

Corrections made
2.25.2020 (C)

MINUTES
Warrenton City Commission
Regular Meeting – February 11, 2020
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:05 p.m. and led the public in the Pledge of Allegiance

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

Staff Present: City Manager Linda Engbretson, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Community Development Director Kevin Cronin, Finance Director April Clark, Refuse Worker Robert Burk, Accounting Technician Jessica Barrett and City Recorder Dawne Shaw,

Mayor Balensifer requested to add Business Item 7-K Business License Ordinance to the agenda before commissioner reports. There were no objections.

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 1.28.20
- B. Monthly Finance Report- December 2019
- C. Warrenton Landfill Financial Assurance Post-Closure Cost Estimate

Mayor Balensifer noted a question pertaining to the Post- closure Cost Estimate; where is the money coming from in the city funds? April Clark, Finance Director, noted it comes from the Sanitation Fund.

Brief conversation continued. Commissioner Newton noted the change in door hanger fees; *Specifically pertaining to giving back their deposits, and where that money was spent. He confirmed*
Commissioner Ackley made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously. *April Clark was correct.*

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

7-K: Discussion on review of the business licenses

Ms. Clark asked for clarification on the direction Commission would like to go with Business Licenses. Discussion continued. Commissioner Baldwin explained his opinion on the matter; he gave examples. Discussion continued. Commissioner Newton noted the Thursday Market booth rent goes into the marina fund, not the business license fund. Ms. Clark confirmed and continued to state that the Thursday Market currently gives vendors a break if they prepay for the full season; if we are going to charge them a full business license they would not be getting a break. Ms. Clark continued to explain that the intention of giving a price break is to gain commitment from vendors to be there for the entire event. Commissioner Baldwin stated if the vendor wants to sign up for the entire event, we could charge them the price of the business license, plus whatever amount equals the break. We could give the business

license fees to the WBA and the remaining amount to the marina. Discussion continued. Mayor Balensifer stated he is comfortable with making a single use fee for city sponsored events or if it's a city sponsored event the fee can be included in the application fee; a percent would go to the business license fund. Mayor Balensifer suggested \$5 or 5%, whichever is greater. Conversation continued on how to potentially distribute the funds. Ms. Clark noted that city staff is trying to find a way to encourage participation in community events and also maintain economic vitality and livability. She continued to clarify this would be a change to city sponsored one day events. Commissioner Ackley asked for clarification on whether the Thursday Market is a city sponsored event. Ms. Clark stated yes. Mayor Balensifer stated that as long as we are exacting to the business license fund a fee out of the application fee, he is fine with it. Discussion continued. Mayor Balensifer asked for commission's consensus on the matter. Brief Conversation continued. Mayor Balensifer asked for Ms. Smith's input being she just did the Fall Festival. She noted her experience on the matter. Mayor Balensifer suggested that if it is not a city sponsored event the event organizer can choose to pay a business license fee on top of the application fee or require participating vendors to have a business license. Discussion continued. Ms. Clark noted that we have a little more work to do on this section of the business license. She continued to note the proposed changes on the remaining sections. Ms. Engbretson noted the recommendation is to raise the business fee to \$75 and \$10 per employee, and to raise the penalty to \$1000. Commissioner Newton inquired about business licenses for realtors and brokers. Ms. Clark stated that it's not just the broker, but every realtor that comes in and shows or advertises a listing should have their own business license; they are independent contractors. Mayor Balensifer stated for the record realtors, not just the brokerages need business licenses if they are conducting business in the city of Warrenton.

Ms. Clark noted if we are going to abolish the Warrenton Business Association (WBA), we need to rename the fund, it will still be a special revenue fund, but it will need a new name.

COMMISSIONER REPORTS

Commissioner Newton noted updates from the PSCC meetings. He noted the changes in the failure to appear rates, the bed number changes at the jail, the mental health mobile crisis response unit, and the needle exchange program.

Ms. Engbretson noted a request to miss the February 25 meeting, as she will be away at a conference.

PUBLIC COMMENT

Tony Faletti thanked the organizers of Warrenton's Birthday Party celebration and would like to make it a yearly thing. He also asked if the recycle cart replacement program has been completed. Mayor Balensifer noted they are not yet complete and the rates have not increased accordingly. Brief discussion followed on the recycle carts.

Mayor Balensifer noted in response to Mr. Faletti's comment regarding Warrenton's Birthday Celebration that we should draw up certificates of appreciation signed by all commissioners for Dianne Collier, Carol Snell, Terry Arnall, and Katie Burkhart who all donated time and resources and put the Celebration together.

Ryan Palek and Kimberly Nichols, of NW 7th place, explained they are trying to get a home put in. They have done all the work to get everything in order and they recently discovered there is a city street

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bordering their property. The expenses to have a sidewalk or street put in are very costly and Mr. Palek asked for commission's advice on options of how to proceed. Mr. Stelzig noted the situation, and referred to Exhibit A, which will be entered into the meeting record. He continued to note that we are looking at updating our engineering standards; they are planning to take comments, make changes and then bring the proposal to the commission. He continued to discuss the process. Discussion continued regarding city standards and the potential requirements. Mayor Balensifer asked Mr. Palek and Ms. Nichols if their questions had been answered. Ms. Nichols noted they are on a strict timeline. Mayor Balensifer asked if commission was in consensus with the proposal or if they wish to have more time. Mr. Stelzig noted he would like the standards to go through the review process and have a public meeting. Mayor Balensifer asked for a time frame. Mr. Stelzig stated he hopes to bring the proposal to commission by the end of April. Ms. Engbretson asked if the commission would waive their own standards based on what's anticipated. Discussion continued. Commissioner Newton noted he does not like the timeline, but he likes Mr. Stelzig's process. He continued to note his feelings from prior instances and stated his vote is for the process to take place. Commissioner Ackley concurred. Commissioner Baldwin asked when Mr. Palek and Ms. Nichols first applied. Ms. Nichols noted they have been ready since last summer. Ms. Engbretson stated the city has not held them up specifically; the standards have been communicated to them from the beginning. Brief conversation continued. Mayor Balensifer stated he would agree that the process needs to be served, however, if possible, we should expedite the process. Commission's consensus is to go through with the public process, and to give encouragement to staff to speed it up if possible.

PUBLIC HEARING – None

BUSINESS ITEMS

Ms. Jeanne Smith requested to waive the fees for usage of the ball fields for the Easter Egg Hunt. She noted it is a city wide event with no charge to the public. Mayor Balensifer noted for the record there was a consensus on waiving the fee for the fields. Commissioner Baldwin offered to personally cover the fee for the fields.

Commissioner Newton made the motion to waive the fees for usage of the ball fields for the Easter Egg Hunt in cooperation with the Community Center. Motion was seconded and passed unanimously.

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

Community Development Director, Kevin Cronin, presented Ordinance No. 1233 for its second reading and adoption. Mayor Balensifer asked if staff has received a letter from Mr. Kujala. Ms. Engbretson noted she checked with legal counsel; we have received a letter from the Kujalas requesting they be included in this. Mayor Balensifer noted a scrivener's error; 16.116.040, paragraph A, second sentence, should read "at a minimum."

Commissioner Ackley moved to amend the ordinance to correct section 16.116.040 paragraph A, second sentence should read "at a" *Minimum*.

Commissioner Baldwin made the motion to conduct the second reading, by title only of Ordinance No. 1233. Motion was seconded and passed unanimously.

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

Mayor Balensifer conducted the second reading of Ordinance No. 1233; An Ordinance Amending the Comprehensive Plan Article 2, Warrenton Municipal Code Chapter 16.116, 16.220, and Warrenton Zoning Map Regarding the Creation of Policies to Support Neighborhood Master Planning and a New Neighborhood Chelsea Gardens.

Commissioner Ackley made the motion to adopt Ordinance No. 1233. Motion was seconded and passed unanimously.

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

Mr. Cronin presented Ordinance No. 1234 for its second reading and adoption. He noted the addition of the definition of transitional housing in the ordinance. Brief discussion continued. Commissioner Newton asked for clarification if this ordinance is passed does it allow transitional housing. Mr. Cronin stated it does not. Mayor Balensifer noted that by writing the definition you allow the case from a developer that it does. Mr. Cronin continued to clarify that by distinguishing transitional housing he is supplying the difference between regular housing and transitional housing; it's simply giving more information it does not enable the use nor does it lead to a policy. Conversation continued.

Commissioner Baldwin made the motion to exclude from section 16.12.010, the definition of transitional housing from Ordinance No. 1234.

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

Commissioner Ackley made the motion to conduct the second reading, by title only, of Ordinance No. 1234, as amended. Motion was seconded and passed unanimously.

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

Mayor Balensifer conducted the second reading by title only of Ordinance No. 1234, an Ordinance Amending the Comprehensive Plan and WMC Chapter 16.12, 16.180, 16.28, 16.32, 16.36, and adding 16.202 Regarding New Policies and Amended Codes to Increase the Supply and Diversity of Housing.

Commissioner Ackley made the motion to adopt Ordinance No. 1234. Motion was seconded and passed unanimously.

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

Public Works Director, Collin Stelzig, presented Ordinance No. 1235 for its second reading and adoption.

Commissioner Ackley made the motion to conduct the second reading of Ordinance No. 1235, by title only. Motion was seconded and passed unanimously.

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

Mayor Balensifer conducted the second reading by title only of Ordinance No. 1235, Repealing Ordinance No. 982-A, 999-A, 1031-A, 1049-A; and Repealing Chapter 13.12.

Commissioner Newton made the motion to adopt Ordinance No. 1235. Motion was seconded and passed unanimously.

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

Mr. Stelzig discussed the SW 2nd Street (Elm – Gardenia) Project and Professional Services Contract. He noted the incorrect number was in the agenda memo, it should be \$45,600, not \$44,600.

Commissioner Newton made the motion to award the contract for civil design engineering, contract documents and bidding assistance for the SW 2nd St. (Elm – Gardenia) to A.M. Engineering. Motion was seconded and passed unanimously.

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

Public Works Operations Manager, Kyle Sharpsteen, presented a contract for the purchase of a front load garbage truck. He stated Public Works budgeted \$430,000 to replace the 2006 Peterbilt truck - oldest in the fleet. Mayor Balensifer asked about the Curatto cans. Public Works Employee, Robert Burk, explained the process of tipping the cans and noted the white truck does not have that piece. Discussion followed.

Commissioner Ackley made the motion to approve an award of a contract to True North Equipment for \$368,116 to purchase a new front loader refuse truck and Curatto Can. Motion was seconded and passed unanimously.

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

Finance Director, April Clark, stated in the 1990's the City of Warrenton made several Housing Rehabilitation Loans to property owners to complete improvements to their homes. She explained the loan process as outlined in the agenda memo and noted it's difficult to collect this money at times. Ms. Clark noted that in 1999 Kenneth Kuenzi of 575 SW 1st Street received a loan and signed a Promissory Note in the amount of \$21,964.80. Mr. Kuenzi passed away in 2016; his daughter continued to live in the house, but the property was never transferred into her name. The property was foreclosed on and sold at auction on September 9, 2019. Legal counsel has advised that as a junior lienholder it is unlikely that we will be able to collect this lien.

Commissioner Ackley made the motion to write-off the Housing Rehabilitation Loan for 575 SW 1st Street in the name of Kenneth Kuenzi in the amount of \$21,964.80 and remove it from the City's docket of liens. Motion was seconded and passed unanimously.

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

Ms. Engbretson presented Ordinance No. 1236, Amending Section 3.32.010 of the Warrenton Municipal Code. She noted at the January 28, 2020 City Commission meeting the commission voted to increase the

Police Officer Training Fee assessed on convictions from the Warrenton Municipal Court to \$20 for traffic convictions and \$40 for criminal convictions.

Commissioner Newton made the motion to conduct the first reading of Ordinance No. 1236, by title only. Motion was seconded and passed unanimously.

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

Mayor Balensifer conducted the first reading by title only of Ordinance No. 1236, Amending Section 3.32.010, Imposition of Fee, of the Warrenton Municipal Code; Amending Ordinance No. 1131-A.

Ms. Engbretson also noted at the January 28, 2020 City Commission meeting the commission voted to increase the Administrative Fee on vehicle impounds. It was decided to do a bifurcated fee of \$200 for vehicles seized for Driving Under the Influence of Intoxicants (809.720) or Driving Uninsured (806.010), and \$120 for all other statutes where a vehicle is impounded. It was noted the commission would like to see driving while suspended added to the \$200.00 fine.

Commissioner Baldwin made the motion to amend Resolution No. 2561, Section 2 to include under the \$200.00 fine Driving While Suspended.

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

Commissioner Ackley made the motion to conduct the first reading of Resolution No. 2561, by title only, as amended. Motion was seconded and passed unanimously.

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

Mayor Balensifer conducted the first reading by title only of Resolution No. 2561; Adopting Administrative Fee on Vehicles Impounded Under Provisions of Oregon Revised Statutes 809-720; Establishing February 25, 2020 as the Effective Date; Repealing Resolution No. 2159.

City Manager, Linda Engbretson, discussed a modification to the City Manager Employment Agreement, Section VII - Termination Conditions and Pay. She noted the section currently states that she may return to the position of City Recorder if the Commission terminates her as City Manager. Ms. Engbretson stated she is requesting this be modified to provide for termination with three months' salary and health insurance. The changes also modify the written notice requirement from 60-days to 90-days should she voluntarily resign her position. Ms. Engbretson also noted staff changes: Building Official, Bob Johnston plans to retire in the near future. Accountant, Eryn Cary, has given leave notice and in-house staff Jessica Barrett will be promoted to Accountant. Nik Haines will be promoted to full time Accounting Technician. The part-time position will be advertised.

Commissioner Baldwin made the motion to approve modification to Section VII, Termination Conditions and Pay, to Engbretson's Employment Agreement, dated October 25, 2016. Motion was seconded and passed unanimously.

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

DISCUSSION ITEMS

Ms. Engbretson discussed City Utility Franchise Fees; she reviewed the current and previous percentages and noted that during the general fund work session she suggested looking at raising these fees. She continued to note that increasing the fees will have a significant impact on the general fund. Conversation continued. Mr. Stelzig noted the sanitation rates have not increased since 2006. The proposal he would like to present are the commercial rates which would be comparable to Recology's rates. Discussion followed. Mayor Balensifer asked what the city would do with the additional general fund money. Ms. Engbretson noted the list of items and priorities that commission has given direction on in prior meetings. Mayor Balensifer discussed the remaining WBA budget and possibly using it for a police car. Commissioner Baldwin noted Building and Planning also needs additional help, especially with the growth the city is experiencing. He stated he would like to see franchise fees increased to 6%. Discussion followed. Mayor Balensifer noted he would like to have this discussion closer to the budget cycle. Ms. Engbretson noted it will not change her proposal. A brief discussion continued. Mayor Balensifer asked commission's consensus on franchise fees. The Consensus is 6%. Mayor Balensifer asked if we go to 6% what does that do to Public Works and their projects? Mr. Stelzig stated he would need to look at it and do calculations before he can give an answer. Discussion continued on the percent increases. Mr. Stelzig briefly explained how quickly he anticipates utilizing the extra money generated. He briefly explained the costs of the sewer project and others that are up and coming. Consensus was to go forward with the 5%.

GOOD OF THE ORDER

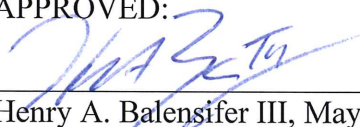
Commissioner Newton noted that the LOC meeting had census training. He gave some details on completing the census and its significance. He noted other information he distributed to the commission. He continued to note that he talked to Tiffany Mitchell on different measures. He discussed other meetings he attended.

Mayor Balensifer noted he was looking at LOC's newsletter related to senate bill 1530. He noticed that Warrenton was listed. He is proposing sending a letter to representatives to suggest a local exemption, so locals do not get impacted by the tourists. Commissioner Baldwin would like to send a letter stating he opposes the cap and trade bill 100%. Commissioner Newton stated he spoke with Representative Tiffany Mitchell about our low tax rate and she stated she would look into ways to help out. Consensus was to write the letter.

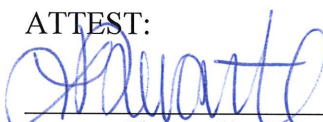

There being no further business, Mayor Balensifer adjourned the regular meeting at 8:42 p.m.

Respectfully submitted by Lindsay Duarte, Deputy City Recorder.

APPROVED:


Henry A. Balensifer III, Mayor

ATTEST:


Dawne Shaw, City Recorder

Lindsay Duarte, Deputy Recorder