

MINUTES  
Warrenton City Commission  
August 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 6:00 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Balensifer, Tom Dyer, Mark Baldwin, Rick Newton (via Zoom), and Pam Ackley (via Zoom)

Staff Present: City Manager Linda Engbretson, Finance Director April Clark, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Police Chief Mathew Workman, and City Recorder Dawne Shaw

Mayor Balensifer noted he appreciates that people stand for the pledge even when attending on Zoom.

CONSENT CALENDAR

A. City Commission Meeting Minutes – 7.14.20

**Commissioner Dyer made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously.**

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

COMMISSIONER REPORTS

Commissioner Dyer welcomed everyone.

Commissioner Ackley stated Spruce Up Warrenton is looking into the Back to the Future movie night. Jeff Daly has a projector; there will be more to follow by next week.

Commissioner Newton stated the CERT team is handing out masks Thursday with the fire department. He gave brief updates on the PSCC meeting, as well as other meetings. He stated the juvenile department is looking at how to connect with kids before they get involved with police. Commissioner Newton noted statistics on the needle exchange program and gave an update on the jail build.

## PUBLIC COMMENT

Sam Garber, who owns a homestay B&B in Fort Stevens, spoke about his B&B and outlined his complaints. He discussed zoning issues in Ft Stevens, noting less than an acre of land cannot have farm animals, yet his neighbor with less than ¾ of an acre and has many farm animals. He explained the issues and nuisance the farm animals and accompanying flies are causing to his business and home. Mr. Garber noted his frustration with the lengthy process and the lack of resolution. Mayor Balensifer noted his involvement and the steps taken by the city to address this issue. He stated zoning issues take a long time to address and resolve. Ms. Engbretson stated she had a conversation Interim Planning Director Mark Barnes last week and they believe we have another path forward; she believes that we should be able to issue tickets tomorrow. Commissioner Baldwin spoke about other chicken problems around town and stated he would like to make blanket statement, notifying people and give them ten days to get rid of farm animals. Mayor Balensifer noted the previous standard policy has been, if there are no neighborhood issues, we did not enforce it. He noted the neighbor claimed that they talked to the city and everything was okay, which is not correct. Ms. Engbretson stated she is waiting for legal to weigh-in on how we can proceed and will then start right away. She stated once the new Planning Director is hired, the issue can be readdressed with the commission. Mr. Garber again spoke about the massive fly problem, noting it is causing issues with his guests. He would like it taken care of. Ms. Engbretson stated it will be addressed tomorrow. Mayor Balensifer asked if the commission is open to adding agenda item 8D – Foul Discussion; there were no objections.

PUBLIC HEARING – None

## BUSINESS ITEMS

Police Chief, Mathew Workman presented Ordinance No. 1240 for its first reading, noting this code amendment was discussed at the May 26 City Commission meeting. He reviewed the changes that were requested at that time. Parks Advisory Board member Jim Dutcher spoke about the Parks Board's thoughts on banning e-bikes on trails; the recommendation was to get with the police chief to draft an ordinance. The Parks Board had a unanimous vote to approve the ordinance. Commissioner Newton noted Section 10.04.220 and suggested changing to the references of the Waterfront Trail System to Warrenton Trail Systems; there were no objections.

**Commissioner Ackley made the motion to amend all references within the ordinance from Waterfront Trail System to Warrenton Trail System. Motion was seconded and passed unanimously.**

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

Mayor Balensifer discussed the issue or unenforceability with headphones/earphones; Commissioner Dyer clarified how it is beneficial; Chief Workman concurred. Mayor Balensifer noted he was not in favor; Chief Workman stated it is a good tool for training/educating.

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**Commissioner Dyer made the motion to conduct the first reading, by title only of Ordinance No. 1240, as amended. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the first reading, by title only, of Ordinance No. 1240; Amending Chapter 10.04 “Traffic Regulations” of the Warrenton Municipal Code and Adding New Provisions Related to the Definition and Regulation of Electric Assisted Bicycles.

Public Works Director, Collin Stelzig stated about two months ago they submitted their interest to ODOT for a Safe Routes to School (SRTS) Competitive Capital Construction Grant application. He noted the project is estimated at a half million dollars, with the grant being \$400,000 and \$100,000 from the city and possibly from ODOT. Mr. Stelzig noted the letters of support received from the School District, NW Transportation Options, ODOT and Sunset Empire Transportation District. Conversation with ODOT Region 2 staff indicated they would support an application for a new pedestrian route along S. Main Avenue in the surrounding area of 9<sup>th</sup> Street. Mr. Stelzig stated this is just one phase of a project that will hopefully one day go all the way to the high school. Mayor Balensifer asked for clarification on the survey timeline; brief discussion followed. Commissioner Newton noted an error in the memo from OTAK; Mr. Stelzig noted the application is completed online and he will make sure it is stated correctly.

**Commissioner Newton made the motion to approve the submittal of the grant application to the Oregon Safe Routes to School Competition Capital Construction Grant program and to allow the Public Works Director to sign the grant application for the city. Motion was seconded and passed unanimously.**

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

City Manager Linda Engbretson stated developers of the property in the Young’s Bay Plaza, (old Doogers’ site), discovered that a portion of SE Pacific Avenue currently encroaches into the existing building and parking lot space. She noted this came about as a surprise to the developers and they approached the city. It was thought this public right of way had all been vacated as part of the original development in 1971, however the surveyor found this section was not included. The developers are requesting the city consider correcting the issue by initiating a vacation under its own motion, as allowed under ORS 271.130. After review, she understands how it is confusing, although she does not think it is a good idea to vacate. She noted a previous vacation on the other side of the street, and city access went away after the vacation. Ms. Engbretson stated she would be concerned, if we vacated all the way up to Harbor, that it would no longer be considered a legal access. Alternate options were discussed; consensus was that a license to occupy is better suited for this location.

## DISCUSSION ITEMS

Chief Workman noted that during recent events in Warrenton, a group of people set up a BBQ grill and table in a designated parking space across from City Hall on SW 2<sup>nd</sup> Street. A week

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later the same group set up a gas BBQ grill during a “flag-wave” event in the Warrenton Memorial Plaza. In researching the Warrenton Municipal Code there are no police-enforceable ordinances that specifically prohibit this conduct or similar conduct. He outlined the issues in the current code and noted his suggested amendments and changes. Chief Workman noted Right-of-way (ROW) permits are handled solely through Public Works; event permits go through all departments. He suggested a bifurcated ROW permit to outline whether it is for work in the ROW or for an event. Mayor Balensifer outlined his concerns, noting he does not want people to get comfortable in the streets; there are sidewalks for a reason. Mr. Stelzig stated he cannot see issuing a ROW permit unless the whole street is closed down. Commissioner Newton stated that on all city parks/property and parking, he does not want political activity/rally – it is a slippery slope. Chief Workman stated that is why we need a mechanism, so we have steps to go through to approve. Ms. Engbretson stated we can have a policy, and it must be content neutral – no political activity on city property. Discussion continued and consensus was - parking is for parking, and roads are for vehicles, unless the whole street is closed down. Discussion continued on political activity in the Memorial Plaza. Mayor Balensifer noted his opinion on sidewalks and the Memorial Plaza, stating he feels it is the best place for a first amendment activity. Ms. Engbretson stated she would do some research on the ROW for the Memorial Plaza. Mayor Balensifer clarified that it should not include for profit or commercial activity/fund raising. Commissioner Dyer agreed; it could be a place to do things but not raise money; Commissioner Baldwin concurred. Commissioner Newton stated he does not want BBQ grills there, and political activity is a slippery slope because of the perception of city endorsement. Commissioner Ackley concurred with Commissioners Baldwin and Dyer. Ms. Engbretson reiterated the need to stay content neutral when issuing permits. Mayor Balensifer stated he wants to treat the plaza like a sidewalk. Brief discussion continued; Mayor Balensifer asked if the commission was in agreement to allow free speech in the Memorial Plaza – there was consensus. Chief Workman will work on the code changes and bring it back.

Mr. Stelzig stated that over the last six months they have reviewed our current sanitation rates, policies, and procedures. Sanitation rates have not been changed in 14 years, while the Consumer Price Index has increased 30% in that same time frame. He reviewed a power point presentation and noted these rate changes could bring in \$50,000 a year; and this year’s budget is pretty slim. Commissioner Baldwin stated at this time he will vote no on any rate increases. Ms. Engbretson stated she can see Commissioner Baldwin’s point of view but noted we cannot get back into a situation where we are not making money on any services. Discussion continued. Mayor Balensifer suggested fairing up the rates but give it a year to go into effect; Commissioner Baldwin agreed with that. Commissioner Newton noted his concerns with the lack of rate increases. Mr. Stelzig stated at this time we are not in a bad spot, but if we do not have this discussion soon, we will be. He reiterated the need have the rates equalized. He continued to review the rate comparisons. He outlined the proposed policy changes and noted he does not believe we are required to have all the cardboard dumpsters around town. He is currently working with Recology to determine if we are required to provide them – we currently we pay approximately \$35,000 a year for them. Commissioner Baldwin clarified the cardboard dumpsters are for all, not just commercial customers. Discussion continued. Mayor Balensifer stated he wants a code change to include a recycling requirement for all new apartments; Ms.

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Engbretson noted that is something we need to discuss with Recology. Commissioner Newton noted dumpster issues at apartment complexes and asked if we can have a rule where every 4-plex needs a dumpster. Mr. Stelzig agreed that is a possibility. There was consensus on the following policy changes: 4-plex and higher shall be required to have a container – not carts; and no special rates for customers. Mayor Balensifer summarized, noting the commission wants policy changes, but the rate increases are a timing issue. He suggested engaging with the constituency, the chamber, and other groups, to discuss changes and get a feel – give a rationale; to get feedback and come back to the commission. Mr. Stelzig suggested to tie our rates to Recology’s rates, which are coming up at the next meeting. Commissioner Baldwin will work together with Public Works on the community engagement. Consensus was to proceed with the Mayor’s suggestions of public outreach.

Ms. Engbretson discussed the Army’s easement request on Fort Stevens Military Cemetery. The Corps of Engineers is transferring this property to the VA; we currently have a road that has four houses on it – with a permanent easement. The Army wants to keep the permanent easement the same. After brief discussion there were no objections on granting a permanent easement.

Ms. Engbretson stated her preference would be to work on the chicken issue with the new Planner, once hired. Mayor Balensifer discussed the issue that came forward at this meeting – in his mind if someone wants to have 2-3 chickens, it is okay as long as it does not become a nuisance. If a person wants to have poultry, they need to get sign off with the neighbors and use common sense. Ms. Engbretson noted the issue recently came up again on listserv; she will look into it and bring something back. She stated she thinks the current issue needs to be enforced. Discussion continued. Mayor Balensifer asked if the commission would be okay with him deferring this issue to a digital town hall or would they rather just make a decision and enforce it. Commissioner Dyer felt there should be a number limit and if there are any complaints it is addressed. Commissioner Newton preferred to stick to a maximum of 4 chickens, no roosters – if there is a complaint it needs to be resolved. Commissioner Ackley stated this case should be addressed as a nuisance; and noted she agrees with Commissioner Newton. Commissioner Baldwin stated he does not want any chickens. Ms. Engbretson stated we need to have something in our code, or it is not enforceable when neighbors get mad at each other. It was noted that some people are using them to feed their families during the pandemic, but there needs to be standards for taking care of them; expand the terminology for livestock in the code. The current situation is a zoning violation and possibly a nuisance issue. Commissioner Dyer agreed to have citizen input from both sides of the issue, instead of just imposing something on people. It is not a high priority, but it is something we need to get to conclusion on – in the meantime we will follow the code.

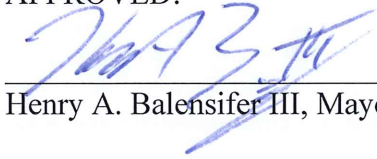
GOOD OF THE ORDER - Mayor Balensifer requested to skip Good of the Order and proceed to the executive session; there were no objections.

At 8:31 p.m. Mayor Balensifer announced they will now meet in executive session under authority of 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 expected to return to regular session within approximately 15 minutes to take action on items considered in the executive session.

There being no further business, Mayor Balensifer adjourned the regular meeting at 8:58 p.m.

APPROVED:

  
Henry A. Balensifer III, Mayor

ATTEST:

  
Dawne Shaw, CMC, City Recorder