

MINUTES  
Warrenton City Commission  
July 13, 2021  
6:00 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:01 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Henry Balensifer, Tom Dyer, Gerald Poe, Mark Baldwin, and Rick Newton

Staff Present: City Manager Linda Engbretson, City Recorder Dawne Shaw, City Attorney Spencer Parsons (via Zoom), Interim Planning Director Will Caplinger (via Zoom), Police Chief Mathew Workman, Fire Chief Brian Alsbury, Public Works Director Collin Stelzig, Deputy City Recorder Rebecca Sprengeler, Finance Director April Clark, Harbormaster Jane Sweet, Police Sergeant Jim Pierce, Municipal Court Clerk Valerie Carlson, Police Officer Christina Trujillo and Police Officer Robert Wirt

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 6.22.21
- B. City Commission Work Session Minutes – 6.22.21
- C. Marina Advisory Committee Minutes – 5.17.21
- D. Warrenton Community Library Board Minutes – 3.12.21
- E. 2021-2022 Fire Dispatch Services Agreement
- F. 2021-2022 Public Works Dispatch Services Agreement
- G. Library Director's Quarterly Report – June 2021
- H. Building Department Report – June 2021
- I. City Recorder Activity Report; January – June 2021
- J. Fire Department Activity Report – June 2021
- K. Marinas Camping Plan

Mayor Balensifer requested to add a certificate of appreciation for Norm and Brenda Hoxsey to the agenda as item 3L. He noted the Hoxseys are stepping down from leadership of Spruce Up Warrenton. There were no objections. Mayor Balensifer asked City Manager Linda Engbretson for clarification on the marinas camping plan. Ms. Engbretson confirmed this is a plan for what is existing, and gave a few details about garbage pick-up, possible alternatives, and fencing.

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

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

Police Chief Mathew Workman provided comments and introduced new Warrenton Police Officer Christina Trujillo. He gave an overview of Christina's education and experience. Officer Trujillo's father pinned on her badge. Mayor Balensifer administered the Oath of Office.

Chief Workman stated the City is having a retirement ceremony for seven-year-old K9 Officer Gabe. Chief Workman discussed Gabe's background and career as a narcotics detection dog. He thanked Lylla Gaebel for her sizeable donation to acquire Gabe in memory of her late husband, Jim Gaebel. He noted Gabe's contributions over the past four years to Warrenton Police Department and other agencies in Clatsop County. He presented Officer Robert Wirt and Gabe with a plaque of appreciation.

At 6:16 p.m. Mayor Balensifer recessed the meeting for 7 minutes for cake. At 6:23 p.m. Mayor Balensifer reconvened the meeting.

#### COMMISSIONER REPORTS – None

#### PUBLIC COMMENT

Mayor Balensifer noted written testimony submitted by Ben Prock, who voiced concerns about the marina rate increases and the condition of the docks at the Hammond Marina. Additional emailed public comments regarding agenda item 8F were received from Jennifer Canessa and Dawn Wojick regarding concerns and complaints on the Vacation Rental property at 1564 SE Honeysuckle Loop. Lloyd Smith noted frustration on the increased moorage fees and the state of the Hammond Marina. He submitted pictures of the status of dredging and bathrooms. Greg Smith, lessee at the Warrenton and then Hammond Marinas since 1995, also commented on the moorage rate increases, Hammond Marina conditions, and dredging. He would like to see what he will get from the rate increase. Tom Shipley, customer of the Hammond Marinas for over the past 30 years, voiced concerns on the moorage rate increases and the dredging at the Hammond Marina. He distributed pictures of the slip conditions. He feels the rate increase is unfair to long-term customers. He requested the Commission reconsider the rate increase. Tony Faletti stated he would like a citizens committee to assist in the City Manager hiring process. He also asked about the status of the tsunami sirens.

It was noted the City is waiting for the tsunami siren controllers and a renewal of the grant.

#### PUBLIC HEARING – None

#### BUSINESS ITEMS

Ms. Engbretson discussed Resolution No. 2608 adopting the Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan. She noted Tiffany Brown, the Clatsop County Emergency Manager, in attendance on Zoom to answer questions.

#### MINUTES

**Commissioner Baldwin made the motion to adopt Resolution No. 2608; Adopting the Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan. Motion was seconded and passed unanimously.**

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

Ms. Engbretson discussed Resolution No. 2609, describing the distribution of Transient Room Tax Funds. She noted the Budget Committee recommended transferring the whole share of the LCTC (Lower Columbia Tourism Committee) funds to the Hammond Marina. She outlined four options for distribution of the funds. Mayor Balensifer noted he feels it is better to renegotiate the relationship than to completely cut the cord. It was noted this resolution does not alter visitor services. Mayor Balensifer noted Chamber of Commerce and LCTC staff in attendance to answer questions. Discussion followed about the effectiveness and potential of LCTC membership. Mayor Balensifer noted he would like to preserve the relationship. Mayor Balensifer stated option 3 would keep us in there while still accomplishing the goals that we have. Commissioner Poe noted option 4 would kill two birds with one stone by contributing to the Hammond Marina while maintaining the relationship with LCTC. Commissioner Baldwin stated there was a unanimous decision at the Budget Committee meeting and would like to see information and have conversations with the LCTC before the budget meeting. He stated he will vote for option 2 and noted concerns about lack of information. Commissioner Dyer noted he would like to “leave the door open” by choosing option 3 with the caveat that LCTC present information before the Budget meeting in order to make fact-based decisions. Mayor Balensifer noted the LCTC annual marketing meeting. Commissioner Newton spoke to the LCTC Executive Director David Reid, noting a lack of direction from the Commission to the LCTC. Mr. Reid concurred and noted the communication needs to improve in both directions. Mayor Balensifer noted past successful involvement with the LCTC. Discussion continued. Mr. Reid stated the LCTC has not been, for years, about attracting people to town. It has been in managing visitors and trying to attract them in the offseason and additional ways. He noted the LCTC is Warrenton’s marketing voice. Discussion continued. There was discussion about the LCTC meeting reports. Commissioner Newton noted he does not have enough data to walk away in good faith and wants information from each meeting. He chooses option 4. Mayor Balensifer summarized the options and the Commissioner’s preferences. Commissioner Baldwin changed his preference to option 3. The general consensus was to go with option 3.

**Commissioner Baldwin made the motion to change the distribution of TLT dollars to LCTC to 2% and adopt Resolution No. 2609 to that effect, repealing Resolution No. 2269. Motion was seconded and passed by majority.**

**Newton – nay; Dyer – aye; Poe – aye; Baldwin – aye; Balensifer – aye**

Commissioner Newton noted he feels they are getting more than their money’s worth. Ms. Engbretson noted one of the commission goals was to pursue revenue opportunities, and this additional revenue will go into the capital reserve account for infrastructure, dredging, and dock repairs. She also noted the upcoming mid-year commission goals work session meeting.

Mayor Balensifer briefly outlined a letter of support for the PIDP (The Port Infrastructure Development Program) Grant application submitted by the Port of Astoria for the rehabilitation of Pier 2 West. He noted the Port of Astoria has been a good partner to the City of Warrenton. Improvements in the Port of Astoria Commission were also noted.

**Commissioner Newton made the motion to affix the Mayors' signature on the Port of Astoria letter of support for the PIDP Grant. Motion was seconded and passed unanimously.**

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

Public Works Director Collin Stelzig discussed a time extension change order for the SW Alder Avenue, 2<sup>nd</sup> to 1<sup>st</sup> Reconstruction Project. He noted the change order was requested to extend the completion date due to conflicts with other projects and to create a smoother construction timeline. He noted there is no cost to the City and this is just an extension of the completion date. Brief discussion followed.

**Commissioner Newton made the motion to approve Change Order #1 – SW Alder Avenue, 2<sup>nd</sup> to 1<sup>st</sup> Reconstruction Project, moving substantial completion date from August 9th to September 16th, 2021. Motion was seconded and passed unanimously.**

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

Commissioner Baldwin noted for the record that there is no additional cost involved, it is only a change order in time.

City Recorder Dawne Shaw presented Ordinance No. 1253 for its second reading and adoption.

**Commissioner Baldwin made the motion to conduct the second reading, by title only, of Ordinance No. 1253. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the second reading of Ordinance No. 1253 an Ordinance Vacating a Portion of SE Pacific Avenue, in the City of Warrenton, Oregon.

**Commissioner Newton made the motion to adopt Ordinance No. 1253. Motion was seconded and passed unanimously.**

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

Ms. Engbretson noted a letter from Interim City Planner Will Caplinger, regarding complaints and issues with the 1564 SE Honeysuckle Loop vacation rental. She also noted the public comments received on this matter. She noted this vacation rental was granted grandfathered status and staff's suggestion is that this vacation rental be revoked. Commissioner Newton

disclosed that one of the complainants is on the Clatsop County Rental Owners Association with him and he feels it will not affect his decision. Mayor Balensifer discussed how this vacation rental came to be. It was noted the property owner is not in attendance. Commissioner Newton discussed Oregon landlord laws. Ms. Engbretson stated Mr. Caplinger has spoken with the property owner and noted there is question about enforcement if the vacation rental is revoked. Mr. Caplinger noted the owner has stated she is closing her business and is not taking bookings after August 31<sup>st</sup>. He noted his informal recommendation is to follow the violation process as outlined in the Warrenton Municipal Code (WMC) that goes to the Planning Commission. Or if it is revoked immediately, to go through a penalty phase. City Attorney Spencer Parsons commented on the matter and outlined the process the City should take as outlined in WMC 16.16. He noted due process considerations. He recommended the Commission direct staff to initiate a revocation hearing with potential enforcement to follow and in the meantime if the property owner stops operating, the revocation process can still be followed. Discussion followed about fire life safety liability concerns. Mr. Parsons discussed the importance of due process requirements. There was discussion about a stop work order notice and enforcement under WMC 16.16. Mr. Parsons noted this language applies to ongoing land uses. He suggested giving her notice that police citations may be issued during a penalty period. He noted the right to abate nuisances as granted by the WMC and outlined the process. Discussion followed about citation fines and tenant eviction. Mr. Caplinger noted the property owner has been noticed of the complaints and the agenda for this meeting. He additionally noted an eviction clause in the property owner's rental agreement. Commissioner Newton commented on rental laws. Mayor Balensifer summarized the discussion to move forward with standard process as outlined by Mr. Parsons by providing due process, or if it is quicker, go about nuisance abatement by directing the City Manager to increase police patrol in the area and work with Mr. Parsons on issuance of citations. He noted the property's grandfathered status needs to be revised on the resolution. Mayor Balensifer stated do anything and everything to abate the nuisance as soon as possible that is within the law and is legal and that legal is comfortable with because this is a clear violation, and we have to take care of the residents first. Ms. Engbretson asked Mr. Parsons if the property owner's second license can be revoked as well. Mr. Parsons responded he would need to look into it, but if the Commission directed staff, he could include it. Commissioner Baldwin suggested giving the property owner the option to end the Honeysuckle Loop home immediately and keep the Hammond home, but if she does not comply both get revoked. Discussion continued. Commissioner Poe stated he thinks we need to go with due process and voiced concerns about loss of income claims and punitive damages. Mr. Parsons clarified that a stop work order can be issued, which triggers the process for the hearing. He further noted next steps and other options in this process. If anything goes on in the meantime, citation can be given in municipal court, there can be nuisance allegations, or summary abatement. Commissioner Newton noted rental cancelation policy. Mr. Parsons noted he wants to be clear that there is a consensus from the commission to pursue a stop work order and authorization to take any other steps necessary to resolve the issues being created from the rental. Mr. Caplinger briefly discussed posting at the property and timeline for a public hearing. Brief discussion followed. Mr. Parsons stated he would like to recommend that the Commission follow the letter of the Code in unraveling the problem from this point forward. Ms. Engbretson noted having a posting at the building may deter guests and new reservations. The Mayor summarized the consensus

from the Commission to request the property owner voluntarily abate immediately, if not place both properties on the revocation hearing. Brief discussion followed.

**Commissioner Newton made the motion to pursue a stop work hearing under 16.16 of the Development Code of 1564 SE Honeysuckle Loop and authorize staff to take any and all steps to preserve peace and order within that neighborhood. Motion was seconded and passed unanimously.**

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

Ms. Engbretson noted the continued recruitment for a fulltime Planner. She stated Will has met the cap of his initial contract. She noted extending the contract for Mr. Caplinger's Professional Services Contract for Consulting Planning Services for the City would exceed her signing authority. Discussion followed on the City Manager's signing authority. Commissioner Baldwin stated the signing limit should be \$50,000. Ms. Engbretson noted she can make the change in the ordinance. Mayor Balensifer stated that would be great. It was noted the next City Planner review is July 23<sup>rd</sup> and there are 3-4 applicants.

**Commissioner Dyer made the motion to authorize the Mayor's signature on the contract with Will Caplinger for interim planning services. Motion was seconded and passed unanimously.**

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

#### DISCUSSION ITEMS

Chief Workman discussed RV issues and provided a printout summary, noting he reviewed how several Oregon cities handle RVs. He noted several cities have a permitting process with a fee, strict regulations on parking locations, limits on stay length, and limits on stays per year. Discussion continued on charging a fee for RV permits and a time limit. Mayor Balensifer noted health and safety concerns about RVs in residential areas. Commissioner Poe noted having a fee would help offset impact on infrastructure. There was brief discussion about collecting insurance information. Commissioner Dyer stated he would like to see the insurance on the application. Discussion continued about requiring a fee for RV permits. There was discussion about specific violators. Chief Workman noted his opinion is to synthesize what other cities are doing into an ordinance that has varied time limits, a permit process with different levels, limit on number of RVs on a property, and work with the building department for home renovation situations. There was discussion about a home with multiple RVs on South Main Avenue. Ms. Engbretson stated they have been noticed. Mr. Caplinger noted the tighter the regulations, the better. Discussion continued. Mayor Balensifer noted there is a level of trust for Chief Workman to draft something that will partially compensate for cost of enforcement and ensuring it is reasonable and workable. Mayor Balensifer stated he would prefer enforcement that can be handled readily and asked Chief Workman to work with legal counsel. Commissioner Poe noted appreciation for an enforcement interaction he witnessed recently. Discussion followed on the WMC. Mayor Balensifer stated he wants to ensure the code is not dissonant on this topic.

Mayor Balensifer noted he intends to apply for the City Manager position and will recuse himself from the discussion. Ms. Engbretson asked if the Commission supports going out for a “headhunter” or a combination thereof for recruitment. She discussed the steps and criteria for the City Manager Recruitment process. Commissioner Dyer noted he would like to use a headhunter. Discussion followed. Ms. Engbretson continued and noted the benefits of using a consulting firm. Commissioner Baldwin discussed the utilization of a consulting firm, citizen panel, and commission panel when Kurt Fritsch was hired. He noted he would like Ms. Engbretson to be involved in the process. Commissioner Dyer made comments in agreement. Commissioner Newton agreed about using a “headhunter” noting he wants it to be a clean and professional selection. Discussion continued. The consensus was to use a “headhunter.” Ms. Engbretson summarized and stated she will proceed with going out to find a consultant to manage the process.

Mr. Stelzig distributed a printout on key stormwater code sections in the WMC. Mayor Balensifer noted the lack of policy related to stormwater code. Mr. Stelzig and Mayor Balensifer discussed City policy on floodplain and drainage mitigation for infill development. Mayor Balensifer noted issues. Mr. Stelzig noted this has been discussed but no policy has been made because it is expensive to address. He continued, noting the history of the issue. He suggested requiring full stormwater studies for all developments, even single-family homes. Mr. Stelzig continued reviewing the printout. He noted he would like to require more from developers. Mayor Balensifer noted his thoughts and concerns. He noted other cities do hydrology studies. Mr. Stelzig noted the City does not want to be in the position of doing the work for the developer. He discussed options for developers. Commissioner Baldwin discussed past issues and suggested a maximum fill in the code. Mr. Stelzig noted there is the option for pre and post surveys. Discussion continued. Mr. Stelzig stated he would like to require them to do these studies. Discussion continued. Mayor Balensifer asked Mr. Stelzig how much of his time is spent on development. Mr. Stelzig estimated at least 50%. Discussion continued. Commissioner Poe discussed fill issues in Hammond and the need for regulation. Discussion followed about installation of pumps on Alder Creek. Ms. Engbretson suggested scheduling a work session for this matter. Commissioner Newton noted water runoff issues on 1<sup>st</sup> and Alder. Mr. Stelzig noted he did apply for a grant to help with the full drainage study.

### GOOD OF THE ORDER

Commissioner Dyer noted the 4<sup>th</sup> of July parade was awesome. Brief discussion followed.

Commissioner Newton attended a Homeless Task Force meeting and noted the County has two new people to facilitate working with the homeless. Feeding Empty Bellies changed to Lifeboat. He noted two new Marina seasonal employees. A park host is still needed at Hammond and the dog park. Brief discussion followed. He noted also noted improved volunteer response rate at the Warrenton Fire Department.

Ms. Engbretson noted how great it is to have a full audience and to see everybody in person.

Ms. Shaw discussed scheduling of the upcoming joint session with the Parks Advisory Board.

Mayor Balensifer echoed the parade was the most well-attended he has ever seen. He noted it is great to get back to community events and he is excited for fall festival.

At 8:34 p.m. Mayor Balensifer recessed the regular meeting and announced the Commission will now meet in executive session under the authority of ORS 192.660(2)(e); *to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

There being no further business, Mayor Balensifer adjourned the regular meeting at 9:41 p.m.

Respectfully prepared and submitted by Rebecca Sprengeler, Deputy City Recorder.

ATTEST:



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Dawne Shaw, CMC, City Recorder

APPROVED:

  
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Henry A. Balensifer III, Mayor