

## SPECIAL MEETING MINUTES

Warrenton City Commission  
June 6, 2023  
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, and Gerald Poe

Excused: Paul Mitchell

Staff Present: City Manager Esther Moberg, Planning Director Jay Blake, and City Recorder Dawne Shaw

Mayor Balensifer noted the purpose of the meeting is to discuss the lease at 69 NE Heron Avenue. He asked if the commission wished to take it into consideration and then go into executive session or go into executive session now and then regular session after. Consensus was to go into executive session first.

At 6:02 p.m. Mayor Balensifer announced the commission will now meet in executive session under ORS 192.660(2)(e); *to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

At 6:29 p.m. Mayor Balensifer reconvened the special meeting.

### BUSINESS ITEMS

Mayor Balensifer noted two of the prospective lessees in attendance and asked if anyone from Encore Academy wished to speak. Encore Academy owner/director Denele Sweet stated she and Mr. Kilday of Battery 245 have talked and she feels they can work together. She stated they would like to have outdoor space for the children on the property between the two buildings, (Lot 4 of 69 NE Heron) and noted she would need the city's blessing for the outdoor space. Mayor Balensifer asked for the record, to clarify that Encore is withdrawing their desire to lease the full building and are endorsing Battery 245's tenancy; and Battery 245 is open or willing to provide within their lease of Lot 4, space for Encore to use as non-permanent structured open space. Ms. Sweet agreed and also confirmed she will not be building anything in the space, but she would like to put in a type of playground structure. She noted she has not selected anything at this point but does want to give the children something to play on. Jeff Kilday, one of the founders of Battery 245, stated they have no problem with giving Encore Academy access and will do a sublease if needed, or just permission for that area. They would still allow a thoroughfare to come through so there is still access available. And if needed by the city, they could put non-permanent things in that area so they can be moved for fire access, in worst case scenario. He noted there still should be room for vehicles to go between the two buildings.

Mayor Balensifer stated the first action the commission has to consider would be whether to honor the request to hand the tenancy over to Battery 245 and withdraw the tenancy agreement with Encore as previously stated.

### MINUTES

Warrenton City Commission  
Special Meeting – 6.06.23

Page: 1

Commissioner Dyer made the motion to approve the transfer of tenancy from Encore Academy to Battery 245 for the 69 NE Heron Avenue as requested by the tenant. Motion was seconded and passed unanimously.

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

Mayor Balensifer noted the city’s policy does not allow subleasing, but if there is use that is non-permanent in that area, that becomes an issue between you and your insurance company, as long as it is not the primary usage of that facility. City Manager Esther Moberg stated the city would need to make sure it is specified in the lease agreement and also make sure it is a safe and enclosed play space with barriers, because of the vehicle traffic in that area. Ms. Moberg also noted they are looking at a 5-year lease agreement with the tenants; there were no objections to the lease terms. Ms. Moberg also asked if the submitted lease rates were acceptable; there were no objections from the commission.

Commissioner Baldwin stated he has concerns about putting a playground on asphalt, noting the children’s safety, stating he would hope there will be pads or something on the asphalt. He reiterated that a playground on asphalt is not a great idea.

Mayor Balensifer stated as far as the city is concerned on this particular issue of 69 NE Heron, he asked if this satisfies Encore Academy’s request, and if it satisfies Battery 245’s – both agreed. He also asked if the commission is happy with the transfer of the lease assignment with the stipulations as discussed. All three parties are in agreement.

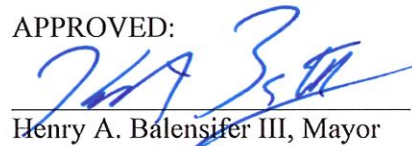
There being no further business, Mayor Balensifer adjourned the meeting at 6:37 p.m.

ATTEST:



Dawne Shaw, CMC, City Recorder

APPROVED:

  
Henry A. Balensifer III, Mayor