

MINUTES
Warrenton City Commission
December 14, 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, City Attorney Spencer Parsons, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Police Chief Mathew Workman, Planning Director Scott Hazelton, Building Official Van Wilfonger, and City Recorder Dawne Shaw

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 11.23.21
- B. City Commission Work Session Minutes – 11.23.21
- C. Monthly Finance Report – October 2021
- D. Marina Advisory Committee Meeting Minutes – 9.20.21

Commissioner Dyer 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 – None

PUBLIC COMMENT – None

PUBLIC HEARINGS

Mayor Balensifer noted item 6.A has been stricken. Planning Director Scott Hazelton explained that the appeal was pulled because a temporary fix was accepted by staff.

Mayor Balensifer asked Commissioner Newton to step down from the dais for the hearing. Mayor Balensifer opened the public hearing in the matter of an appeal of the Planning Commission's decision on a Development Code violation by Rick Newton for property at 115 SW 1st Street. Formalities followed. No conflicts of interest were declared. Ex Parte contacts: Commissioner Dyer noted the subject came up during a conversation with Mr. Newton, then the

conversation was stopped. Commissioner Poe also noted brief contact by Mr. Newton about an article in the newspaper. Mayor Balensifer noted he had brief contact regarding the matter with Mr. Newton in a facilitated meeting with City Manager Linda Engbretson; the subject of the meeting was not the appeal hearing. All Commissioners noted they had driven by or visited the site. All Commissioners stated they feel they can make a fair and impartial decision. Ms. Engbretson requested input from legal counsel. City Attorney Spencer Parsons gave a brief procedural overview of the issue and the steps the Commission may take. Mr. Hazelton reviewed his staff report. He noted he is looking for direction on how to address the impacts on the adjacent landowners. Staff is recommending abatement within 72 hours. Mayor Balensifer clarified some points with Mr. Hazelton. Mr. Hazelton discussed recommended options. Mr. Parsons noted that City abatement would require the property owner's consent. Public Works Director Collin Stelzig noted staff could perform the abatement work. He noted the current temporary fix is unsatisfactory.

Mr. Newton and Patty Cardinaletti spoke in response. He noted how much water he has pumped off the property. He feels the City is at fault for a lot of the flooding. He explained difficulty retaining an engineer. He noted he was given bad direction from staff and noted lack of knowledge about permits. Ms. Cardinaletti stated she intended to build on the property. She noted Big River reached out to them about placing fill from the street. She voiced her frustration on working with the City. They are trying to address the issue. Mr. Newton continued. He stated he does not care what the Commission's decision is. Ms. Cardinaletti expressed confusion about the stop work orders and hearing notice. Mr. Newton noted water was bubbling up through the concrete to reach the drain.

Mayor Balensifer asked Mr. Newton if he is challenging that a violation took place. Mr. Newton confirmed and noted he is unsure of the amount of fill on the property

Mayor Balensifer asked for public comments in support of the appeal. David Manion, adjacent property owner, noted he submitted a letter to the City. He discussed a water problem on their street from the amount of fill and the sidewalk. He stated water won't drain to the east and noted trees falling over. He offered a suggestion to fix the issue as outlined in his letter.

Russell Cox, adjacent property owner, noted he is experiencing flooding. He noted photos and reviewed a letter he submitted to the City. He noted concern about Mr. Newton approaching him at work. He feels he is being harassed. Mr. Newton also called him making demands. Mr. Cox discussed newspaper articles. He does not want to be involved in this battle. He wants his fence repaired and the water gone. He will have to bring fill in for his backyard.

Robert Burns, resident of Alder Avenue, stated he never received any notification from the City about the street improvement project. He discussed issues with curbing, noting it was difficult to get cooperation from the City. He is concerned and wants the City to notify all residents of what is happening on the street. He stated he thought the fill was a win-win for Big River and the City. He noted Big River stated they could have put in drains with City permission.

Mayor Balensifer asked for public comments in opposition of the appeal; there were none.

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Mr. Newton offered rebuttal. He discussed the ditch and the rights-of-way. He also noted Big River could have put in a drain if they received a response from the City.

Mayor Balensifer asked staff for rebuttal. Ms. Engbretson explained her understanding of the initial outreach. She disagrees with Mr. Newton's comment that the Building Official lied to him. She noted it was the understanding that the fill would be 250 cubic yards of gravel.

Commissioner Dyer asked Mr. Stelzig if there is a drain at the NE corner of Mr. Newton's lot. Mr. Stelzig confirmed. Commissioner Baldwin asked if the additional drainage pipe was included in the original scope of work. Mr. Stelzig stated it was not. Mr. Hazelton stated the staff report was factual and true.

Mr. Parsons spoke to potential liability claim of water issues. He stated it is not what is under consideration at this time. He also stated the liability does not pass from the property owner to the City based on information received at the counter and reiterated liability is not being consideration at this time.

There being no further comments, Mayor Balensifer closed the public hearing. He noted that the Commission has been looking at drainage and fill issues for years. He noted that the type of fill is not allowable and the amount of fill is in excess. He feels illegal fill has occurred. Discussion followed about options to move forward. Mr. Stelzig stated the January 4th date for the storm water report would still be required.

Mayor Balensifer reopened the hearing and asked the defendant if he would accept a City fix through Public Works and the associated cost. Mr. Newton stated he would need the cost before making a decision. Mayor Balensifer closed the public hearing.

Mr. Parsons noted a point of order that they need to allow opportunity for testimony since the hearing was reopened. Mayor Balensifer reopened the hearing. Ryan Lampi of Big River stated everyone met on site on November 18. He discussed his understanding was they had a verbal agreement to the fix. He stated he wants to remain neutral. Mr. Newton stated that the proposed solution was only a temporary fix, and another fix would be needed. He asked for clarification. Ms. Engbretson confirmed the meeting took place and the temporary fix was not agreed to by the City. Mr. Stelzig confirmed Mr. Lampi was correct and asked for calculations and a plan to move forward. He noted that it could be a permanent fix. The City is still waiting for calculations. Mr. Parsons explained a "temporary fix" in terms of land use planning and development. Mayor Balensifer closed the public hearing. Mayor Balensifer outlined options. Discussion followed.

Commissioner Baldwin made the motion to reduce the grace period from January 4, 2022, to December 17, 2021, 7:30 p.m., due to the impacts on adjacent landowners. And if the situation has not been remedied by such time, that fines in the amount of \$500 a day will begin accruing. Motion was seconded and passed unanimously.

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

BUSINESS ITEMS

Mayor Balensifer nominated Amanda Donovan for the Warrenton Community Library Board. City Recorder Dawne Shaw noted remaining vacancies on the Community Center Advisory Board and the Marinas Advisory Board.

Commissioner Dyer made the motion to appoint Amanda Donovan to Position 6 on the Warrenton Community Library Board. Motion was seconded and passed unanimously.

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

Mayor Balensifer noted consideration of cancelling the second meeting in December.

Commissioner Baldwin made the motion to cancel the December 28th Commission meeting. Motion was seconded and passed unanimously.

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

DISCUSSION ITEMS – None

GOOD OF THE ORDER

Commissioner Newton asked if a person can serve both the Friends of the Warrenton Community Library and the Warrenton Community Library Board. Discussion followed. Mr. Parsons offered clarification that it would depend upon the organizational documents, but the Commission has the authority to make an appointment pending resignation on another conflicting body. Commissioner Newton discussed increased business licenses being a sign of a healthy economy. He noted Building Inspector Christian Jensen has been great to work with. He noted other updates.

Commissioner Baldwin noted his thoughts about the land use issue on Alder Avenue. He apologized to staff for comments that have been made. He asked for Commissioner Newton to step down and explained his reasoning.

Commissioner Poe noted his thoughts about Commissioner Newton's actions over the past few months. He also noted no confidence in Commissioner Newton and asked him to step down.

Mayor Balensifer and Commissioner Dyer asked about trimming trees by Oregon Bioproducts. Mr. Stelzig gave a brief update.

Mayor Balensifer asked for clarification about camping in the Marinas Advisory Committee minutes. Ms. Engbretson clarified. He noted a meeting last week with Commissioner Newton and Ms. Engbretson to discuss differences. He discussed his concerns about Commissioner

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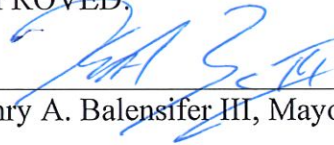
Newton's behavior. He feels Commissioner Newton should deal with his issues out of the public domain and joined Commissioners Baldwin and Poe in asking him to step aside.

Ms. Engbretson discussed a report from Police Chief Mathew Workman on a homeless camp cleanup behind Bogh Electric. She acknowledged the Police and Public Works departments for their great work together.

There being no further business, Mayor Balensifer adjourned the regular meeting at 7:12 p.m.

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

APPROVED;



Henry A. Balensifer III, Mayor

ATTEST:



Dawne Shaw, CMC, City Recorder