



# City of Warrenton City Commission

## Meeting Minutes

City Hall, 225 S. Main Warrenton, OR 97146

Tuesday, August 27, 2024

At 5:00 pm, prior to the regular meeting, the City Commission held an Executive Session, *under the authority of ORS 192.660(2)(h); to consult with counsel regarding pending litigation or litigation likely to be filed.*

1. **City Commission meeting called to order at 6:09 pm.**
2. **Pledge of Allegiance**

Commission Members	Present	Excused
Gerald Poe	X	
Jessica Sollaccio (Via Zoom)	X	
Tom Dyer	X	
Paul Mitchell	X	
Henry Balensifer, Mayor	X	

Staff Members Present	
City Manager Esther Moberg	Police Chief Mathew Workman
Planning Director Matthew Ellis	Public Works Director Greg Shafer
City Recorder Dawne Shaw	Fire Chief Brian Alsbury

### 3. **Consent Calendar**

\*Items on the Consent Calendar have previously been discussed and/or are considered routine. Approval of the Consent Calendar requires a motion, a second, and no discussion, unless requested by a member of the City Commission.

- A. City Commission Meeting Minutes – 8.13.2024
- B. Parks Advisory Board Meeting Minutes – 4.8.2024
- C. Police Department Monthly Report – July 2024

<b>Motion:</b>	Move to approve the consent calendar as provided.				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

### 4. **Commissioner Reports**

Mayor Balensifer noted he spoke at the Chamber breakfast and reiterated his state of the city address. He asked Fire Chief Brian Alsbury a few questions about delayed medical responses from Medix; Chief Alsbury clarified the issues noting they have less staff and fewer vehicles within the response area. There was brief discussion on what staff plans to do if Medix was to no longer provide services.

## **5. Public Comment**

Katrina Smith, Steven Goldberg, Faye Katka, Nathan Tussing, Samuel Sadtler and Bob May all spoke in opposition to the Advanced Financing District (AFD). Nathan Tussing also submitted comment by email.

Josh Stellman spoke on behalf of the developers; he spoke in favor of the AFD. Jason Palmberg spoke about the process that has taken place for the AFD.

Pam Bilyeu inquired about the FEMA floodplain matters. Mayor Balensifer noted he would be happy to follow up with her after the meeting.

## **6. Public Hearing**

### **A. Ordinance No. 1267; Establishing a Cap on the Number of Mini Storage Sites:**

Mayor Balensifer opened the Public Hearing on the matter of establishing a cap on the number of mini storage sites. Formalities followed. No conflicts of interest or ex parte contacts were reported. Planning Director Matthew Ellis presented his staff report noting most of the work was done by the previous Planning Director. Mayor Balensifer noted the number of mini storage units in the City of Warrenton compared to Clatsop County, as outlined in the ordinance and that mini storage does not add to the tax base or job base. Mayor Balensifer asked for public comments. No one spoke in favor or neutral. Nathan Tussing spoke in opposition to the ordinance, noting the benefits of mini storage sites. Donna Lyons also spoke in opposition to the ordinance. Mr. Ellis further discussed the proposed cap. He noted the ordinance is based on an economic opportunities analysis that was done in 2018. He stated the mini storage facilities have a very low tax rate. Mayor Balensifer asked why the cap is as low as it is; Mr. Ellis stated that he was not on staff when the ordinance was written and that the rate was higher, but the Planning Commission wanted to balance different perspectives. There being no further comments, Mayor Balensifer closed the public testimony and the public hearing. Commissioner Mitchell commented on the previous task force in 2019 where they had the original conversation on mini storage and noted the reason, they started it was to protect the downtown corridor. He noted he would rather see a business that benefits the city than putting a business where someone can store their couch. Mayor Balensifer agreed with Commissioner Mitchell that we are only allotted an urban growth boundary of a certain size. He noted a change in the units per person from 1 unit per 2.85 people to 1 unit per 10 people. Commissioner Sollaccio was in agreement. Commissioner Poe noted his concerns and experience with mini storage development.

<b>Motion:</b>	Move to amend Ordinance No. 1267 on section 3 and section 4 excising that the stat does not exceed 1 mini storage unit to 2.85 people and replacing both with does not exceed 1 mini storage unit per 10 people				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

<b>Motion:</b>	Move to conduct the first reading, by title only, of Ordinance No. 1267 as amended.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Mayor Balensifer conducted the first reading, by title only, of Ordinance No. 1267; an Ordinance establishing a cap on the number of mini-warehouse sites within the City of Warrenton and amending the Warrenton Development Code.

B. Ordinance No. 1277; Amending Chapter 16.68 of Warrenton Municipal Code; Establishing Regulations for Commercial Industrial Zone:

Mayor Balensifer opened the Public Hearing on the matter of establishing regulations for Commercial Industrial Zone. Formalities followed. Mr. Ellis presented his staff report. Mayor Balensifer asked for public comments. Nathan Tussing spoke in favor. Cindy Yingst spoke in opposition and submitted written comments for the record. Mr. Ellis responded to Ms. Yingst's concerns. There being no further comments, Mayor Balensifer closed the public testimony and hearing. Mayor Balensifer noted his concerns with outright uses as its written and that he thinks places of worship should be a conditional use as well as medical offices and that they should not be allowed to have overnight stays. Mr. Ellis clarified places of worship cannot be required to get a conditional use permit and that medical offices, as it is defined in the code, don't operate differently from other offices. Commissioner Mitchell stated he actually took the time today and called the Chief Executive Officer Thorsen and at no time will there ever be anyone staying there, it will be no different than the Pavilion, which is lab, x-ray, physical therapy, those type of clinics. Mayor Balensifer stated he wants the record to reflect Commissioner Mitchell's comments verbatim. Brief discussion followed on locations that produce smells and how to address smell. There was discussion on how to enforce the smell ordinance and an equal standard of application. Mayor Balensifer asked the

Commission if they are fine with moving forward with the first reading and directing staff to come back with language on smell; all agreed.

<b>Motion:</b>	Move to conduct the first reading, by title only, of Ordinance No. 1277 and directing staff to come back with language on odor and conduct a second reading.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Mitchell	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Mayor Balensifer conducted the first reading, by title only, of Ordinance No. 1277; an ordinance amending Chapter 16.68 of the Warrenton Municipal Code to establish regulations for the Commercial Industrial (CI) District.

- C. Ordinance No. 1274; Amending Chapter 16.152 of Warrenton Municipal Code; Modifying Regulations on Grading, Excavating and Erosion Control Plans:

Mayor Balensifer opened the Public Hearing in the matter of modifying regulations on grading, excavating and erosion control plans. Formalities followed. No conflicts of interest or ex parte contacts were reported. City Manager Esther Moberg presented the staff report. Mayor Balensifer asked for public comments. No one spoke in favor. Mark Baldwin spoke in opposition. There being no further comments, Mayor Balensifer closed the public testimony. Discussion followed on the current fill permit process, fill within neighborhoods and how to determine a standard for fill. Ms. Moberg discussed that the ordinance was created with the help of an engineer. Mayor Balensifer noted his thoughts that instead of depths greater than one foot move to what had been discussed prior; having a net elevation. Brief discussion followed on how to create a standard that is applicable to the whole city. Planning Director Matthew Ellis noted that engineers across Oregon and the country have agreed that 12 inches is the maximum amount of fill you could place without making an impact on your neighbors. Mayor Balensifer noted that his issue with the ordinance is flooding and the way the permit process still causes flooding. Ms. Moberg noted that staff is opposed to flooding and trying to find a standard for fill. She noted the ordinance has recommendations coming from an engineer. Mayor Balensifer voiced his concerns with engineers not knowing the area. Ms. Moberg provided clarification on the permit process and the public works department’s involvement. Commissioner Dyer noted his concerns with people needing small amounts of fill and requiring a permit.

There was unanimous consent to table the item.

**7. Business Items**

- A. Consideration of Qualified Pool Membership for Professional Service Consultants:

Public Works Director Greg Shafer discussed a list of Qualified Pool Membership for various professional service consultants. He highlighted the importance of the list.

<b>Motion:</b>	Move to approve the Qualified Pool Membership List.				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

B. Consideration of Resolution No. 2679; New Land Uses to Transportation SDC Schedule:

Mr. Shafer presented his staff report and discussed an update to the Schedule of Land Uses for Transportation System Development Charges (SDC).

<b>Motion:</b>	Move to conduct the first reading, by title only, of Resolution No. 2679.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Mayor Balensifer conducted the first reading by title only, of Resolution No. 2679; a Resolution updating the schedule for Land Uses for Transportation System Development Charges.

C. Consideration of Resolution No. 2674; SE Jetty Avenue Advanced Finance District:

Ms. Moberg discussed the request Advance Finance District for SE Jetty Avenue and summarized the process that has taken place. Mayor Balensifer stated that he looked through the record on this and noted the only thing the commission was considering was an LID, not an AFD, and noted the differences between the two. Discussion followed on the requirements to connect and the requirements within the city code. Commissioner Mitchell asked why the landowner is benefiting from this by having people that are being forced to connect pay. Ms. Moberg noted her statement is neutral but when a city develops infrastructure, they make people connect, when a private contractor puts it in the city sees it as an advantage and it adds value to homes when they connect to public infrastructure. Commissioner Mitchell noted his concerns with requiring people to connect. Commissioner Sollaccio asked what their options are moving forward; Ms. Moberg noted their decision is to accept the AFD or reject it. Ms. Moberg noted there is a sewer line running down the street and if there is new development the city code will require that if they are close enough, they will be required to connect. Mayor Balensifer noted that from what he has heard from the people that have come to Morning with the Mayor is that they have not been in opposition

to paying to connect to the sewer, but it seems they are in opposition to how the process works and that they didn't have upfront knowledge of what the cost was before it happened.

<b>Motion:</b>	Move not to approve Resolution No. 2674, A Resolution of The City of Warrenton Designating an Advanced Financing Area of Benefiting Properties for the SE Jetty Avenue Sanitary Sewer Improvements and Directing Staff to Prepare A Reimbursement Agreement With Palmberg Properties, LLC and Latitude 46, LLC for City Commission Approval				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Balensifer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe			X	
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

**Mayor Balensifer requested City Recorder Dawne Shaw conduct a roll call vote; Poe – abstain; Sollaccio – aye; Dyer – aye; Mitchell – aye; Balensifer – aye**

D. Consideration of Big Game Fishing Lease:

Ms. Moberg presented a lease between the City of Warrenton and Big Game Fishing LLC/ Jennifer and James Fowler. She noted amendments to the lease in the agenda packet. She noted they requested the length of the lease to be 25 years and that the rent will increase in year 20. Brief discussion followed. Mayor Balensifer asked about the hazardous substances in the prohibited uses section and noted that selling batteries to someone is not a prohibited use; Ms. Moberg noted selling a battery is not a prohibited use and gave an example of a prohibited use. Mr. Fowler asked it to be on the record what the intent is for future transfer/if they should sell their business that the rent won't increase dramatically. Ms. Moberg noted the intent is not to triple the rent and they deliberately lowered it because of their investment in the property. Mayor Balensifer noted that if the tenant plans to transfer the lease the City should provide its plans on whether or not they plan to negotiate the terms of the lease or not. Brief discussion followed. Ms. Moberg noted that staff will add more wording that says the City will notify within 60 days whether or not the City accepts the transfer of ownership and add language that the City should consider it if they meet all criteria, but the City has the right to refuse it.

<b>Motion:</b>	Move to approve the lease with Big Game Fishing as amended by the City Manager.				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

<b>Motion:</b>	Move to approve the yard lease with Big Game Fishing.				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

E. Consideration of Vehicle Surplus Declaration:

Police Chief Mathew Workman discussed a decommissioned vehicle that was loaned to the Marina for the last several years, noting that it is still running and will be sold on an auction site. He requested that the 2011 Chevrolet Tahoe, 1GLC2E05BR192238, be declared surplus.

<b>Motion:</b>	Move to declare the listed vehicle as surplus and disposed of according to current administrative policies.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Mitchell	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Chief Workman discussed the newly designed Police Department patches that he gave to the Commission.

F. Consideration of Resolution No. 2690; Revising Planning Application Fees:

Mr. Ellis reviewed a resolution modifying the Planning Application Fee Schedule. Brief discussion followed.

<b>Motion:</b>	Move to conduct the first reading, by title only, of Resolution No. 2690.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Mayor Balensifer conducted the first reading, by title only, of Resolution No. 2690; Revising Resolution No. 2672 Planning Application Fees

**8. Discussion Items**

**A. Temporary Camping Zone Discussion:**

Chief Workman discussed the temporary camping zone and asked for guidance from the Commission. He noted that a little over a year ago the commission approved 3 zones that were presented by the previous planning director. He stated that 2 of the zones are unable to be used and have never been used because they were posted with no trespassing by the county. The one zone that can be used is the zone on SE Dolphin behind Dollar Tree and Petco. He noted the zone is a time, place and manor zone. He stated that nobody, to his knowledge, has ever accepted or gone to the zone. He asked the Commission if one zone is fine or if they should look for other zones and come back; Commissioner Mitchell stated he is fine with one zone, Commissioner Dyer stated he would like a back up plan, Commissioner Poe noted we should look for an additional zone, Commissioner Sollaccio stated she is fine with one zone considering the amount of use, and Mayor Balensifer noted he is fine with the one we have, but if staff want to explore another option, he is not opposed to having it as a backup. Ms. Moberg clarified that the majority of the commission wants to wait but she will continue to review.

**9. Good of the Order**

Mayor Balensifer apologized to Mr. Ellis for losing his temper.

Ms. Moberg provided an update on the code compliance officer recruitment; building official opening; and that the Public Works Director is retiring, and staff will begin recruitment which will go live this week. She gave an update on recording meetings/video that will start in January with the intent of allowing the public to watch videos of the meetings after the meeting that will help with public records request and better facilitate public transparency.

**10. Executive Session – Held prior to the regular meeting.**

**11. Adjournment**

There being no further business, Mayor Balensifer adjourned the meeting at 8:53 pm.

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

Attest:

  
\_\_\_\_\_  
Dawne Shaw, CMC, City Recorder

Approved:

  
\_\_\_\_\_  
Henry A. Balensifer III, Mayor