

MINUTES
Warrenton City Commission
June 25, 2024
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, Gerald Poe, Paul Mitchell and Tom Dyer

Staff Present: City Manager Esther Moberg, Planning Director Matthew Ellis, Public Works Director Greg Shafer, Police Chief Mathew Workman, Planning Technician Judith Stich, Water Treatment Plant Supervisor Dave Davis and Deputy City Recorder Hanna Bentley

Mayor Balensifer requested to change the order of agenda so that all items under section 7 are held before items under section 6. There was unanimous consent.

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 6.11.2024
- B. Monthly Finance Report – April 2024
- C. Police Department Monthly Report – May 2024

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

Poe – aye; Mitchell – abstained; Balensifer – aye; Dyer – aye

COMMISSIONER REPORTS

Commissioner Mitchell stated he was honored to attend the Gold Star memorial.

Mayor Balensifer discussed commissioner committee assignments. He noted that he was appointed to the governors regional solutions board.

PUBLIC COMMENT

Janet Willoughby spoke in support of city commission applicant Jessica Sollaccio.

Nicole Kime spoke in support of Jessica Sollaccio for city commissioner; she noted her dedication to the community.

Karin Hopper spoke in support of city commission applicant Jessica Sollaccio. She noted how diligent she is with the Planning Commission.

Tony Faletti highlighted the park being busy, he also spoke in support of Jessica Sollaccio for city commissioner.

BUSINESS ITEMS

Mayor Balensifer introduced city commission applicant Jessica Sollaccio. Ms. Sollaccio stated her plans for the Commission. Commissioner Mitchell noted that she received funds from Urban Renewal to work on the Fenton building. He asked how she will handle the optics; Ms. Sollaccio noted the optics would be adding transparency to what is happening at the building and will build trust with the community. He asked if she plans on running for the position; she stated she plans on running for the position in November. Commissioner Dyer noted his appreciation for her taking on the Fenton building project. Mayor Balensifer noted she attended the ethics training and asked if she has taken any of the League of Oregon Cities (LOC) trainings; Ms. Sollaccio stated she has started some of the trainings and that she has taken the chair training. Mayor Balensifer asked for the record what her vision is for the city if she were to become a member of the commission. Ms. Sollaccio stated being a mother of two small children she wants to create a community where they will thrive. She wants to find the challenges that face the community and address them. Mayor Balensifer noted that the Urban Renewal board has tried to get businesses to take urban renewal funds, and no one would take them. He stated that he thinks it's commendable that she took funds and is trying to do something with them.

Commissioner Poe made the motion to appoint Jessica Sollaccio to City Commission Position No. 2, provided training requirements are met from the vacancy notice. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Ms. Moberg discussed her time off request. She noted that she will miss the August 13th meeting. She stated she tries to plan vacations around city commission meetings, but this was unavoidable.

Commissioner Mitchell made the motion approve City Manager Moberg's vacation request. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

City Manager Esther Moberg presented for its second reading and adoption Resolution No. 2667, A Resolution Adopting Public Records Fees, And Repealing Resolution No. 2658.

Commissioner Dyer made the motion to conduct the second reading, of Resolution No. 2667. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Commissioner Mitchell made the motion to adopt Resolution No. 2667. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

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Public Works Director Greg Shafer discussed the need for an ultrasonic algae control system at the raw water reservoir. He noted that the Water Treatment plant is operated by only 2 staff members. He stated this was approved in the budget and the system is expected to decrease algae blooms by 70-90%.

Commissioner Mitchell made the motion to approve the purchase of and authorize the Mayor's signature for the purchase of the MPC Grid Algae Control System from LG Sonic for \$52,330.00 with a 10% contingency in the event of unforeseen expenses. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

PUBLIC HEARINGS

Mayor Balensifer opened the public hearing on Appeal AP-24-3; Vacation Rental Conditional Use Permit CUP-24-3 for 976 4th Avenue in Hammond. Formalities followed. Mayor Balensifer asked if any Commissioner wished to disclose any conflicts of interest, ex parte contacts, bias or if they have visited the site. Mayor Balensifer stated he had conversation with Mark Hansen about some comments he made on his public testimony and that he had heard from one of the appellants Matt Higgins about the concern related to parking and that he has made a site visit to look at the roads and that is the extent of his ex parte contacts, and it will not affect his impartiality. Commissioner Poe stated that he has had contact with both Matt Higgins and Mark Hansen; both expressed concerns about the decisions one way or another; he did not benefit from either of the contacts nor does he expect to; he does have property adjacent to both properties and that he is able to continue and give an impartial decision based on the record and applicable code. Commissioner Mitchell stated he had a conversation with Mark Hansen. Commissioner Dyer stated he visited the property. There were no other conflicts of interest disclosed. Mayor Balensifer asked if all members who have stated their ex parte contacts believe they can still make a fair and impartial decision; all members confirmed. No members of the audience challenged any commission members impartiality.

Planning Director Matthew Ellis presented the staff report on the appeal. He noted the process that has taken place. He noted the conditions of approval the Planning Commission set forth. Mayor Balensifer asked Mr. Ellis if a vacation rental is a commercial use or residential use; Mr. Ellis stated it would be a residential use. Mayor Balensifer asked how there was a 12 hour notice on the conditions of approval when the permit outlines 30 minutes; Mr. Ellis noted it was a decision of the Planning Commission. Brief discussion followed. Mayor Balensifer asked if units are built as a residential use, and someone decides they want to convert to vacation rental use does that pose any issues in terms of city policy; Mr. Ellis responded. Mayor Balensifer asked Police Chief Mathew Workman to speak on his memo. Mayor Balensifer asked Chief Workman a hypothetical regarding parking enforcement, a large group of friends roll up in their SUVs and they can't fit them in the off-street parking, and they park on the street; Chief Workman noted what the police department can do in regard to enforcement of parking. Brief discussion continued on parking. Commissioner Mitchell asked why the pre application conference didn't happen; Mr. Ellis noted it was a lack of notification from staff in regard to stressing the importance of the requirement of the pre application conference. Commissioner Dyer asked if

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they will have 30 minutes or 12 hours to respond to the property; Mr. Ellis stated they will have 30 minutes to respond. Mayor Balensifer noted that the commission has the power to revoke vacation rental permits. He noted that conditional use permits can be violated/ revoked. Discussion followed on the process of revoking conditional use permits.

Mayor Balensifer asked if the appellant would like to make a statement; Sammi Beechan stated her address for the record. She noted her concerns with the precedent that is set for it being treated as commercial while being built as residential and if it were applied to be built as a hotel it would be held to different standards. She noted concerns with the conditions of approval. Appellant Matthew Higgins spoke in favor of the appeal. He noted his concerns with parking, including boat trails and RVs and how it will be addressed. Mayor Balensifer stated for the record that there is code to address parking issues. Mayor Balensifer asked for anyone else speaking in favor of the appeal; there were no further comments in favor of the appeal. Mayor Balensifer asked for anyone speaking in opposition of the appeal. John Bastin spoke in opposition of the appeal, he noted he was not told they needed to have a pre application conference and that if he had known it was needed, he would have done it. Wendie Kellington from Kellington Law Group spoke in opposition. She noted that in the Oregon Supreme Court it was decided that short term rentals are a residential use. She noted that the conditional use permit standards have been met and that the appeal should be dismissed because it wasn't timely filed. Pam Ackley spoke in opposition; she discussed the Jetty View Town Home project. She submitted her written comment into the record. Mayor Balensifer asked if there was any other public testimony; no one else wished to speak in favor, opposition or neutral. Ms. Beechan provided rebuttal, noting the development was presented as residential use and now is being presented as a commercial use. She noted her concerns with the property being accessed through private property. Mayor Balensifer closed the public testimony section of the hearing. Mayor Balensifer noted that the record reflects that conditional use can be revoked should bad acting occur. He stated that number 4 on the conditions of approval should reflect the code. Mayor Balensifer asked for clarification on when the appeal fee was paid; Mr. Ellis noted that the application was received by the required date per the code and provided clarification on the fee process. Brief discussion followed on the fee and when it becomes a complete application. Mayor Balensifer asked about trailer parking at the Hammond Marina; Ms. Moberg provided clarification.

Commissioner Mitchell made the motion to amend the conditions of approval on number 4 to reflect 30 minutes. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Commissioner Mitchell made the motion that based on the findings and conclusions of the June 25, 2024, staff report, to deny Appeal AP-24-3 and affirm the decision as amended of CUP-24-3. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Mayor Balensifer opened the public hearing on Appeal AP-24-4; Vacation Rental Conditional Use Permit CUP-24-4 at 960 4th Avenue in Hammond. Formalities followed. Mayor Balensifer asked if any Commissioner wished to disclose any conflicts of interest, ex parte contacts, bias or if they have visited the site. Commissioner Poe stated that he has had contact with both Matt

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Higgins and Mark Hansen both expressed concerns about the decisions; he did not benefit from either of the contacts nor does he expect to; he does have property adjacent to both properties and that he is able to give an impartial decision based on the record and applicable code. Commissioner Mitchell stated he had a conversation with Mark Hansen. Mayor Balensifer stated he had conversation with Matt Higgins and with Mark Hansen related to the appeal and that he has done a site visit. Commissioner Dyer stated he has done a site visit.

Mayor Balensifer closed the previous public hearing for AP-24-3 and resumed the hearing for AP-24-4.

No members of the audience challenged any commission members impartiality.

Planning Director Matthew Ellis presented his staff report on the appeal. Mayor Balensifer asked for public comments. Mayor Balensifer asked for testimony in favor of the appeal; no one spoke in favor. Mayor Balensifer asked if anyone spoke in opposition; Mark Hansen spoke in opposition of the appeal. He noted the HOA rules and that he is the declarant of the HOA. Mayor Balensifer asked if anyone else wished to speak against the appeal; no one spoke against the appeal. Mayor Balensifer asked if anyone else wished to speak neutral to the appeal; no one spoke neutral to the appeal. The appellant Matthew Higgins noted he appreciates the change from 12 hours to 30 minutes in the conditions of approval. Mayor Balensifer closed the public testimony portion of the hearing.

Commissioner Mitchell made the motion to amend the conditions of approval on number 4 to state 30 minutes not 12 hours. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Commissioner Dyer made the motion that based on the findings and conclusions of the June 25, 2024, staff report, to deny Appeal AP-24-4 and affirm the amended conditions of approval decision of CUP-24-4. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Mayor Balensifer closed the public hearing for AP-24-4.

Mayor Balensifer opened the public hearing on Appeal AP-24-5; Vacation Rental Conditional Use Permit CUP-24-5 at 964 4th Avenue in Hammond. Formalities followed. Mayor Balensifer asked if any Commissioner wished to disclose any conflicts of interest, ex parte contacts, bias or if they have visited the site. Commissioner Poe stated that he has had contact with his neighbors Matt Higgins and Mark Hansen they both expressed concerns about the decisions; he did not benefit, nor does he expect to; he does have property adjacent to both properties and that he is able to continue and give an impartial decision based on the record and applicable code. Commissioner Dyer stated he visited the property. Commissioner Mitchell stated he had a conversation with Mark Hansen. Mayor Balensifer stated he spoke with Mark Hansen prior to the meeting, he talked with Matt Higgins and did a site visit, and he feels he can make an impartial decision. No members of the audience challenged any commission members impartiality.

Planning Director Matthew Ellis presented his staff report on the appeal. There were no questions of staff. Mayor Balensifer asked if the appellant wished to speak; the appellant did not wish to speak. Mayor Balensifer asked if anyone wished to speak in support of the appeal; no one spoke in support of the appeal. Mayor Balensifer asked if anyone wished to speak against the appeal; Wendie Kellington, Kellington Law Group spoke against the appeal. She entered her written testimony and testimony from AP-24-3 into the record. Jordan Winters entered his name and address to the record. He noted that Mark Hansen has a history of caring for people and that he will demonstrate being a conscious and courteous homeowner. Pam Ackley entered her prior testimony from AP-24-3 and written testimony into the record. Mayor Balensifer asked if anyone wished to speak neutral; no one wished to speak neutral. Sammi Beechan presented her appellant rebuttal noting she would like to enter her prior comments from AP-24-3 comments carried over to AP-24-5 she added that if it was a commercial property it would be held to different standards. There being no further comments, Mayor Balensifer closed the public testimony portion of the public hearing.

Commissioner Mitchell made the motion to amend the conditions of approval on item 4 for CUP-24-5 to read 30 minutes instead of 12 hours. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Commissioner Dyer made the motion that based on the findings and conclusions of the June 25, 2024, staff report, to deny Appeal AP-24-5 and affirm the amended decision of CUP-24-5. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Mayor Balensifer closed the public hearing for AP-24-5.

Mayor Balensifer opened the public hearing on Appeal AP-24-6; Vacation Rental Conditional Use Permit CUP-24-6 at 968 4th Avenue in Hammond. Formalities followed. Mayor Balensifer asked if any Commissioner wished to disclose any conflicts of interest, ex parte contacts, bias or if they have visited the site. Commissioner Poe stated that he has had contact two neighbors Matt Higgins and Mark Hansen both expressed concerns about the decisions; he did not benefit from either of the contacts nor does he expect to; he does have property adjacent to both properties and that he is able to continue and give an impartial decision based on the record and applicable code. Commissioner Dyer stated he visited the site. Commissioner Mitchell stated he had a conversation Mark Hansen. Mayor Balensifer stated he had conversation with Mark Hansen prior to the meeting, he talked with Matt Higgins and that he has done a site visit and that he feels he can make a fair and impartial decision. No members of the audience challenged any commission members impartiality.

Planning Director Matthew Ellis presented his staff report on the appeal. Mayor Balensifer asked if the appellant wished to make any statements; the appellant did not wish to make any statements. Mayor Balensifer asked if Matt Higgins wished to make any statements; he did not. Mayor Balensifer opened the public testimony. Mayor Balensifer asked if anyone wished to speak in favor of the appeal; no one spoke in favor of the appeal. Mayor Balensifer asked if

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anyone wished to speak in opposition to the appeal. Wendie Kellington, Kellington Law Group spoke in opposition and requested her testimony from AP-24-3 be entered into the record. Mr. Hansen spoke in opposition and requested to carry over his testimony from AP-24-4. Mayor Balensifer asked if anyone wished to speak neutral; no one wished to speak neutral. There was no rebuttal from the appellant. There being no further comments, Mayor Balensifer closed the public testimony portion of the public hearing.

Commissioner Poe made the motion to amend the conditions of approval of CUP-24-6 to state in paragraph 4 - 30 minutes instead of 12 hours. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Commissioner Poe made the motion that based on the findings and conclusions of the June 25, 2024, staff report, to deny Appeal AP-24-6 and affirm the amended decision of CUP-24-6. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye

Mayor Balensifer closed the public hearing for AP-24-6.

DISCUSSION ITEMS - None

GOOD OF THE ORDER

At 8:03 pm, Mayor Balensifer announced the Commission will now meet in executive session under authority of ORS 192.660(2)(e); *to conduct deliberation with persons designated by the governing body to negotiate real property transactions.*

At 8:22 p.m. Mayor Balensifer reconvened the regular meeting, and noting no further business, adjourned the meeting.

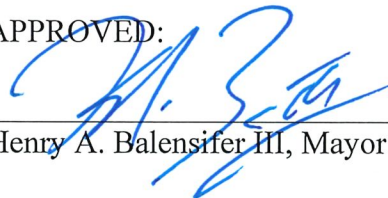
Respectfully prepared and submitted by Hanna Bentley, Deputy City Recorder.

ATTEST:



Dawne Shaw, CMC, City Recorder

APPROVED:



Henry A. Balensifer III, Mayor