTS

Commissioner Dyer gave an update on nuisance properties and noted there have been positive responses from citizens. He would like to get more help to assist; citizens are starting to work on their issues and there is good progress.

Commissioner Ackley stated there has been good progress on the RDI grant and she has spoken to the owner of the brown building, who is open to discussion for making improvements. She noted that tomorrow is the first Joint Taskforce meeting with the Hammond Marina.

City Manager Linda Engbretson requested to add agenda item 7G for Support letters for a couple of legislative bills under the Levy Infrastructure Funding bill. There were no objections to the addition. Ms. Engbretson introduced the new Deputy City Recorder Jenny Faith.

PUBLIC COMMENT

Mr. Robert Wood stated the Spur 104 Zone Change would serve the public with access to the planned new Oral/Maxillofacial surgery clinic. At this juncture, these services are only available in Portland and Longview. He is currently practicing surgery in an office near Walgreens.

Mr. Edwin Nowak addressed the Commission about the citation given by the city planner who stated that he had to remove the trailer before Monday. His handyman currently lives in the trailer and Mr. Nowak had requested to leave the trailer there. Discussion ensued and he would like to apply for a hardship exception (six month extension) for medical and building issues; he is in the process of installing a slate roof. Mayor Balensifer inquired if a staff report was available to review. Discussion ensued for extending a permit while renovations are underway. Community Development Director Kevin Cronin stated there is a code that allows a temporary RV for construction use; however, this applies to prior residency. Once in residence, RVs are not covered for over 48 hours. Further discussion ensued regarding a hardship case or variance. FEMA code states that anyone living in a trailer for more than six months is no longer temporary. Mayor Balensifer suggested the handyman move into the house or park his trailer in one of the trailer parks available. Mr. Novak agreed to allow him to move into the house.

Mr. Tim Gannaway stated he received a nuisance abatement notice and hopes that when the City is implementing the law that we will deal with the humanity of the situation. Further, having to move a trailer within 24 hours is difficult at best. He recommends giving more notice, and perhaps issuing notices during the summer months. Community Development Director Kevin Cronin noted that there were two violations; one for junk, second for two trailers being parked within the right-of-way. Mayor Balensifer stated that efforts to comply have been noticed and the City will continue to work with him.

BUSINESS ITEMS

Community Development Director Kevin Cronin discussed Warrenton Municipal Code Section 8.16. He discussed an update on the nuisance city code draft and what is lacking. One is vacant buildings, the second is derelict buildings, and lastly, chronic nuisances. Mayor Balensifer, stated there is a slight correction on 8.28.070 section, page 7, paragraph B - Chronic Nuisance Determination. He moves to change City Manager and/or his designee to “their designee.” Objective is to improve the buildings and investments downtown. Discussion ensued over Property Maintenance Standards (8.28.050). Mr. Cronin stated that this is being reviewed to address the gaps in the code. Mayor Balensifer also stated that the proposed revision is too exacting for the spirit/intent of their efforts, and the current code addresses that. If clarification is needed, the public can always come to the Commission to address it. In addition, registration of commercial properties would also help the community to keep businesses in the area. Mr. Cronin stated that currently we do not have a registry in place and it is problematic. Commissioner Dyer likes the current proposal, until you get to the derelict portion. There needs to be a minimum standard. Mr. Cronin stated specificity addresses standard more precisely. Mayor Balensifer would like more of a guideline and/or definitions as this would help clarify the issue. An additional line to address purpose would be helpful. Commissioner Newton stated that either we have a nuisance or a dereliction, but we do not have anything to address the middle. Discussion followed on the storage/handling of highly combustibles/flammables with further discussion about the definition of commercial vs. private quantities. He believes that properties on which six (6) or more nuisances exist or have occurred during any consecutive 12 month period are too lenient as the City should not be out there every month to address the deficiencies (this would end up costing thousands of dollars). He further states HB 608 – Rent Control bill will affect this (rental properties/evictions). The City should be aware of this and dovetail laws so they do not conflict with the House Bill. Mayor Balensifer noted that the code has a “separability” clause to address these types of issues.

Commissioner Baldwin made the motion to direct staff to prepare an ordinance to present at a future City Commission Meeting with the noted corrections. Motion was seconded and passed unanimously.

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

Mayor Balensifer conducted the second reading of Ordinance No. 1225/by title only; An Ordinance Amending Warrenton Comprehensive Plan, Adopt the Transportation System Plan and code amendments.

Community Development Director Kevin Cronin presented Ordinance No. 1225 for the second reading and adoption for the proposed Transportation System Plan Update & Code Amendment. He noted there was one change to include Port of Astoria and the Astoria/Warrenton Regional Airport as requested.

Commissioner Ackley made the motion to approve the second reading of Ordinance No. 1225, as amended, by title only. Motion was seconded and passed unanimously.

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

Mayor Balensifer conducted the second reading of Ordinance No. 1225, by title only and included all titles; An Ordinance Amending Warrenton Comprehensive Plan, Adopt the Transportation System Plan, and amend Warrenton Municipal Code Section 16.12 Definitions, 16.40 C-1 Commercial Uses, 16.44 Development Standards, 16.120 Vehicular Access & Circulation, 16.128.030 Vehicle Parking Standards, 16.128.040 Bicycle Parking Standards, 16.136.020 Transportation Standards, 16.208 Procedures, 16.216 General Requirements, 16.220 Conditional Use Review Criteria, 16.232 Transportation Planning Rule Compliance, and 16.265 Traffic Impact Study.

Commissioner Baldwin made the motion adopt Ordinance No. 1225. Motion was seconded and passed unanimously.

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

Community Development Director Kevin Cronin presented the Spur 104 Zone Change for deliberation. He noted that the City Commission held a public hearing on July 24 and received public testimony. Mayor Balensifer noted that the traffic/mobility plan was scheduled for rezoning due to increased traffic. Mr. Cronin noted the mobility standard is set to pass ODOT later this year. ODOT Senior Region Planner Mr. Ken Shonkwiler was introduced to identify any problems. ODOT has set limitations to not allow any other access onto 101 and the intersection by Ocean Crest is limited to right turn only if you're coming from Spur 104; this area is access controlled. This is set to help mobility throughout 101 and circulate through Ensign. Dolphin has been changed to ~~ride in/ride~~ out for traffic flow. TSP analysis shows that the intersections will handle the traffic for zone change. Mayor Balensifer recommended a separate zone to manage traffic. In addition, the drive-through for Wendy's may prove to be problematic. Mr. Shonkwiler stated that he is not up to speed on school access and believes that this will need to be addressed as well. Commissioner Ackley stated that reopening Dolphin back to south bound lane only and create a merge lane would help relieve the congestion.

right in
right out

Commissioner Newton stated 4-5 new businesses would increase the traffic flow more than 20%. Mr. Shonkwiler stated that the CMU zoning is taking the highest generated traffic uses, and the impact study gives reasonable worst-case scenario configured in analysis. He further stated that study shows more stop lights/signs in a given corridor increases accidents. Commissioner Dyer recommended using the Dolphin south bound going onto a merge which would be safer and cost less. Mr. Shonkwiler further stated that one of the issues is the availability of space between Ensign/Dolphin relative to intersections. Commissioner Newton commented on the CMU which also allows for high density apartments.

Mayor Balensifer recommended tabling this issue until after standards are adopted by the OTC, and revisit the rezone. Mr. Cronin commented that he has suggested that the community band together for a Master Plan for the street infrastructure. A concept plan is estimated at \$50,000.00 - \$75,000.00. He further recommends starting planning zones and to prepare now. Mayor Balensifer stated that the CMU zoning is too broad as currently written. Commissioner Ackley discussed placing restrictions on applications to control this issue. URL zone change has been initiated by the City. Mayor Balensifer proposed a restriction to include a Master Plan overlay to control overcrowding. Mr. Shonkwiler stated that there is a justification to correct impact issues. Further discussion ensued regarding mitigation for impact analysis that states all-way stop control at 104/Ensign, and adding a left hand turn lane. Commissioner Baldwin stated that

Ensign is not the problem, rather the heavy traffic off of Hwy 101. The worst traffic flow is from the Grade School off Cedar/9th. Mr. Cronin suggested six months from the Zone Change (effective date July or August) for property owners to band together and take a proposal to the planning commission.

Mr. Ken Yuill addressed the commission as a property owner on Alt Hwy 101; the neighborhood in question was developed in early 2000. They did an LID to address sewer assessment (his cost was over \$32,000.00), there was no zone change, and were unable to build on a 50x100 lot. There have been a number of businesses that were interested on the East side; however, they ended up going somewhere else. A zone change would help to improve this issue. Urban Renewal monies for fire hydrants would be very helpful, as there aren't any in this area. Mr. Shonkwiler stated his job is to review conference/plan amendments in NW Oregon to make sure that they comply with the Transportation Planning Rule; this zone change does comply with the Transportation Planning Rule now that the TSP Plan has been adopted.

Commissioner Dyer made the motion to approve first reading by title only of Ordinance No. 1228, approving application DCA: 18-2 to rezone multiple properties along Spur 104 from R10 intermediate residential to CMU commercial mixed use based upon the Planning Commission's recommendation. Findings of Fact evidence is in the record; Public Testimony and Agenda Summary dated July 24, 2018, August 14, 2018 and February 12, 2019. Motion was seconded and passed.

Baldwin – aye; Newton – aye; Ackley – aye; Balensifer – Nay; Dyer – aye.
Mayor Balensifer noted for the record that he has concerns for traffic and inadequate planning.

City Manager Linda Engbretson requested removal of Resolution No. 2538, Modifying Building Permit Fees from the agenda. She noted some figures were incorrect.

Mayor Balensifer addressed adoption of 2019 Commission Goals as follows: 1) Long Term Infrastructure and Service Planning/Funding that goal is basically talking about the long term needs of our city and how we make sure that our infrastructure is adequately funded, and also that we are servicing our customers adequately (from utilities to City buildings inventory); 2) Innovate Building and Planning relating to needing additional staff resources and to ensure that department is self-sustaining. Addressing the question put forth by the Columbia Press: "Why isn't growth pain paying for growth and how do we make sure growth does pay for growth?" 3) Community Building is to continue everything we are currently working on (from nuisance abatement to citizen involvement); 4) Evaluate City Boards & Volunteer Opportunities which has just been formed and is underway. Commissioner Newton stated that his goal is to ensure livability in Warrenton. Commissioner Dyer commented that these goals are very productive and has the best interest of the city at heart, and feels we are moving in the right direction. Commissioner Baldwin noted they all are committed to the livability in Warrenton.

Commissioner Baldwin made the motion to approve the 2019/2020 Commission Goals. Motion was seconded and passed unanimously.

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

Mayor Balensifer discussed a letter to ODOT - requesting a speed reduction on South Main. The request is to change from 35 MPH to 25 MPH on S. Main Avenue, and changing the posting on SW 4th. However, he favors 30 MPH for traffic flow. Commissioner Newton agreed that the speed does need to change. Police Chief Mathew Workman stated that speed does affect pedestrians/residential population. Mr. Shonkwiler addressed the commission stating that he receives speed reduction requests from throughout the state and speeds are set by the average speed of 85% percentile (based on the traveling speed of traffic). He will send a link to Mr. Cronin for a Speed Reduction Study (which usually takes six months to complete). In addition, speed limit changes need to be enforced to be effective. Commissioner Baldwin stated that he does not believe a speed reduction will resolve the problem. Consensus was to not proceed with the letter.

Mayor Balensifer introduced Letters of Support for Levy Infrastructure Funding bills (regarding infrastructure finance authority levy funds). He stated he and County Commissioner Mark Kujala have been working on getting these funds approved. There is a program opened for loans and we are trying to open up for Grants instead, because levy improvements are expensive and it doesn't really help with the City cost. City Manager Linda Engbretson noted that there is a section in there for planning and thinks we could apply for the Geo-Tech work if it's allocated (which is at least 1 million for the whole system). There are some Public Hearings on this next Tuesday which she was just notified of. She stated that she could draft a letter on behalf of the City. Mayor Balensifer stated he would want to sign the support letter.

Mayor Balensifer discussed the Thank You Letter to Warrenton High School Transitions Class. Consensus was to approve the letter.

DISCUSSION ITEMS

Public Works Director Collin Stelzig discussed the SW 4th Street alignment and reviewed a slide presentation as follows: 1) shows 60' right-of-way, 22' wide storm water drainage is needed. This is going through Maddox Dance Studio. Right-of-way is on the back side of fence. Slide 4 is near the telephone pole. Main court went back to 32', but was not included. New standard is 36' with sidewalks. * Maddox has 7-8 parking spots of parallel parking; however, this plan would only allow 4-6 spots. Since option 1 went back to 32' he did not include this in the study, 2) shows two side lines, sidewalks and parallel parking, 3) shows some parking, but does not address SW 4th Street and currently affects property owners, and 4) Mr. Stelzig states he likes this option as everything is being moved further south (and will allow for head-in parking). Maddox has approximately 8 parking spots, but we will lose some. This is not feasible to move further West as it affects Main Street. City Manager Linda Engbretson discussed funding by Urban Renewal/City for the project. We have budgeted \$600,000.00 to do this part of the road. Commissioner Baldwin stated that if you put asphalt past the utilities lines this will be workable. Mr. Stelzig discussed N. Main and 7th and noted this will have a lower pressure system and expects to bid this during the summer. The benefits to option 4; Maddox gets to keep some of their pull-in parking; however, we do bring it quite a bit south (some encroachment into the right-of-way on the back side of the fence, and will require moving the storage and removal of some trees). Mayor Balensifer requested a one page memo to outline the project. Mr. Stelzig will email this to him. There is large drainage north of 4th that goes into a storm drain; another 36" drain is planned. Commission will bring this back up for next meeting.

GOOD OF THE ORDER

Commissioner Newton brought up property tax. He further recommended we watch the bills on the Legist-scan site as there are 2800 bills introduced this session. In addition, he stated they are trying to get around Measure 50 and 5. The state proposes to base property tax on market value instead of assessed value. In addition, they are trying to eliminate the discount for paying property taxes on time. They are also trying to impose a tax base, and for the county to create a group to assess the forest lands and determine four different definitions that will create how they will be taxed. There are no plans to pay the county for doing this; however, they are expecting 30% reimbursement from Forest Lands for green energy.

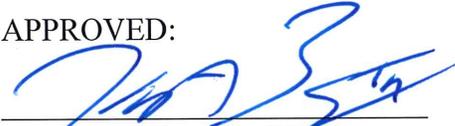
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it is his understanding
that 12-26-19

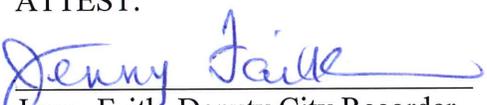
Commissioner Dyer stated Nuisance Abatement is going well.

Mayor Balensifer attended Legislative session last week and was disheartened. His observation was that there was no objective listening and public notice is not being adhered to. It looks like bills are being run through. This will impact our community adversely. Warrenton apartment costs are starting to get just as high as Portland. The affordability crisis is a particularly troubling issue in our area. Warrenton is not the only City that is dealing with increased water costs, providing service and preventative maintenance, as well as sewer costs. This year of legislation is the year of the urban session. Commissioner Newton also wanted to bring to everyone's attention that rental owners need to be aware that the Legislature has declared HB 608 an emergency and it will go into immediate effect once it passes. There is no time to delay for adherence.

Commissioner Ackley commented her friend is part of a Community Land Trust. He has a wealth of information for additional private/affordable housing; aka a sustainable lease hold.

There being no further business, Mayor Balensifer adjourned the regular meeting at 8:30 p.m. Mayor Balensifer announced they will now meet in executive session under 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*, and ORS 192.660(2) (e); *to deliberate with persons designated by the governing body to negotiate real property transactions*. He stated the Commission is not expected to return to regular session to take action on any item considered in the executive session.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Jenny Faith, Deputy City Recorder