

MINUTES
Warrenton City Commission
November 9, 2021
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

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

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

Staff Present: City Manager Linda Engbretson, Public Works Operations Manager Kyle Sharpsteen (via Zoom), Police Chief Mathew Workman, Planning Director Scott Hazelton, Library Director Kelly Knudsen, Engineering Technician Trisha Hayrynen (via Zoom), City Attorney Spencer Parsons, and Deputy City Recorder Rebecca Sprengeler

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 10.26.21
- B. City Commission Work Session Minutes – 10.26.21
- C. Monthly Finance Report – September 2021
- D. Building Department Quarterly Report- July – September 2021
- E. Review and Revision of Library Policies
- F. Traffic Sign Revision Request - SW 9th Street

Mayor Balensifer requested unanimous consent to change 3E to 7G; there were no objections.

Commissioner Baldwin 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

COMMISSIONER REPORTS

Commissioner Newton discussed CREST (Columbia River Estuary Study Taskforce) projects.

PUBLIC COMMENT

Susan Walker spoke about the need for a sewer line and road repair on NW 7th Place. Mayor Balensifer noted many work sessions. Sewer is still in the plan. Staff will provide an update.

PUBLIC HEARINGS - None

BUSINESS ITEMS

Mayor Balensifer requested to move item 7G to the top of business; there were no objections. Chair Kelsey Balensifer of the Warrenton Community Library Board noted the new Library Policies Manual. She stated it has been reviewed and approved by the library board.

Commissioner Baldwin made the motion to approve the library policies as presented. Motion was seconded and passed unanimously.

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

Mayor Balensifer asked if these are the first adopted policies for the library. Library Director Kelly Knudsen confirmed no prior policies were found.

Public Works Operations Manager Kyle Sharpsteen (via Zoom) discussed solicitation and selection process for the Wastewater Treatment Facilities Master Plan Project. Kennedy Jenks Consultants was selected. Mr. Sharpsteen presented the negotiated contract.

Commissioner Dyer made the motion to approve awarding the professional service contract for Wastewater Treatment Facilities Master Plan project to Kennedy Jenks Consultants. Motion was seconded and passed unanimously.

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

City Manager Linda Engbretson discussed the solicitation and selection of realtor services to assist the city in negotiations and transaction of possible property sales and purchases. Ms. Engbretson presented a contract with Pam Ackley of Windemere Realty Trust. Mayor Balensifer clarified this is related to commission direction to consider selling properties that have no use.

Commissioner Newton made the motion to award the Professional Services contract for City Realtor Services to Pam Ackley of Windemere Realty Trust, for the amount of a 5-6% commission rate, depending on property type, plus additional costs as outlined in their proposal. Motion was seconded and passed with majority in favor.

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

Mayor Balensifer briefly discussed amendments to Resolution No. 2612 to add context to why the Daffodil was chosen to be the city flower.

Commissioner Newton made the motion to conduct the second reading, by title only, of Ordinance No. 1255. 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. 1255; an Ordinance repealing Ordinance No. 123-A.

Commissioner Newton made the motion to adopt Ordinance No. 1255. Motion was seconded and passed unanimously.

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

Mayor Balensifer made the motion to adopt Resolution No. 2612, amended. Motion was seconded and passed unanimously.

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

Police Chief Mathew Workman presented a contract to purchase a Dodge Durango. He noted difficulty finding vehicles and is unsure where the F-150 is. He noted a scrivener's error; the state contract number is 1651. The price of \$34,0008.02 was noted to be correct. There was brief discussion about the F-150 delay. There was brief discussion about vehicles accommodating taller officers. There was brief discussion about additional funds for vehicle modifications.

Commissioner Newton made the motion to approve the goods and services contract between Withnell Dodge and the City of Warrenton to purchase one 2021 Dodge Durango and have the mayor sign the contract. Motion was seconded and passed unanimously.

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

Ms. Engbretson clarified the agenda addition of Mark Simonsen's appeal and stated the appellant was notified. Mayor Balensifer stated the item before them is whether a nuisance still exists by code and whether or not the points stated by the appellant are considered by the commission as valid. Commissioner Newton recused himself from voting. Mayor Balensifer read the appeal submitted by Mr. Simonsen and stated the appeal and comments must be constricted to those specific items. Mr. Simonsen noted most of his comments will fall under bias towards the complainant. He read a statement regarding new homeless legislation. He discussed statements made by staff at the October 26 hearing that he believes to be false. Mr. Simonsen feels he was falsely accused of violating WMC 8.16.120, noting staff testimony that vehicles moved and lack of documentation for vehicle registration. He feels this was an attack on his character. He discussed the definition of homelessness and the RV code, noting commissioner comments from the October 26 hearing. Mayor Balensifer stated Mr. Simonsen must be specific to the appeal, and requested comments be focused on the nuisance declaration. Discussion followed about what information and codes are pertinent to the hearing appeal. City Attorney Spencer Parsons clarified that permitted uses can still become a nuisance and are still subject to abatement. He explained further. Discussion continued. Mayor Balensifer asked staff if the nuisance has been abated. Mr. Hazelton outlined the remaining nuisances. There was brief discussion about applicable WMC. Mr. Hazelton noted there has been some effort to clean up, but some vehicles remain. It was noted vehicle registration needs to be determined. Mr. Simonsen stated he does not believe a nuisance exists on his property. He believes the motorhome has been moved and

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explained he is not responsible for who parks on city right-of-way. Mayor Balensifer clarified the property owner's responsibility for tenant's property spilling over. Mr. Parsons confirmed. Mr. Simonsen explained action taken with several vehicles and stated he thinks the vehicles are moved. He noted a meeting request with staff to clarify WMC violations. Mr. Parsons noted WMC 8.16.120 is the provision being used to determine existence of a nuisance and subject of this discussion. For clarification, Mayor Balensifer asked if Mr. Simonsen has made significant progress. Mr. Simonsen confirmed significant but incomplete progress. He would like staff to look at it and work with the city towards resolution. He explained this is an ongoing issue and stated he does not contest any of the findings. He stated he is in a dilemma of how to remove stuff from property that he did not allow. He would like commissioners to look at the property. He stated he is not contesting anything; he just needs some time. Commissioner Newton noted cost to remove vehicles. Mr. Simonsen discussed signage and towing to clean up the property two months ago. Commissioner Dyer noted good progress has been made. There was brief discussion. Mr. Hazelton confirmed progress has been made. Commissioner Dyer asked if the motorhome is still there and cannot be moved because of legalities. Mr. Simonsen responded he is he does not know and explained he has not been involved in moving equipment. Ms. Engbretson stated the motorhome is in the right-of-way. There was brief discussion about the license and registration status of vehicles. Mr. Parsons requested that the commission members participating in discussion make a declaration about bias and their ability to render an impartial decision. Commissioner Poe stated he does not have bias and can render an impartial decision. Commissioner Baldwin stated he does not have bias and can decide impartially; he considers Mr. Simonsen a friend. Commissioner Dyer stated he has no bias and can decide impartially, noting he has known him and knows his situation. Mayor Balensifer noted he is related to the family by former marriage but believes he can make an impartial decision. Mr. Simonsen requested to make additional comments about his bias appeal. There was brief discussion about bias appeal. Mr. Parsons outlined a recommended process to address bias concerns. Mr. Simonsen stated he has a bias accusation against the mayor noting the complainant was not required to follow the public comment policy on the agenda. Mr. Parsons clarified the protocol is for general public comment at a meeting on every agenda. He further noted it is for items not on the agenda. He explained the commission has the authority to place items on the agenda and stated this is standard protocol. Mr. Simonsen stated the comments were allowed under public comment and not as an agenda item. He feels it should have been left to three minutes if allowed at all. Mayor Balensifer responded that the complainant is typically allowed to state the issue during a nuisance hearing; he was not made aware of the complainant. He further noted greater time allowed to Mr. Simonsen than others which could be portrayed as bias towards the appellant. He stated he will be more diligent in reviewing public comment cards as they relate to agenda items. Mr. Simonsen requested staff contact him. Mayor Balensifer asked if Commissioner Poe and Commissioner Baldwin can render fair and impartial decisions; both stated yes. Commissioner Poe asked to hear from Mr. Hazelton. Mr. Hazelton noted he last visited the site late this afternoon and did not see vehicles without tags. His visit was to observe placement of the RV. He explained vehicle registration status will take further research. He stated it looks like major junk items have been cleaned up; the RV has been moved into the right-of-way and appears to still be occupied. After brief discussion, it was noted the RV violates the health and safety code. There was brief discussion about the definition of a chronic nuisance. Commissioner Poe noted he feels they should continue to the next meeting. Mayor Balensifer stated a nuisance has been

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declared and outlined options for next steps. He explained past practices. Commissioner Poe restated he would like to continue it to the next meeting. Commissioner Baldwin noted he would like to allow another two weeks and would deny the appeal. Commissioner Poe stated he would deny the appeal. Commissioner Dyer stated he would deny appeal and would like to give him two weeks. Mayor Balensifer noted consensus to deny the appeal, no fines, and to review in two weeks.

Commissioner Baldwin made the motion to deny appeal and to review the cases again in the next commission meeting. Motion was seconded and passed with majority in favor.

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

Mr. Parsons clarified the decision for Mr. Simonsen’s benefit. Mayor Balensifer requested clarity on remaining vehicles’ registration status. Commissioner Baldwin suggested proof of payment for registration verification, noting state delays. Mr. Parsons explained the RV being moved to the right-of-way violates WMC 10.16. He further noted the RV remains a nuisance regardless of where it is parked if not licensed and registered. Mr. Simonsen asked who is responsible for the RV as he does not have the authority to tell the occupant where to park it. He noted he is not the title owner of the RV or the nuisance vehicles on the property. He asked if removing vehicles from the property meets abatement requirements. He noted his intends to put up a chain to prevent vehicles from returning. Mr. Parsons noted Mr. Simonsen is involved as the responsible party for the property. He explained if the RV is not in Mr. Simonsen’s name and becomes abandoned in the street, it may be impounded or removed. Brief discussion followed. Mayor Balensifer noted he wants to ensure all concerns can be address and expectation are clear. He noted the issue related to the nuisance abatement is left to junk vehicles. Mr. Simonsen stated in his belief, he has no vehicles on his property. Commissioner Poe noted he saw a vehicle on the property with no plates on his way to the meeting and discussed concern about ensuring this is resolved. Discussion followed. Ms. Engbretson would like an opportunity to discuss further with Mr. Simonsen, legal, and staff about other issues. There was discussion about property owner’s responsibility for tenant’s property. Mr. Simonsen noted he will post trespass signs. Mayor Balensifer clarified if the person that has taken possession of or is the title owner of the vehicles is no longer on the property, it becomes and different issue than a nuisance. Discussion continued.

DISCUSSION ITEMS - None

GOOD OF THE ORDER

Commissioner Newton noted he has empathy for Mr. Simonsen and discussed personal experience. He discussed additional business licenses issued. He noted CREST is using goats to clear land. He noted library youth programs. He also discussed an interview with KMUN.

Commissioner Dyer noted Mr. Simonsen is in an impossible situation. As a parent, he has worked hard to clean things up. He appreciates the effort and how they dealt with it.

Commissioner Baldwin agreed, noting empathy for Mark and Kelly. He feels it could have been handled better. He hopes people will reach out to him and does not want to fine anyone.

Commissioner Poe noted the church parking lot use to be public use, but it has changed because of this situation. He noted he has never complained because he hoped things would work out on their own. He thinks they were fair, and it was handled okay. He noted it is hard to be accused of bias when he has been a patient neighbor.

Commissioner Newton discussed mental health regulations in Oregon, noting lack of services.

Ms. Engbretson added she was surprised that Mr. Simonsen said he requested help from staff six weeks ago. She noted extra effort to connect with him; staff will reach out. She also discussed an opportunity the Chamber of Commerce proposed regarding Travel Oregon's Destination Ready Program. She noted the e-permitting process has started and will take about 6-8 months.

Mayor Balensifer noted he has received calls about county development off of Clatsop Plaines, not the Dunes, and asked public works if there has been an application for water. Mr. Sharpsteen stated not that he is aware of. He noted the current policy states no more water main extensions outside of city limits. Mayor Balensifer noted Spruce Up Warrenton's Daffodil planting event. He asked about funds for levy certification. Ms. Engbretson noted there is discussion about applying for funds for the geotechnical work. She will be bringing back a list of awarded grants. Mayor Balensifer asked that the commission be copied on the update to Ms. Walker.

Commissioner Newton commented on elk.

Commissioner Dyer commended public works for the tree removal on 1st.

At 7:23 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 7:37 p.m.

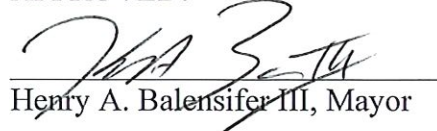
Respectfully prepared and submitted by Rebecca Sprengeler, Deputy City Recorder.

ATTEST:



Dawne Shaw, CMC, City Recorder

APPROVED:



Henry A. Balensifer III, Mayor