



## **AGENDA**

CITY COMMISSION OF THE CITY OF WARRENTON  
REGULAR MEETING  
May 25, 2021– 6:00 P.M.  
Warrenton City Commission Chambers – 225 South Main Avenue  
Warrenton, OR 97146

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Public Meetings will be conducted in the Commission Chambers with a limited seating arrangement. To adhere to social distancing recommendations, meetings will now also be audio and video live streamed. Go to <https://www.ci.warrenton.or.us/administration/page/live-stream-public-meetings> for connection instructions.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

- A. City Commission Meeting Minutes – 5.11.21
- B. Police Department Monthly Statistics – April 2021
- C. Monthly Finance Report – April 2021

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.

4. **COMMISSIONER REPORTS**

5. **PUBLIC COMMENT**

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card and submit it to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to the City Recorder, at [cityrecorder@ci.warrenton.or.us](mailto:cityrecorder@ci.warrenton.or.us), no later than 5:00 p.m. the day of the meeting. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. **PUBLIC HEARINGS** – None

7. **BUSINESS ITEMS**

- A. Consideration of the Second Reading of Resolution No. 2600; Establishing the Use of Consultants in the Review of Public Works Construction Permits
- B. Consideration of the Appointment of Municipal Judge; Resolution No. 2602
- C. Consideration of Appointment of City Prosecutor; Resolution No. 2603
- D. Consideration of Street Vacation No. 156; Resolution No. 2601 - Setting a Public Hearing Date
- E. Consideration of Second Reading of Ordinance No. 1251; Street Vacation No. 147 Amendment

8. **DISCUSSION ITEMS**

- A. Marina Advisory Committee Update
- B. SW 2<sup>nd</sup> Street Park Proposal – Spruce Up Warrenton
- C. Fire Services Agreement - Camp Rilea

9. **GOOD OF THE ORDER**

10. **EXECUTIVE SESSION**

11. **ADJOURNMENT**

**Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.**

MINUTES  
 Warrenton City Commission  
 May 11, 2021  
 6:00 p.m.  
 Warrenton City Hall - Commission Chambers  
 225 S. Main  
 Warrenton, OR 97146

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

Commissioners Present: Mayor Henry Balensifer (arrived at 6:09 p.m.), Tom Dyer, Gerald Poe, Mark Baldwin, and Rick Newton

Staff Present: City Manager Linda Engbretson, City Recorder Dawne Shaw, Police Chief Mathew Workman, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, and Finance Director April Clark

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 4.27.21
- B. Monthly Finance Report – March 2021
- C. Community Center Advisory Board Minutes – 2.25.21

Commissioner Newton noted figures from the Monthly Finance Report and thanked city staff. City Recorder Dawne Shaw noted a correction to the 4.27.21 City Commission minutes.

**Commissioner Newton made the motion to accept the consent calendar. Motion was seconded and passed unanimously.**

**Dyer – aye; Poe – aye; Baldwin – aye; Newton – aye**

COMMISSIONER REPORTS

Commissioner Newton noted attending a PSCC (Public Safety Coordination Council) meeting and gave an update. He discussed cyber security with the City Manager. He noted attending the LOC (League of Oregon Cities) meeting and gave an update; the November LOC meeting will be held in Warrenton. (Mayor Balensifer arrived at 6:09 p.m.)

Public Works Director Collin Stelzig thanked Mayor Balensifer and the Commission for considering the proclamation recognizing Public Works Week. Mr. Stelzig noted recent improvements in the Public Works department. Brief discussion followed. City Manager Linda Engbretson noted a report prepared by new Public Works Forman, Jason Johnson for March and April. She stated it was a really great snapshot of the different projects and work they did over the last couple months. She will share the report with the Commission and public tomorrow.

Mayor Balensifer praised Public Works staff for their work on the Congressional earmark request, noting Congresswoman Bonamici's staff said the City of Warrenton was the most prepared out of 72 projects. After reading a Proclamation, Mayor Balensifer declared the week of May 16-22, 2021 as National Public Works Week.

PUBLIC COMMENT – None

PUBLIC HEARING – None

BUSINESS ITEMS

Mr. Stelzig discussed the use of consultants for the review of Public Works construction permits. Commissioner Newton noted the increase in permit application fees this year. Commissioner Baldwin noted concerns about unnecessarily charged fees. Discussion followed.

**Commissioner Baldwin made the motion to conduct the first reading of Resolution No. 2600, establishing the use of consultants in the review of Public Works construction permits or development applications, and to provide design services associated with Public Works construction permits or development applications and authorizing assigning the consultants cost to the applicant. Establishing May 5<sup>th</sup>, 2021 as the effective date and repealing any other resolution in conflict. Motion was seconded and passed unanimously.**

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

Commissioner Newton noted he will abstain from the discussion and voting on item 7.B due to a conflict of interest due to owning property in the project area. Mr. Stelzig discussed the bid award for the SW Alder reconstruction from 2<sup>nd</sup> street to 1<sup>st</sup> street project. AM Engineering completed the bidding process. He noted the only bid received was from Big River Construction and discussed the project estimates. Mayor Balensifer discussed the need to notify the property owners in the project area. Mr. Stelzig noted notification will go out upon approval. Discussion followed. Commissioner Dyer noted a concern about increased speeding and traffic in that area once the street is improved. Discussion followed.

**Commissioner Dyer made the motion to approve awarding the contract for the SW Alder Reconstruction 2<sup>nd</sup> Street to 1<sup>st</sup> Street Project to Big River Construction, for the amount of \$409,846.26. Motion was seconded and passed by majority.**

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

Mr. Stelzig noted this is the second reading of the proposed Resolution 2598 to increase fees for Spring Clean-up costs. He noted there is progress on the voucher system that will be presented to the Commission soon. Mayor Balensifer asked for clarification on the adoption of Resolution 2598. Ms. Shaw noted there is a second motion to adopt the resolution at this meeting.

**Commissioner Baldwin made the motion to conduct the second reading of Resolution No. 2598 and to adopt Resolution No. 2598. Motion was seconded and passed unanimously.**

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

Ms. Shaw stated the City has received a street vacation petition from Jetty Street, LLC and Stephanie and Gerald Poe proposing to vacate a portion of 4<sup>th</sup> Avenue in Hammond. The purpose of the vacation is for setbacks. The City's consent is required. She noted a resolution to set a public hearing date. Commissioner Poe recused himself from the discussion and vote, due to a conflict of interest as the applicant.

**Commissioner Dyer made the motion to adopt Resolution No. 2599, setting a Public Hearing date of June 8, 2021, for vacation of Jetty Street, LLC and Stephanie and/or Gerald Poe, for a portion of 4<sup>th</sup> Avenue in Hammond. Motion was seconded and passed by majority.**

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

Ms. Engbretson noted that adopting the resolution and setting a public hearing date also serves as the City's consent to petition.

Ms. Engbretson discussed an amendment to the 2016 SE Galena street vacation. This amendment corrects the legal description of the original street vacation. Mayor Balensifer asked if the County has determined ownership of the Hammond Marina. Ms. Shaw noted the legal description has been amended but the recorded copy of the deed has not yet been received.

**Commissioner Newton made the motion to conduct the first reading, by title only, of Ordinance No. 1251, to correct the legal description of Street Vacation No. 147. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the first reading of Ordinance No. 1251, Vacating a Portion of SE Galena Avenue in Warrenton, Oregon, and Repealing Ordinance No. 1210A.

Mayor Balensifer asked about the public hearing requirements for the first reading of Ordinance No. 1251. Ms. Engbretson noted that legal counsel said it was a scrivener's error that can be corrected without repeating the hearing process. There was a public hearing for the original street vacation.

Mayor Balensifer discussed Ordinances No. 1248 and 1250 for their second reading and adoption. He requested an amendment to Ordinance No. 1248 to reference Resolution No. 2588 in the City Municipal Code.

**Commissioner Dyer made the motion to amend Ordinance No. 1248, on the first page, Section 1. Vacation Rental Dwelling to add to the end of the first sentence, "reference Resolution No. 2588 (2021)." Motion was seconded and passed unanimously.**

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

**Commissioner Dyer made the motion to conduct the second reading, by title only, of Ordinance No. 1248 as amended. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the second reading, by title only, of Ordinance No. 1248; an Ordinance Amending WMC Title 16, Development Code, Division 1, Chapter 16.12 Definitions; Division 2, Land Use Districts, Chapters: 16.24, 16.28, 16.32, 16.36, 16.40, 16.44, 16.56; and Division 3, Chapter 16.180.

**Commissioner Newton made the motion to conduct the second reading, by title only, of Ordinance No. 1250. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the second reading of Ordinance No. 1250; an Ordinance Amending WMC Title 8, Health and Safety, Chapter 24 Homestay Lodging Safety Standards.

**Commissioner Newton made the motion to adopt Ordinance No. 1248 and Ordinance No. 1250. Motion was seconded and passed unanimously.**

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

Mayor Balensifer noted Ordinance No. 1249 Marijuana Businesses in General Commercial (C-1) and General Industrial (I-1) to Conditional Uses is presented for its second reading and adoption. It was noted that there was unanimous support for this ordinance from the Planning Commission.

**Commissioner Baldwin made the motion to conduct the second reading, by title only, of Ordinance No. 1249. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the second reading of Ordinance No. 1249; an Ordinance Amending WMC Title 16, Development Code, Division 2, Land Use Districts, Chapter 16.40, General Commercial (C-1), and Chapter 16.60, General Industrial (I-1).

**Commissioner Baldwin made the motion to adopt Ordinance No. 1249. Motion was seconded and passed unanimously.**

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

Finance Director April Clark discussed the Community Center Capital Reserve Funds and the Facilities Maintenance Fund Review. Ms. Clark stated ORS 294.3146 requires that reserve funds be reviewed by the governing body every 10 years. She reviewed a brief history of the funds. The Community Center Advisory Board supports continuation of the reserve fund for the Community Center. Mayor Balensifer asked for an update on the divestment of the Head Start building. Ms. Engbretson noted the steps she has taken and summarized the whole process. Commissioner Newton noted past discussion of decreased income for the Community Center and anticipation of an increase in demand for usage. There was brief discussion on resolution of the advisory board's questions. There was discussion about facility review. Discussion followed on the maintenance and operations of the Community Center. Mayor Balensifer noted concerns on the reserve fund and preventative maintenance. Discussion followed. Ms. Engbretson noted an upcoming discussion at the budget meeting for a proposed contract for facility maintenance. Commissioner Newton noted Community Center Maintainer, Dan Arnoth does a good job of reviewing the facility.

**Commissioner Newton made the motion to continue the Community Center Capital Reserve Funds and the Facilities Maintenance Fund. Motion was seconded and passed unanimously.**

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

DISCUSSION ITEMS – None

GOOD OF THE ORDER

Commissioner Newton noted a PSCC update on driving pilings. He attended the Lane County CERT (Community Emergency Response Team) meeting and gave an update. He noted material shortages. He attended the Homeless Study Task Force meeting. LOC has an upcoming meeting for homeless policy and resources. He noted COVID vaccination in Romania in Dracula's Castle.

Ms. Engbretson noted that there are new garage doors on at the Hammond Fire Station; there will be other improvements coming.

Commissioner Newton noted a story about an interaction with the Public Works department.

Mayor Balensifer noted a discussion about Spruce Up Warrenton's suggested improvements to the Peterson lot. He thinks it would be a great partnership between Spruce Up Warrenton and the City to create a cornhole tournament on the Peterson Property. Ms. Engbretson noted Spruce Up Warrenton will be coming to the next meeting with a proposal for the Peterson lot. Discussion continued. Ms. Engbretson noted the Parks Advisory Board may need to weigh in on this. Mayor Balensifer agreed it would be good to include the chair. Commissioner Newton noted he has put the chair of Spruce Up Warrenton in contact with the person that runs the Seaside Elks Lodge

cornhole tournament.

Commissioner Dyer gave kudos to Public Works. The ball fields look good, and he is hearing good feedback from users.

There being no further business, Mayor Balensifer adjourned the regular meeting at 7:01p.m.

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

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder



**WARRENTON POLICE DEPARTMENT**  
**APRIL 2021 STATISTICS**  
MAY 25, 2021



April Statistics (% changes are compared to 2019)							
Category	2021	2020	% Chg	2019	% Chg	2018	% Chg
<b>Calls for Service</b>	<b>776</b>	554	<b>40%</b>	751	<b>3%</b>	767	<b>1%</b>
<b>Incident Reports</b>	<b>194</b>	160	<b>21%</b>	201	<b>-3%</b>	192	<b>1%</b>
<b>Arrests/Citations</b>	<b>188</b>	168	<b>12%</b>	153	<b>23%</b>	89	<b>111%</b>
<b>Traffic Stops/ Events</b>	<b>208</b>	141	<b>48%</b>	227	<b>-8%</b>	195	<b>7%</b>
<b>DUII's</b>	<b>2</b>	2	<b>0%</b>	3	<b>-33%</b>	1	<b>100%</b>
<b>Traffic Accidents</b>	<b>17</b>	11	<b>55%</b>	25	<b>-32%</b>	27	<b>-37%</b>
<b>Property Crimes</b>	<b>93</b>	87	<b>7%</b>	74	<b>26%</b>	90	<b>3%</b>
<b>Person Crimes</b>	<b>84</b>	74	<b>14%</b>	56	<b>50%</b>	62	<b>35%</b>
<b>Drug/Narcotics Calls</b>	<b>1</b>	3	<b>-67%</b>	8	<b>-88%</b>	9	<b>-89%</b>
<b>Animal Calls</b>	<b>21</b>	15	<b>40%</b>	14	<b>50%</b>	17	<b>24%</b>
<b>Officer O.T.</b>	<b>69.25</b>	117.2	<b>-41%</b>	107.2	<b>-35%</b>	88.15	<b>-21%</b>
<b>Reserve Hours</b>	<b>0</b>	0	<b>0%</b>	27	<b>-100%</b>	37	<b>-100%</b>

Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
<b>Calls for Service</b>	682	682	772	776					
<b>Incident Reports</b>	218	218	195	194					
<b>Arrests/Citations</b>	214	196	181	188					
<b>Traffic Stops/ Events</b>	107	107	142	208					
<b>DUII's</b>	1	1	6	2					
<b>Traffic Accidents</b>	17	17	9	17					
<b>Property Crimes</b>	111	111	96	93					
<b>Person Crimes</b>	109	78	80	84					
<b>Drug/Narcotics Calls</b>	9	10	2	1					
<b>Animal Calls</b>	19	17	22	21					
<b>Officer O.T.</b>	19.5	72.25	63.25	69.25					
<b>Reserve Hours</b>	0	0	0	0					

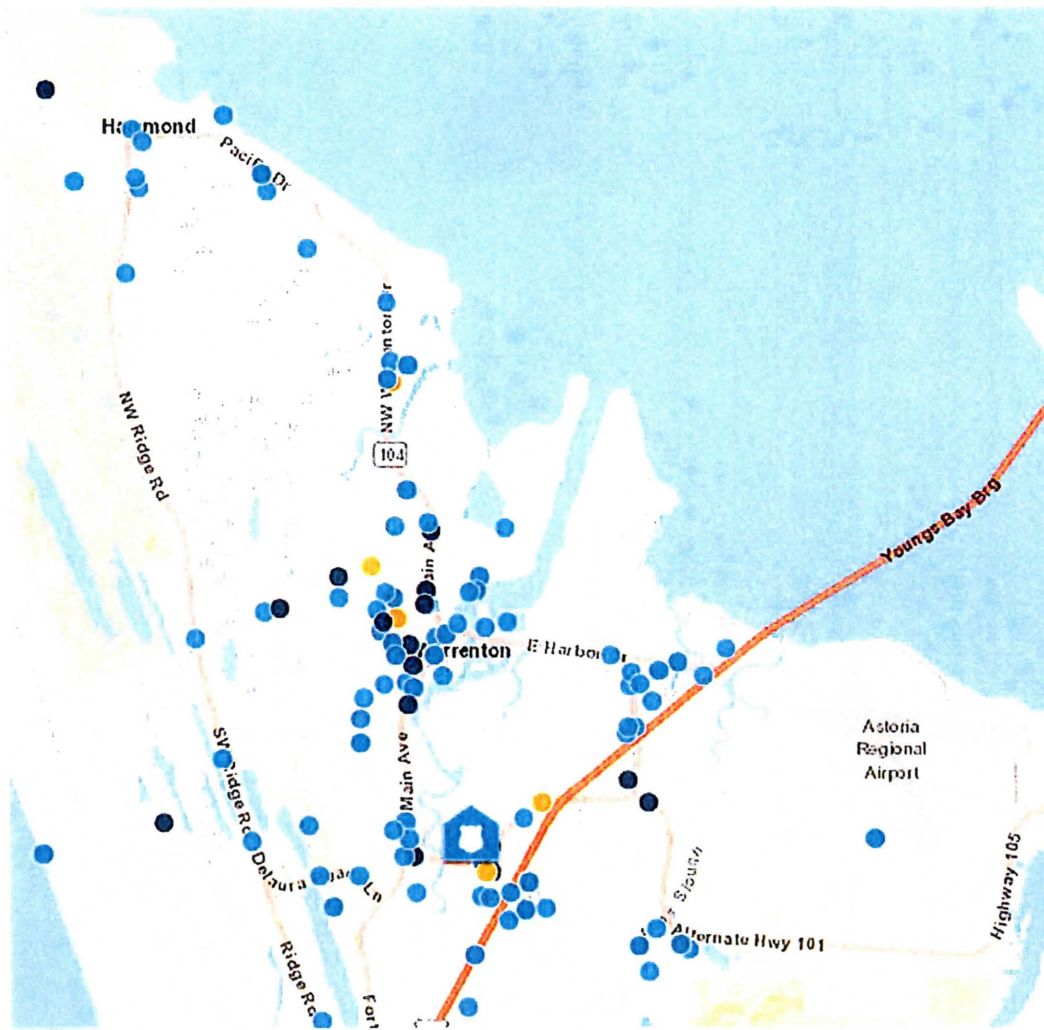
Oct	Nov	Dec	2021 YTD	2021Estimate	2020	2021v 2020	2019	2021v. 2019	2018	2021v. 2018
			<b>2912</b>	<b>8736</b>	<b>7955</b>	<b>10%</b>	<b>9270</b>	<b>-6%</b>	<b>9819</b>	<b>-11%</b>
			<b>825</b>	<b>2475</b>	<b>2442</b>	<b>1%</b>	<b>2469</b>	<b>0%</b>	<b>2608</b>	<b>-5%</b>
			<b>779</b>	<b>2337</b>	<b>1891</b>	<b>24%</b>	<b>2095</b>	<b>12%</b>	<b>1731</b>	<b>35%</b>
			<b>564</b>	<b>1692</b>	<b>2000</b>	<b>-15%</b>	<b>2489</b>	<b>-32%</b>	<b>2627</b>	<b>-36%</b>
			<b>10</b>	<b>30</b>	<b>27</b>	<b>11%</b>	<b>36</b>	<b>-17%</b>	<b>33</b>	<b>-9%</b>
			<b>60</b>	<b>180</b>	<b>228</b>	<b>-21%</b>	<b>246</b>	<b>-27%</b>	<b>275</b>	<b>-35%</b>
			<b>411</b>	<b>1233</b>	<b>1191</b>	<b>4%</b>	<b>1230</b>	<b>0%</b>	<b>1094</b>	<b>13%</b>
			<b>351</b>	<b>1053</b>	<b>830</b>	<b>27%</b>	<b>863</b>	<b>22%</b>	<b>849</b>	<b>24%</b>
			<b>22</b>	<b>66</b>	<b>58</b>	<b>14%</b>	<b>86</b>	<b>-23%</b>	<b>117</b>	<b>-44%</b>
			<b>79</b>	<b>237</b>	<b>207</b>	<b>14%</b>	<b>289</b>	<b>-18%</b>	<b>271</b>	<b>-13%</b>
			<b>224.25</b>	<b>672.75</b>	<b>2075.4</b>	<b>-68%</b>	<b>2194.5</b>	<b>-69%</b>	<b>1731.7</b>	<b>-61%</b>
			<b>0</b>	<b>0</b>	<b>12.5</b>	<b>-100%</b>	<b>259.5</b>	<b>-100%</b>	<b>359.5</b>	<b>-100%</b>

<b>Homeless Incidents</b>	<b>2021</b>	<b>2020</b>
Code 40 (Normal)	30	32
Code 41 (Aggressive)	3	3

<b>Elk Incidents</b>	<b>2021</b>
Interaction:	0
Traffic Accidents:	0
Traffic Complaints:	1
<b>Total:</b>	<b>1</b>

The following is a graphic representation of statistics for **April 2021** using our **CityProject** membership (formerly [CrimeReports.com](https://www.CrimeReports.com)). The "Dots" represent a location of a call and if you would zoom in on the map you would see an icon for the type of call and some basic time/date details. Some dots represent multiple calls at one location. If you go to the website, you can zoom in on each incident for more details.

- |  |  |  |  |
|--|--|--|--|
| <ul style="list-style-type: none"> <li>▼ <input checked="" type="checkbox"/> Assault             <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Assault</li> <li><input checked="" type="checkbox"/> Assault with Deadly Weapon</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Sexual Offense             <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Sexual Assault</li> <li><input checked="" type="checkbox"/> Sexual Offense</li> <li><input checked="" type="checkbox"/> Other Sexual Offense</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Other Violent Offense             <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Homicide</li> <li><input checked="" type="checkbox"/> Kidnapping</li> <li><input checked="" type="checkbox"/> Robbery</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>▼ <input checked="" type="checkbox"/> Property &amp; Theft             <ul style="list-style-type: none"> <li>▼ <input checked="" type="checkbox"/> Property Crime                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Breaking &amp; Entering</li> <li><input checked="" type="checkbox"/> Property Crime Commercial</li> <li><input checked="" type="checkbox"/> Property Crime Residential</li> <li><input checked="" type="checkbox"/> Other Property Crime</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Theft                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Theft from Vehicle</li> <li><input checked="" type="checkbox"/> Theft of Vehicle</li> <li><input checked="" type="checkbox"/> Other Theft</li> </ul> </li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>▼ Disorder/Disturbance             <ul style="list-style-type: none"> <li>▼ <input checked="" type="checkbox"/> Disorder                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Disorder</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Drugs                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Drugs</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Liquor                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Liquor</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Quality of Life                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Quality of Life</li> </ul> </li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>▼ 911 or Other             <ul style="list-style-type: none"> <li>▼ <input checked="" type="checkbox"/> Community Events                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Community Policing</li> <li><input checked="" type="checkbox"/> Proactive Policing</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Emergency                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Emergency</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Fire                 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Fire</li> </ul> </li> <li>▼ <input checked="" type="checkbox"/> Police Calls</li> </ul> </li> </ul> |
|--|--|--|--|



Volume 14, Issue 10

**Monthly Finance Report**  
**April 2021**

May 25, 2021

**Economic Indicators**

	Current	1 year ago
◆ Interest Rates:		
LGIP :	0.60%	1.76%
Prime Rate:	3.25%	3.25%
◆ CPI-U change:	4.2%	0.3%
◆ Unemployment Rates:		
Clatsop County:	unavail.	24.2%
Oregon:	6.0 %	13.2%
U.S.:	6.1%	14.8%

**Department Statistics**

◆ Utility Bills mailed	3,384
◆ New Service Connections	3
◆ Reminder Letters	314
◆ Door Hangers	71
◆ Water Service Discontinued	10
◆ Counter payments	315
◆ Drop box payments	311
◆ Mail payments	1,170
◆ Auto Pay Customers/pmts	686
◆ Online (Web) payments	1,000
◆ Checks issued	396

**Current and Pending Projects**

- ◆ CRF & ARP Grant Funding
- ◆ 2022-2027 Capital Improvement Program
- ◆ 2021-2022 Budget Preparation
- ◆ Insurance Renewals

**Financial Narrative as of April 30, 2021**

**Note:** Revenues and expenses should track at 10/12 or 83.3% of the budget.

**General Fund:** Year to date revenues amount to \$3,756,034, which is 84.9% of the budget, compared to the prior year amount of \$3,555,384, which was 84.8% of the budget and are up by \$200,450. Increases are shown in property taxes, franchise fees, state revenue sharing, planning fees, fire charges, leases and grants and are offset by decreases in transient room tax, municipal court, police charges, parks charges, miscellaneous, and interest.

Expenses year to date amount to \$3,475,678, which is 73.8% of the budget, compared to the prior year amount of \$3,602,837, which was 76.7% of the budget and are down by \$127,159. All departments are tracking under budget, except the fire department due to increased conflagration participation. Departments continue to watch spending due to economic uncertainties brought on by the Covid-19 pandemic.

**WBL:** Business license revenue amounts to \$60,090, compared to \$60,395 at this time last year, a difference of \$305. Year to date licenses processed is 704 compared to 695 at this time last year.

**Building Department:** Permit revenues this month amount to \$20,239 and \$284,323 year to date, which is 60.5% of the budgeted amount. Last year to date permit revenue was \$320,957 which was 95.4%, of the budgeted amount.

**State Tax Street:** State gas taxes received this month amount to \$27,900 for fuel sold in March and \$284,994 year to date. City fuels taxes received this month amount to \$23,399 for fuel sold in February and are \$232,193 year to date. Total gas taxes received year to date are \$517,187 compared to \$541,515 at this time last year.

**Warrenton Marina:** Total revenues to date are \$581,386, 101.8% of the budgeted amount, compared to the prior year amount of \$572,220, which was 91.7% of the budgeted amount. There is \$13,806 in moorage receivables outstanding.

**Hammond Marina:** Total revenues to date are \$323,329, 138.5% of the budgeted amount, compared to the prior year amount of \$384,706, which was 102.3% of the budgeted amount. There is \$1,216 in moorage receivables outstanding.

Of the total outstanding receivables:

\$5,426 (36.1%) is current,

\$799 (5.3%) is 30-60 days past due,

\$915 (6.1%) is 60-90 days past due and

\$7,882 (52.5%) is over 90 days past due.

**Water Fund:** Utility fees charged this month are \$183,880 and \$86,272, and \$2,048,803 and \$1,221,924 year to date for in-city and out-city respectively and totals \$3,270,727 and is 104.4% of the budget. Last year at this time, year to

date fees were \$1,990,646 and \$1,128,463, for in-city and out-city, respectively and totaled \$3,119,109.

**Sewer Fund:** Utility fees charged this month are \$215,806 and \$2,079,170 year to date, which is 97.1% of the budget. Last year at this time, year to date fees were \$2,018,344, which was 87.2% of the budget. Shoreline Sanitary fees year to date are \$113,655. Septage revenue year to date is \$126,194 and is 126.2% of the budget. Total revenues year to date are \$2,422,339 compared to \$2,386,510 at this time last year.

**Storm Sewer:** Utility fees (20% of sewer fees) this month are \$43,154 and \$424,753 year to date and is 97% of the budget. Last year to date revenues were \$403,454 which was 87.2% of the budget.

**Sanitation Fund:** Service fees charged this month for garbage and recycling were \$85,696 and \$17,535, and \$82,126 and \$172,945, year to date, and are 97.2% and 96% of the budget respectively.

**Community Center Fund:** Rental revenue year to date is \$6,533 and represent 50.3% of the budget. Last year at this time rental revenue was \$14,872 and 93% of the budget.

## Financial data as of April, 2021

	General Fund			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	1,340,478	1,043,091	600,000	173.85
Plus: Revenues	331,386	3,756,034	4,425,741	84.87
Less: Expenditures				
Municipal Court	13,060	105,954	160,306	66.09
Admin/Comm/Fin(ACF)	69,238	877,099	1,167,282	75.14
Planning	16,703	173,998	292,992	59.39
Police	139,339	1,436,819	2,000,654	71.82
Fire	100,119	724,169	855,386	84.66
Parks	9,958	87,461	163,557	53.47
Transfers	-	70,178	70,178	100.00
Total Expenditures	348,417	3,475,678	4,710,355	73.79
Ending Fund Balance	1,323,447	1,323,447	315,386	419.63

(see details of revenue, page 4)

	WBL			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	55,018	71,405	78,000	91.54
Plus: Revenues	616	60,730	59,800	101.56
Less: Expenditures	807	77,308	128,346	60.23
Ending Fund Balance	54,827	54,827	9,454	579.93

	Building Department			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	899,851	898,004	790,000	113.67
Plus: Revenues	20,670	290,882	474,000	61.37
Less: Expenditures	23,523	291,888	384,175	75.98
Ending Fund Balance	896,998	896,998	879,825	101.95

	State Tax Street			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,443,080	2,561,838	2,300,000	111.38
Plus: Revenues	53,634	544,882	709,965	76.75
Less: Expenditures	39,983	649,989	2,674,892	24.30
Ending Fund Balance	2,456,731	2,456,731	335,073	733.19

	Warrenton Marina			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	319,207	172,727	145,000	119.12
Plus: Revenues	29,531	581,386	571,226	101.78
Less: Expenditures	39,849	445,224	558,797	79.68
Ending Fund Balance	308,889	308,889	157,429	196.21

## Financial data as of April 2021, continued

	Hammond Marina				Water Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	288,849	180,776	160,000	112.99	2,777,390	3,144,980	2,200,000	142.95
Plus: Revenues	4,004	323,329	233,401	138.53	280,556	3,374,629	5,766,500	58.52
Less: Expenditures	23,765	235,017	315,641	74.46	127,079	3,588,742	7,049,683	50.91
Ending Fund Balance	269,088	269,088	77,760	346.05	2,930,867	2,930,867	916,817	319.68

	Sewer Fund				Storm Sewer			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,858,055	2,688,213	2,200,000	122.19	1,439,116	1,185,198	1,100,000	107.75
Plus: Revenues	233,930	2,422,339	2,428,800	99.73	44,521	424,753	433,400	98.00
Less: Expenditures	114,345	2,132,912	3,462,167	61.61	13,460	139,774	1,200,861	11.64
Ending Fund Balance	2,977,640	2,977,640	1,166,633	255.23	1,470,177	1,470,177	332,539	442.11

	Sanitation Fund				Community Center			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	435,495	432,697	450,000	96.15	18,243	18,239	16,000	113.99
Plus: Revenues	103,854	1,006,677	1,037,195	97.06	595	11,561	16,560	69.81
Less: Expenditures	90,641	990,666	1,291,501	76.71	1,211	12,173	24,119	50.47
Ending Fund Balance	448,708	448,708	195,694	229.29	17,627	17,627	8,441	208.83

	Library				Warrenton Urban Renewal Agency Capital Projects Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	199,576	128,494	111,000	115.76	13,153	19,464	25,288	76.97
Plus: Revenues	2,825	227,617	225,902	100.76	4,825	125,647	6,407,433	1.96
Less: Expenditures	16,481	170,191	232,070	73.34	4,876	132,009	6,432,721	2.05
Ending Fund Balance	185,920	185,920	104,832	177.35	13,102	13,102	-	-

## Financial data as of April 2021, continued

## (\$) Cash Balances as of April 30, 2021

General Fund	1,579,899	Warrenton Marina	306,300	Storm Sewer	1,417,568
WBL	54,907	Hammond Marina	274,055	Sanitation Fund	367,985
Building Department	899,493	Water Fund	2,436,488	Community Center	18,491
State Tax Street	2,497,276	Sewer Fund	2,624,281	Library	188,401

## Warrenton Urban Renewal Agency

Capital Projects	15,351
Debt Service	2,462,292

General Fund Revenues	Collection Frequency	2020-2021 Budget	Actual as	Collections/Accruals		(over) under budget
			% of Current Budget	Year to date		
				April 2021	April 2020	
Property taxes-current	AP	1,077,628	103.76	1,118,148	998,260	(40,520)
Property taxes-prior	AP	30,000	106.44	31,933	25,280	(1,933)
County land sales	A	-	0.00	-	-	-
Franchise fees	MAQ	598,000	76.05	454,770	447,063	143,230
COW - franchise fees	M	256,281	96.58	247,522	144,356	8,759
Transient room tax	Q	525,212	70.14	368,387	403,893	156,825
Liquor licenses	A	550	90.91	500	550	50
State revenue sharing	MQ	168,891	80.62	136,168	112,550	32,723
Municipal court	M	136,700	67.44	92,195	102,126	44,505
Planning Fees	I	105,000	51.53	54,110	50,714	50,890
Police charges	I	21,000	63.10	13,250	16,766	7,750
Fire charges	SM	103,524	144.42	149,510	80,407	(45,986)
Park charges	I	-	0.00	425	480	-
Miscellaneous	I	1,200	986.00	11,832	13,114	(10,632)
Interest	M	18,000	35.06	6,311	16,769	11,689
Lease receipts	M	216,473	84.16	182,179	181,556	34,294
Grants	I	-	0.00	11,696	-	(11,696)
<b>Sub-total</b>		<b>3,258,459</b>	<b>88.35</b>	<b>2,878,936</b>	<b>2,593,884</b>	<b>379,523</b>
Transfers from other funds	I	-	0.00	-	-	-
Overhead	M	1,167,282	75.14	877,098	961,700	290,184
<b>Total revenues</b>		<b>4,425,741</b>	<b>84.87</b>	<b>3,756,034</b>	<b>3,555,584</b>	<b>669,707</b>

M - monthly

Q - quarterly

SM - Semi-annual in November then monthly

AP - As paid by taxpayer beginning in November

MAQ - Century Link, NW Nat & Charter-quarterly,  
all others monthly

S - semi-annual

I - intermittently

MQ - Monthly, cigarette and liquor and Quarterly, revenue sharing

R - renewals due in July and new licenses intermittently

A - annual

Note: Budget columns do not include contingencies as a separate line item but are included in the ending fund balance. Unless the Commission authorizes the use of contingency, these amounts should roll over to the following year beginning fund balance. For budget details, please refer to the City of Warrenton Adopted Budget for fiscal year ending June 30, 2021. Budget amounts reflect budget adjustments approved by the Commission during the fiscal year. Information and data presented in this report is unaudited.



WARRENTON CITY COMMISSION PUBLIC COMMENT FORM

NAME: SCOTT WIDDICOMBE

ADDRESS: 27 NW 17TH PLACE

EMAIL: SCOTTWIDDICOMBE94@GMAIL.COM

DOES YOUR COMMENT HAVE TO DO WITH AN AGENDA ITEM: ( Y or  N) YES

BRIEFLY DESCRIBE YOUR TOPIC: RESOLUTION # 2600 I AM IN

FAVOR OF. HOWEVER I HAVE SOME ADDITIONAL

COMMENTS

PLEASE GIVE THIS CARD TO THE CITY RECORDER PRIOR TO THE MEETING



WARRENTON CITY COMMISSION PUBLIC COMMENT FORM

NAME: Tony Faletti

ADDRESS: P.O. Box 188 Warrenton, Or 97146

EMAIL: \_\_\_\_\_

DOES YOUR COMMENT HAVE TO DO WITH AN AGENDA ITEM: (Y or N) (N)

BRIEFLY DESCRIBE YOUR TOPIC: Camping at Hammond

Marina

\_\_\_\_\_

\_\_\_\_\_

PLEASE GIVE THIS CARD TO THE CITY RECORDER PRIOR TO THE MEETING



#### AGENDA MEMORANDUM

TO: The Honorable Mayor of Warrenton City Commission  
FROM: R. Collin Stelzig, P.E., Public Works Director  
DATE: May 25<sup>th</sup>, 2021  
SUBJ: Second Reading of Resolution No. 2600 – Establishing the Use of Consultants in the Review of Public Works Construction Permits

#### SUMMARY

As its May 11<sup>th</sup>, 2021 meeting, the City Commission conducted the first reading of Resolution No. 2600. Rate resolutions are considered over two meetings to give the public the opportunity to comment. This is the second reading.

The City has the need for professional design services beyond the capacity of City staff members in the review of applications for public works construction permits and development application, and the current application fees do not cover the full cost of application processing.

The Public Works Department seeks Commission approval to establish the use of consultants in the review of public works construction permits and development applications, which will provide design services associated with the application and authorizing assigning the consultants cost to the applicant, as reflected in Resolution 2600.

#### RECOMMENDATION/SUGGESTED MOTION

*"I move to conduct the second reading of Resolution No. 2600; Establishing the Use of Consultants in the Review of Public Works Construction Permits or Development Applications, and to Provide Design Services Associated with Public Works Construction Permits or Development Applications and Authorizing Assigning the Consultants Cost to the Applicant" Establishing May 25<sup>th</sup>, 2021, as the Effective Date, and Repealing any Other Resolution in Conflict."*

*"I move to adopt Resolution No. 2600."*


**ALTERNATIVE**

- 1) Other action as deemed appropriate by the City Commission
- 2) None recommended

**FISCAL IMPACT**

This resolution will provide an increase in revenue for the City.

Approved by City Manager:



All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

Resolution No. 2600

Introduced by All Commissioners

A Resolution Establishing the Use of Consultants in the Review of Public Works Construction Permits or Development Applications, and to Provide Design Services Associated with Public Works Construction Permits or Development Applications and Authorizing Assigning the Consultants Cost to the Applicant

WHEREAS, the City of Warrenton has the need for professional expertise beyond the capacity of City staff in the review of applications for public works construction permits and development applications; and

WHEREAS, the City of Warrenton has the need for professional design services beyond the capacity of City staff to provide design services associated with public works construction permits or development applications; and

WHEREAS, it is the responsibility of the applicant to pay the costs of processing public works construction permits and development applications; and

WHEREAS, the current application fees do not cover the full cost of processing such applications.

NOW, THEREFORE, the City Commission of the City of Warrenton Resolves as follows:

Section 1. In addition to any other application fee, whenever the Public Works Director determines that review of a development application or construction permit application requires the retention by the City of professional consulting services, the applicant shall reimburse the City for the cost of such professional consulting services. Such costs are a debt due and payable to the City prior to issuance of final plan or construction approval. The Director may require the applicant to deposit an amount with the City estimated in the discretion of the Director, to be sufficient to cover anticipated costs of retaining professional consulting services and to ensure reimbursement for such costs. Unless waived or postponed by the Director, execution of a reimbursement agreement and payment of the deposit shall be considered a component of a complete application and application fee. This does not preclude the Director from later requiring execution of a reimbursement agreement and additional deposit if the Director later determines that there is a need for consulting services or additional services. Any amount not expended by the City will be returned to the applicant, without interest.

Section 2. This resolution shall take effect immediately upon adoption.

Adopted by the City Commission of the City of Warrenton, Oregon, this 25th day of May, 2021.

First Reading: May 11<sup>th</sup>, 2021

Second Reading: May 25<sup>th</sup>, 2021

APPROVED:

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Henry Balensifer III, Mayor

ATTEST:

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Dawne Shaw, City Recorder

RESOLUTION NO. 2602

A Resolution Appointing Stacey Rodriguez as Municipal Judge for the City of Warrenton

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WARRENTON AS FOLLOWS:

Section 1. Stacey Rodriguez is appointed Municipal Judge for the City of Warrenton, effective June 1, 2021.

Section 2. Mayor Henry Balensifer is authorized to sign the contract with Stacy Rodriguez for Municipal Judge services.

Section 3. This resolution is effective upon its adoption.

This resolution is adopted by the City Commission of the City of Warrenton this 25<sup>th</sup> day May, 2021.

APPROVED:

\_\_\_\_\_

Henry A. Balensifer, III, Mayor

ATTEST:

\_\_\_\_\_

Dawne Shaw, CMC  
City Recorder

## MUNICIPAL JUDGE SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_ day of May, 2021, by and between the CITY OF WARRENTON, hereinafter referred to as "City" and Stacy C. Rodriguez, hereinafter referred to as "Judge", for the responsibilities of Municipal Court Judge in the City of Warrenton Municipal Court.

WITNESSETH:

For and in consideration of the mutual covenants and promises between the parties hereto and the payment hereinafter to be made, it is hereby agreed as follows.

### SECTION A - SERVICES

Judge will perform the services of Municipal Judge for the City of Warrenton in accordance with Section 21 of the City Charter, the attached Scope of Work and Proposal.

Judge will:

- a. Exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city.
- b. Issue process for the arrest of any person accused of an offense against the ordinances of the city.
- c. Commit any such person to jail or admit him/her to bail pending trial.
- d. Issue and compel obedience to subpoenas;
- e. Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
- f. Punish witnesses and others for contempt of court;
- g. Issue process necessary to effectuate judgments and orders of the court;
- h. Perform other judicial and quasi-judicial functions prescribed by ordinance.

### SECTION B - INDEPENDENT CONTRACTOR

In performing the duties of Municipal Court Judge, as an appointed officer under the City Charter, Judge is acting under the course and scope of the City Manager, Commissioners, and commonly known standards of the Oregon State Bar. He/she shall serve as an independent contractor and not as an employee of the CITY. The CITY shall have no right or responsibility to control or influence the manner in which he/she carries out his/her judicial responsibilities, save and except that Judge agrees to carry out his/her duties in a timely, consistent, and impartial manner.

### SECTION C - HOURS OF WORK

It is recognized that the hours devoted by the Judge in the performance of his/her responsibilities may vary with the caseload of the Court. It is anticipated services will entail approximately 6 hours per month, with court being held the first and third Tuesday, and if required, trials shall be held on the 4<sup>th</sup> Tuesday of the month.

**SECTION D - COMPENSATION**

Judge will be paid a base amount of \$2,000 per month payable at the end of each month, for service provided in that month. Payment will be made as a contracted position with Judge to be an independent contractor at all times pursuant to this agreement and he/she shall be personally responsible for any and all taxes on his compensation and shall not be entitled to any benefits from City.

Deduction from base amount: In absence of more than one court date, payment for the cost of Judge shall be deducted from base pay.

**SECTION F - TERMINATION CONDITIONS**

This Agreement may be terminated by thirty (30) days written notice from either the City or Judge.

This Agreement cannot be modified without the written consent of both parties.

IN WITNESS WHEREOF, City has caused this Agreement to be signed and executed and Judge has signed and executed this Agreement, both in duplicate, the day and year first above written.

  
\_\_\_\_\_  
Municipal Court Judge

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

ATTEST:

\_\_\_\_\_  
Linda Engbretson, City Manager

*STACY C. RODRIGUEZ*

ATTORNEY AT LAW

503.486.1960  
scr1aw00@gmail.com

P.O. Box 952  
Cannon Beach, Oregon 97110

April 9, 2021

Ms. Linda Engbretson  
City Manager—City of Warrenton  
225 S Main Avenue  
Warrenton, OR 97146

Re: Proposal for Warrenton Municipal Court Judge

Dear Ms. Engbretson,

I am writing to you to express my interest in becoming Warrenton's Municipal Court Judge. Enclosed, you will find my current resume and three letters of recommendation.

As you are likely aware, I have been Warrenton's Municipal Court Prosecutor since 2011. In this position, I have become well educated on Warrenton's policies and procedures as they relate to the municipal court. I am also well versed on all of the City's ordinances and Oregon State statutes. In addition to my work as Warrenton's prosecutor, I have extensive experience as prosecutor in Cannon Beach and Manzanita.

In addition, I have held the position of Municipal Court Judge Pro Tem in the City of Seaside since 2007. This position has given me the experience of overseeing arraignments, pleas, sentencing and trials.

I believe that the most important trait of any judge, municipal or otherwise, is to ensure that the administration of justice is served in a fair and respectful manner to all involved. As a judge, it is of utmost importance to defendants, prosecutors and the City to ensure that cases are handled in a professional and expeditious manner. Ensuring that a defendant's constitutional rights are protected while concurrently making sure that the rights of Warrenton's citizens are upheld is a necessity for any judge.

As for compensation if I am accepted as Warrenton's Municipal Court Judge, I believe at flat monthly rate of \$2,000.00 per month is fair. The City's request for informal solicitation notes that this position would require up to 6 hours of time per month. However, based on my experience as Municipal Court Prosecutor in Warrenton, I believe that this number is quite low. I would anticipate the time commitment would be closer to 9-10 hours per month.

If accepted for this position, I would be available to start on June 1, 2021.

I look forward to hearing from you in the near future. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'SCR', followed by a horizontal line extending to the right.

Stacy C. Rodriguez, OSB #004419  
Attorney at Law

Enclosure

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# STACY C. RODRIGUEZ

ATTORNEY AT LAW

503.436.1960  
scrlaw00@gmail.com

P.O. Box 952  
Cannon Beach, Oregon 97110

## OBJECTIVE

To obtain the position of Warrenton Municipal Court Judge. To provide fair and competent administration of justice. Using my skills in research, communication and passion for the law to assist in the protection of the public interest.

## PROFESSIONAL EXPERIENCE

### **STACY C. RODRIGUEZ, ATTORNEY AT LAW**

*November 2002-present*

- Opened and independently operating private practice in Cannon Beach since 2002.
- Experience in multiple areas of law with an emphasis on criminal, juvenile and family law.
- Extensive experience in establishing and maintaining efficiency, time management, and financial responsibility.
- Extensive courtroom and trial experience in felony and misdemeanor cases.
- Developing and maintaining relationships in order to better serve my clients.

### **SEASIDE MUNICIPAL COURT JUDGE, PRO TEM**

*April 2007-present*

- Knowledgeable of municipal court procedure.
- Up to date on Seaside Municipal Code and Oregon statutes.
- Work with court staff to efficiently handle a variety of cases.
- Perform judicial functions such as arraignments, pleas, sentencing and trials.

### **CITY OF CANNON BEACH MUNICIPAL COURT PROSECUTOR**

*June 2009-2019*

- Gained knowledge of municipal court procedure. Stay
- Stayed up to date on the City Ordinances and Oregon statutes.
- Maintained regular communication with court staff to ensure that all matters are resolved in an expeditious and competent manner.
- Worked with law enforcement, judge and court staff to review and update policy and procedures.

### **CITY OF WARRENTON MUNICIPAL COURT PROSECUTOR**

*November 2011-present*

- Knowledgeable of municipal court procedure.

- Up to date on Warrenton City Ordinances and Oregon statutes.
- Regular communication with court staff to ensure that all matters are resolved in an expeditious and competent manner.
- Regular contact with defense attorneys to discuss and resolve cases if possible.

**CITY OF MANZANITA MUNICIPAL COURT PROSECUTOR**

*November 2011-present*

- Gained knowledge of municipal court procedure. Stay
- Stayed up to date on the City Ordinances and Oregon statutes.
- Maintained regular communication with court staff to ensure that all matters are resolved in an expeditious and competent manner.
- Worked with law enforcement, judge and court staff to review and update policy and procedures.

**METROPOLITAN PUBLIC DEFENDERS, INC.**

*Staff Attorney, August 2000-August 2002*

*Certified Law Student, May 1999-July 2000*

- Gained extensive courtroom and trial experience in providing legal representation to indigent clients.
- Represented clients on felony and misdemeanor crimes.
- Developed relationships with clients in order to serve their best interests.
- Worked in an office that focused on the team concept of work.

**LEWIS AND CLARK LEGAL CLINIC**

*Legal Intern, January 1999-May 1999*

- Developed practical skills and knowledge in a wide array of legal situations.

**EDUCATION**

**NORTHWESTERN SCHOOL OF LAW OF LEWIS AND CLARK COLLEGE**

*Juris Doctor, May 27, 2000*

- Northwestern Environmental Defense Counsel, Member
- Public Interest Law Project, Member
- Pro-Bono Honors Program

**UNIVERSITY OF CALIFORNIA, SAN DIEGO**

*Bachelor of Arts, June 1995*

- Major in Political Science
- Minor in Environmental Studies
- Academic Honor Role

**PROFESSIONAL LICENSES AND ORGANIZATIONS**

Oregon State Bar, Member

California State Bar, Member

Federal Bar, Member  
Oregon Criminal Defense Lawyers Association, Member  
Oregon State Bar, Family Law Section, Member  
Oregon State Bar, Juvenile Law Section, Member

### **SKILLS**

Experience with Oregon eCourt Case Information (OECI), Law Enforcement Data System (LEDS), Computer Skills—Word, Word Perfect, Excel, Adobe  
Research Skills, Excellent Communication Skills

### **REFERENCES**

References are being provided separately by letter.

Mari Garric Trevino  
Circuit Judge



Jonathan R. Hill  
Circuit Judge

**CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF TILLAMOOK**  
Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, OR 97141  
Trial Court Administrator (503) 842-2596 Ext. 2124  
Calendaring (503) 842-2596 Ext. 2110  
Facsimile (503) 842-2597

April 6, 2021

Linda Engebretson  
City Manager  
City of Warrenton  
225 S Main Ave  
Warrenton, OR 97146

Re: Letter of Recommendation for Stacy Rodriguez

Dear Ms. Engebretson:

The purpose of this letter is to provide a letter of recommendation for Stacy Rodriguez for the position of Warrenton Municipal Court Judge. I unreservedly support her appointment to this position.

I have had the privilege of knowing Ms. Rodriguez for more than a decade. I first met her when we practiced together as attorneys doing juvenile and criminal law and later as an attorney when I was appointed to the bench in 2007. She is my "go-to" attorney on juvenile law cases because she does such a fantastic job representing her clients and I know I can always count on her professionalism and knowledge of the law. Ms. Rodriguez is hardworking, intelligent and ethical. She is even-keeled, patient and open-minded. She does not pre-judge people or situations, but waits to hear the whole story. In addition, Ms. Rodriguez is highly experienced in the area of municipal law based upon her work as a prosecutor in multiple municipalities and as a pro-tem judge. I have no doubt she would be an excellent judge for the City of Warrenton as well.

If you have any specific questions or concerns, please contact me through my judicial assistance Laura at (503) 842-2596 or my email at [Mari.trevino@ojd.state.or.us](mailto:Mari.trevino@ojd.state.or.us).

A handwritten signature in blue ink that reads "Mari Garric Trevino".

Mari Garric Trevino  
Presiding Judge  
Tillamook Circuit Court



**ARLO VARRI**  
ATTORNEY AT LAW

---

April 8, 2021

RE : Stacy Rodriguez Recommendation Letter

Dear Ms. Engebretson,

I have been acquainted with Ms. Rodriguez since approximately 2007 as part of my practice in Tillamook County. We have had regular weekly contact on cases where we worked together and on opposite sides of various issues. Ms. Rodriguez has always been highly professional, honest, and very diligent in her work. She is able to take a balanced approach to situations and I believe she will be a devoted and effective Municipal Court Judge. I feel free to call anytime with questions or concerns about Ms. Rodriguez.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arlo Varri', with a stylized flourish at the end.

Arlo Varri  
Attorney at Law

**P.O. Box 80793 • PORTLAND, OREGON 97280**  
**PHONE 503 997 9443 • FAX 503 433 1010**

April 8, 2021

Linda Engebretson  
City of Warranton

Dear Ms. Engebretson,

It is my pleasure to write a letter recommending Stacy Rodriguez be considered as the Municipal Court Judge for the City of Warranton. I have known Stacy since approximately 1999. And other than her refusal to age, I have only wonderful things to say about Stacy.

Stacy and I met originally when we were young public defenders in Portland. While we were not in the same office, we were often in court together, and our two offices were often social together as well. Stacy became a fast friend, as well as a smart colleague that I enjoyed working with. Her calm, sense of humor, understanding of the law and easy demeanor with all kinds of people led her to an outstanding reputation in and around Multnomah County. At some point, Stacy moved, and we fell out of contact. I eventually switched to the Oregon Department of Justice, leaving defense work behind. About ten years ago, I was assigned as the AAG for Tillamook county in Juvenile Dependency matters. Imagine my delight when I walked into court and discovered my old friend Stacy Huffman was the Stacy Rodriguez on so many of my cases! It was a cheerful reunion.

Since that time, I have had to learn to work with Stacy as a sometimes ally, and sometimes opposition counsel. All of the things that so impressed me as a colleague have continued to impress me as opposing counsel. Stacy continues to be smart, fair, know the law, have a calm demeanor and a great sense of humor. She is a delight to work with, even when we are butting heads. She cares deeply about her clients, and advocates zealously, as she is required to do. But she also spends time trying to assist them in ways outside of her job description to make their lives better. Stacy understands access to justice issues, and is very compassionate to the people appearing in court. She has the temperament, the understanding of the law and the wisdom to make a fine Judge. Warranton would be lucky to have her.

It is with no reservations, but absolute pleasure, that I recommend Stacy Rodriguez to you as the new Warranton Municipal Court Judge position. Please feel free to contact me with any questions or if I can supply any additional information. Thanks so much.

Dana M. Forman

RESOLUTION NO. 2603

A Resolution Appointing Ashley Flukinger as City Prosecutor for the City of Warrenton Municipal Court

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WARRENTON AS FOLLOWS:

Section 1. Ashley Flukinger is appointed City Prosecutor for the City of Warrenton, effective June 1, 2021.

Section 2. The City Prosecutor shall bill the city monthly for services performed at an hourly rate as negotiated.

Section 3. The City Manager and City Prosecutor shall re-evaluate case load after six months and the City Manager is hereby authorized to adjust the hourly rate if needed.

Section 3. This resolution is effective upon its adoption.

This resolution is adopted by the City Commission of the City of Warrenton this 25<sup>th</sup> day May, 2021.

APPROVED:

\_\_\_\_\_

Henry A. Balensifer, III, Mayor

ATTEST:

\_\_\_\_\_

Dawne Shaw, CMC  
City Recorder



## AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Dawne Shaw, City Recorder

DATE: May 25, 2021

SUBJ: STREET VACATION PETITION NO. 156 – RESOLUTION SETTING  
A PUBLIC HEARING

### SUMMARY

The City received a petition from Atlas Young's Bay, LLC, proposing to vacate a portion of SE Pacific Avenue. Another portion of SE Pacific Avenue, lying between US Highway 101 & SE 2<sup>nd</sup> Street was vacated in 1971, per Ordinance No. 569-A, and it was assumed that vacation included this section. This new street vacation will correct this issue and allow the petitioner to move forward with development.

The petition is attached, and the City finds the petition complete having attached in writing the consent of owners of two-thirds in area of property embraced within the real property affected.

The Public Works and Fire departments have reviewed the petition and not found any issues or concerns. If there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

I have prepared a resolution for your consideration to consent to move forward with a Public Hearing and to set a public hearing date of June 22, 2021.

RECOMMENDATION/SUGGESTED MOTION

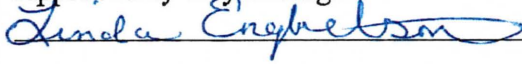
I move to adopt Resolution No. 2601, setting a Public Hearing date of June 22, 2021, for vacation petitioner Atlas Young's Bay, LLC, for a portion of SE Pacific Avenue.

ALTERNATIVE

Other action as deemed appropriate by the City Commission

FISCAL IMPACT

The cost of the vacation is paid for by the petitioners.

Approved by City Manager:  
  
\_\_\_\_\_

RESOLUTION NO. 2601

Introduced by All Commissioners

A RESOLUTION SETTING A PUBLIC HEARING DATE OF JUNE 22, 2021, TO CONSIDER STREET VACATION PETITION NO. 156, THE VACATION OF A PORTION OF SE PACIFIC AVENUE, IN WARRENTON, OREGON

**WHEREAS**, the petitioner, Atlas Young's Bay, LLC has petitioned the Warrenton City Commission to vacate a portion of SE Pacific Avenue, more particularly described in the attached legal description; and

**WHEREAS**, the Warrenton City Commission found no reason why the petition should not be allowed in whole or in part; and

**BE IT RESOLVED** that a public hearing on said petition is hereby set for June 22, 2021, at the hour of 6:00 p.m. at Warrenton City Hall, 225 S. Main Avenue, Warrenton, Oregon.

**BE IT FURTHER RESOLVED** that the City Recorder will provide notice of the public hearing as required by Oregon Statutes regarding the proposed vacation petition.

**PASSED** by the City Commission of the City of Warrenton this 25<sup>th</sup> day of May 2021.

This Resolution shall take effect immediately upon its passage.

APPROVED

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

ATTEST

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

## STREET VACATION PETITION City of Warrenton

Fee: \$600.00

<u>Petitioner</u>	<u>Petitioner's Representative</u>
Name: Atlas Young's Bay, LLC	Name: Radler White Parks & Alexander LLP Attn: Zoe Lynn Powers and Susan Zimmerman
Mailing Address: 808 SW Alder Street, Suite 200 Portland, OR 97205	Mailing Address: 111 SW Columbia Street, Suite 700 Portland, OR 97201
Phone Number: (503) 241-9309	Phone Number: (971) 634-0215 - Zoe Lynn Powers (971) 634-0207 - Susan Zimmerman
Email Address: kdurant@atlasinv.com	Email Address: zpowers@radlerwhite.com szimmerman@radlerwhite.com
<b>1. A description of the right-of-way area to be vacated. (Don't forget to include a map highlighting the area. A survey or professionally developed legal description is required).</b>  See attached Exhibits A and B.	
<b>2. Reason for the Vacation Request. (Advise if any buildings/structures will be in the area to be vacated).</b> The portion of SE Pacific Ave. lying between US Highway 101 and SE 2nd Street was vacated in 1971 per Ordinance No. 569-A. When the Petitioner purchased Tax Lot 81023CB00800, the survey it obtained incorrectly indicated that the portion of SE Pacific Ave. lying between E. Harbor Dr. and SE 2nd Street was also vacated by Ordinance No. 569-A. It appears that all parties have been operating on the assumption that Ordinance No. 569-A vacated the portion of SE Pacific Ave. lying between E. Harbor Dr. and SE 2nd Street even though it did not. <p style="text-align: center;">**Continued Below**</p> Note: If additional room is necessary, please attach extra pages.	
<b>3. Required affidavits.</b>  a. 100% of abutting property owners.  b. Two-thirds in area of real property affected by proposal. Refer to <i>ORS Chapter 271</i> (attached).  c. List of all abutting and affected property owners, mailing addresses, and corresponding square footage of property owned. See attached Exhibit C for list of abutting and affected property owners and map of the affected area.	

**Section 2 Continuation:**

The unvacated portion of SE Pacific Ave. lying between E. Harbor Dr. and SE 2nd Street does not provide any through access and has been used as and considered to be part of the Young's Bay Plaza shopping center for many years. A portion of one of the existing buildings in the shopping center is located in this unvacated portion of SE Pacific Ave. The purpose of this street vacation petition is to vacate that portion of SE Pacific Ave. lying between E. Harbor Dr. and SE 2nd Street except for the approximately northerly 50 feet thereof.

DocuSigned by:  
*Katherine Durant*  
2A5BA2AE72784FB...

4/22/2021

Petitioner

Date

Katherine Durant, Co-Manager of BV-Atlas, LLC, Manager of Atlas Investments, LLC,  
Manager of Atlas Warrenton, LLC, Manager of Atlas Young's Bay, LLC, Petitioner

Return To:	City of Warrenton P.O. Box 250 225 S. Main Street Warrenton, OR 97146
For Questions – Contact:	Linda Engbretson, City Recorder Phone: 503/ 861-0823 Email: <a href="mailto:cityrecorder@ci.warrenton.or.us">cityrecorder@ci.warrenton.or.us</a>

**RIGHT OF WAY VACATION**  
Street Vacation Check List

**DISCLAIMER:** Completion of this application does not constitute approval of the street vacation. The ultimate decision will be made by the Warrenton City Commission.

To help facilitate the street vacation process, you must complete the steps below in the order presented.

- I have read the "Vacating A Street" brochure.
- I have called and spoken to Eileen Ystad at Clatsop County's Cartography Department (503/ 325-8522) to see who will own the right-of-way area after the vacation is completed. (In most cases the vacated area is split down the middle and reverts back to the adjacent property owner.) Please list who receives property: The vacated area will revert back to and become part of Tax Lot 81023CB00800 which is owned by the Petitioner.
- I have talked with all owners of the properties that abut all sides and corners of the portion of right-of-way to be vacated and they will support the vacation request (objecting property owners will complicate or stop the process).
- I have contacted private utilities to determine if the companies will support the vacation, with or without special conditions. To ensure that you have a complete understanding of affected utilities, a utility locate should be requested by calling: 800/ 332-2344. Petitioner is not aware of any active utilities in the

proposed vacated area and the portion of SE Pacific Ave. located immediately south of the proposed vacated area was already previously vacated.

**SIGN TO CONFIRM:**

I have completed all of the above

DocuSigned by:  
Susan Zimmerman  
B72CCA40DECFAE0...

4/22/2021

Signature \*\*

Date

\*\*Susan Zimmerman, Paralegal, Radler White Parks & Alexander LLP, Petitioner's Representative

**After you have done all of the above and it appears that a right-of-way vacation may be feasible,** a written right-of-way vacation petition (attached) and a Six Hundred Dollar (\$600.00) application fee is required. If multiple streets are involved, or it affects multiple lots, a land use review by the Planning Department and Planning Commission is required. The petition fee is Eight Hundred Dollars (\$800) when it's required to go before the Planning Commission.

Upon receipt of this checklist, the petition, the required fee and all necessary signatures, (see ORS 271.080 – attached), the City Recorder shall review the petition. If petition is deemed incomplete, it will be returned to the petitioner for additional signatures or other required information. If required percentages of consent is confirmed, the matter will be placed on the City Commission's Agenda to consider setting a public hearing or referred to the Planning Commission, if required. Please allow four weeks for the review of the petition.

Page Two (2)

Send the petition along with the petition fee in the form of a check made out to the City of Warrenton and a signed copy of this checklist to:

**Mail Form To:**  
City Recorder  
City of Warrenton  
P.O. Box 250  
Warrenton, OR 97146

**OR**

**Deliver Form in Person To:**  
City Recorder  
City of Warrenton  
225 S. Main Street  
Warrenton, OR 97146

If you have additional questions about the street vacation process, please contact Linda Engbretson, at 503/ 861-0823 or at [cityrecorder@ci.warrenton.or.us](mailto:cityrecorder@ci.warrenton.or.us).

AFFIDAVIT

STATE OF OREGON       )  
COUNTY OF CLATSOP    )

Atlas Young's Bay, LLC

being the owners of the following real property: 107-161 Hwy 101, Warrenton, Oregon

(Tax Lot 81023CB00800/Tax Account No. 55568)

as a basis of the petition from Atlas Young's Bay, LLC

do hereby consent to the vacation of a portion of SE Pacific Avenue

as described:

A portion of SE Pacific Avenue located in the northwest one-quarter of the southwest one-quarter of Section 23, Township 8 North, Range 10 West, Willamette Meridian, Clatsop County, City of Warrenton, State of Oregon, being more fully described as follows:

A portion of SE Pacific Avenue, 60.00 wide, lying between the North right-of-way line of previously vacated SE 2nd Street (Vacated per City of Warrenton Ordinance No. 569-A, dated December 20, 1971) and a line parallel with and 100.00 feet southerly when measured perpendicular to the centerline of the Warrenton-Astoria Highway (East Harbor Street) (100.00 feet wide).

Area being vacated, approximate 5,957 square feet more or less

DocuSigned by:  
*Katherine Durant*

Signature:

2A5BA2AE72784F8...

Date: 4/22/2021

Katherine Durant, Co-Manager of BV-Atlas, LLC, Manager of Atlas Investments, LLC, Manager of Atlas Warrenton, LLC, Manager of Atlas Young's Bay, LLC

Signature:

Date:

~~On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, a notary public in and for the State of Oregon, the within named \_\_\_\_\_ acknowledged the following instrument to be \_\_\_\_\_ voluntary act and deed.  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_~~

AFFIDAVIT

STATE OF OREGON  
COUNTY OF ~~CLATSOP~~ <sup>Washington</sup>

Shilo Inn, Warrenton, LLC

being the owners of the following real property: 1609 E. Harbor Drive, Warrenton, Oregon

(Tax Lot 81023CB00201 / Tax Account No. 31594)

as a basis of the petition from Atlas Young's Bay, LLC

do hereby consent to the vacation of a portion of SE Pacific Avenue

as described:

A portion of SE Pacific Avenue located in the northwest one-quarter of the southwest one-quarter of Section 23, Township 8 North, Range 10 West, Willamette Meridian, Clatsop County, City of Warrenton, State of Oregon, being more fully described as follows:

A portion of SE Pacific Avenue, 60.00 wide, lying between the North right-of-way line of previously vacated SE 2nd Street (Vacated per City of Warrenton Ordinance No. 569-A, dated December 20, 1971) and a line parallel with and 100.00 feet southerly when measured perpendicular to the centerline of the Warrenton-Astoria Highway (East Harbor Street) (100.00 feet wide).

Area being vacated, approximate 5,957 square feet more or less

Signature: Staci McDonald Date: 4-19-2021

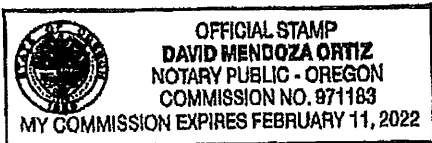
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

On this 19 day of April, 2021, personally appeared before me, a notary public in and for the State of Oregon, the within named Staci McDonald acknowledged the following instrument to be

voluntary act and deed.

David Mendoza Ortiz  
Notary Public for Oregon

My commission expires: 2/11/2022



## Exhibit "A"

### Legal Description

Vacating a portion of SE Pacific Avenue

A portion of SE Pacific Avenue located in the northwest one-quarter of the southwest one-quarter of Section 23, Township 8 North, Range 10 West, Willamette Meridian, Clatsop County, City of Warrenton, State of Oregon, being more fully described as follows:

A portion of SE Pacific Avenue, 60.00 wide, lying between the North right-of-way line of previously vacated SE 2<sup>nd</sup> Street (Vacated per City of Warrenton Ordinance No. 569-A, dated December 20, 1971) and a line parallel with and 100.00 feet southerly when measured perpendicular to the centerline of the Warrenton- Astoria Highway (East Harbor Street) (100.00 feet wide).

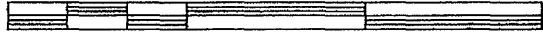
Area being vacated, approximate 5,957 square feet more or less

Prepared by:

David A. Foster, PLS  
Foster Surveying, Inc.  
3517 SE 198<sup>th</sup> Ave  
Camas, WA 98607-8858



30 0 30 60

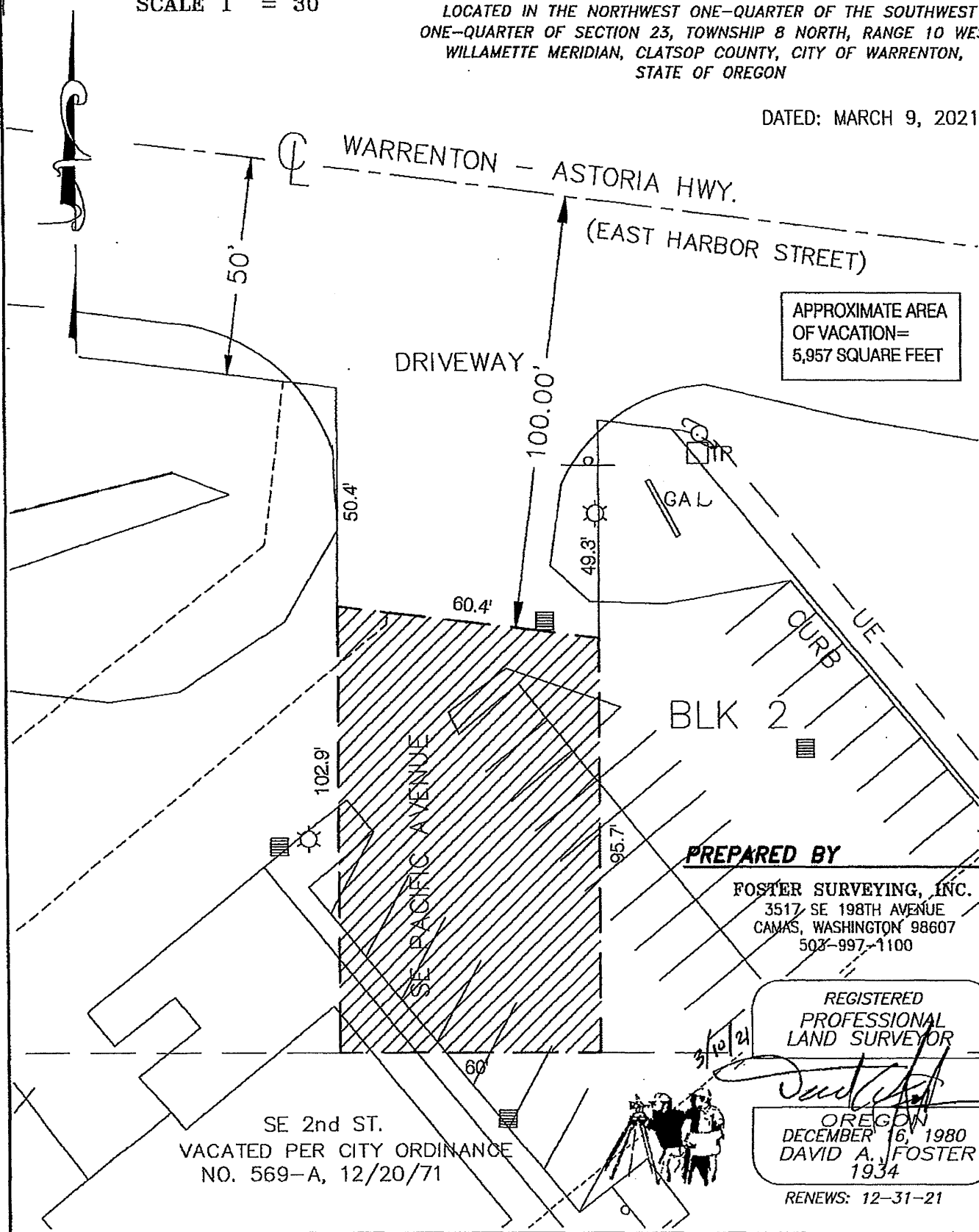


SCALE 1" = 30'

# EXHIBIT "B" STREET VACATION

LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN, CLATSOP COUNTY, CITY OF WARRENTON, STATE OF OREGON

DATED: MARCH 9, 2021



APPROXIMATE AREA OF VACATION = 5,957 SQUARE FEET

**PREPARED BY**

FOSTER SURVEYING, INC.  
3517 SE 198TH AVENUE  
CAMAS, WASHINGTON 98607  
509-997-1100

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
DECEMBER 16, 1980  
DAVID A. FOSTER  
1934

RENEWS: 12-31-21

SE 2nd ST.  
VACATED PER CITY ORDINANCE  
NO. 569-A, 12/20/71

**EXHIBIT C**  
**Street Vacation Petition (SE Pacific Avenue)**  
**List of Abutting and Affected Property Owners**

Street Address	Tax Lot No.	Owner Name	Mailing Address	Total Parcel Size (sf)	Portion of Parcel Within Affected Area (sf)
107-161 Hwy 101	81023CB00800	Atlas Young's Bay, LLC	808 SW Alder St., Suite 200 Portland, OR 97205	319,730	44,087
1609 E. Harbor Dr.	81023CB00201	Shilo Inn Warrenton LLC	11707 NE Airport Way Portland, OR 97220-1075	50,094	33,750
None	810220002000	Port of Astoria	422 Gateway Ave. Suite 100 Astoria, OR 97103	341,946	9,936
None	810220002305	Port of Astoria	422 Gateway Ave. Suite 100 Astoria, OR 97103	50,965	8,775
None	81023CB00100	David Nygaard (1/4) John Nygaard (1/4) Warrenton Fiber Company (1/2)	PO Box 100 Warrenton, OR 97146-0100	3,485	1,743
None	81023CB03202	David Nygaard (1/4) John Nygaard (1/4) Warrenton Fiber Company (1/2)	PO Box 100 Warrenton, OR 97146-0100	436	436
<b>Totals:</b>	---	---	---	<b>766,656</b>	<b>98,727</b>

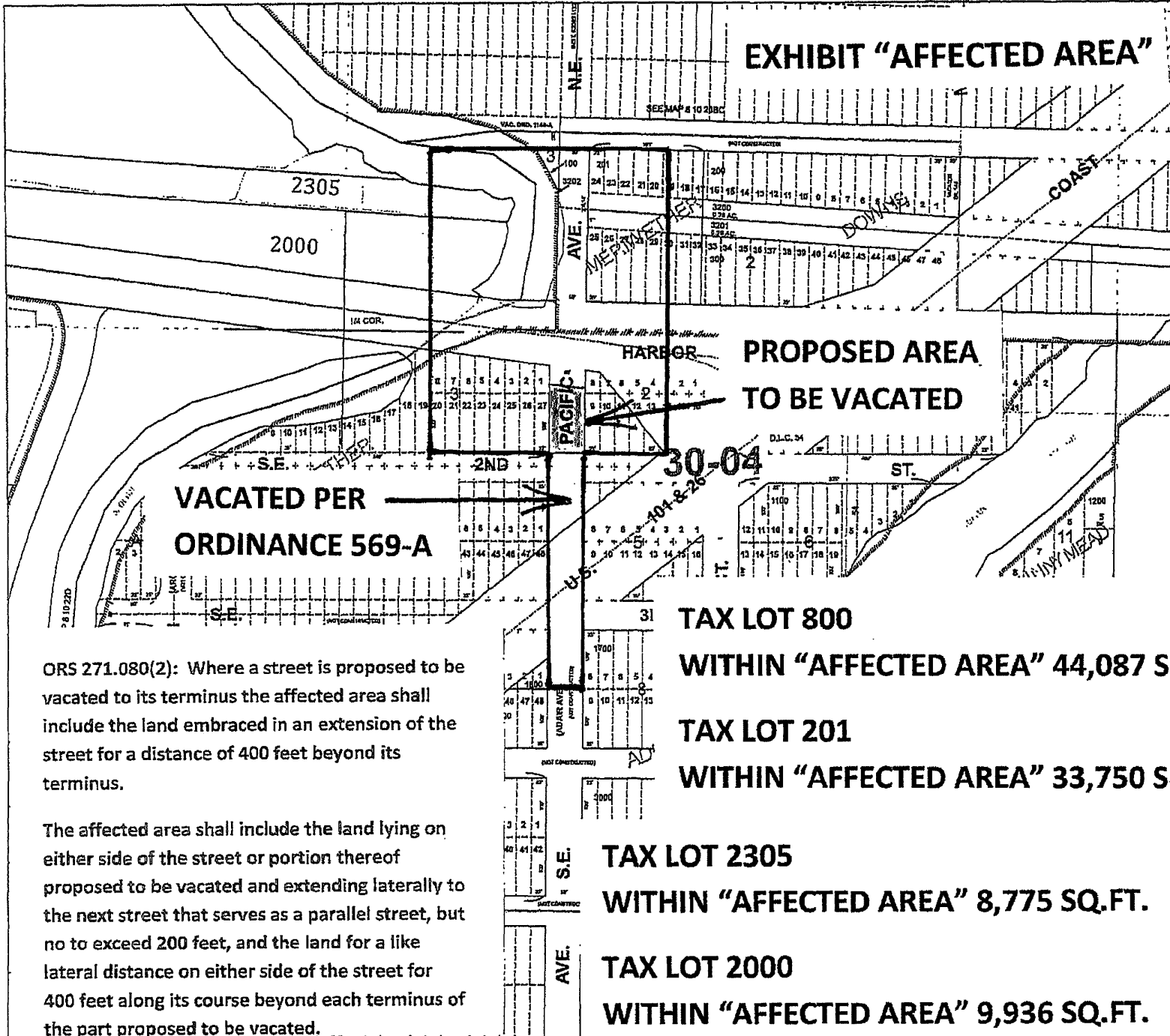
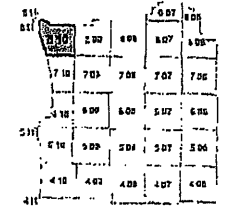
**Notes:**

1. A map of the "affected area" impacted by the proposed street vacation drawn in accordance with ORS 271.080(2) appears on the following page.
2. The above chart does not include the portions of the "affected area" within existing public rights of way.

# EXHIBIT "AFFECTED AREA"

8 10 23 CB  
 CLATSOP COUNTY  
 NW 1/4 SW 1/4 SEC. 23 T8N R10W WM  
 0 62.5 125 250 R

Scale 1:1,200



**VACATED PER  
 ORDINANCE 569-A**

**PROPOSED AREA  
 TO BE VACATED**

- TAX LOT 800  
 WITHIN "AFFECTED AREA" 44,087 SQ.FT. (57%)**
- TAX LOT 201  
 WITHIN "AFFECTED AREA" 33,750 SQ.FT. (43%)**

ORS 271.080(2): Where a street is proposed to be vacated to its terminus the affected area shall include the land embraced in an extension of the street for a distance of 400 feet beyond its terminus.

The affected area shall include the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but no to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated.

- TAX LOT 2305  
 WITHIN "AFFECTED AREA" 8,775 SQ.FT.**
- TAX LOT 2000  
 WITHIN "AFFECTED AREA" 9,936 SQ.FT.**



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)

This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support the governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

PLOT DATE: 12/04/2018  
 8 10 23 CB



→ FIRE DEPARTMENT:

Describe any issues affected by proposed vacation.

NONE

Other:

3 \_\_\_\_\_ 5/14/2021  
Fire Department Date

→ PLANNING DEPARTMENT:

Possible future needs of this right-of-way.

Will the vacation of this right-of-way landlock any tax lots?

Other:

\_\_\_\_\_  
Planning Department Date



## AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Dawne Shaw, City Recorder

DATE: May 25, 2021

SUBJ: Street Vacation Amendment – Ordinance No. 1251

### SUMMARY

At its May 11, 2021 meeting, the City Commission conducted the first reading of Ordinance No. 1251, amending Street Vacation No. 147, on SE Galena in Chelsea Gardens. This amendment corrects the legal description, to include Block 1 as outlined on the attached map.

### RECOMMENDATION/SUGGESTED MOTION

*"I move to conduct the second reading, by title only, of Ordinance No. 1251; to correct the legal descriptions of Street Vacation No. 147."*

*Title: ORDINANCE NO. 1251, INTRODUCED BY ALL COMMISSIONERS, VACATING A PORTION OF SE GALENA AVENUE IN WARRENTON, OREGON, AND REPEALING ORDINANCE NO. 1210A.*

*"I move to adopt Ordinance No. 1251."*

### ALTERNATIVE

Other action as deemed appropriate by the City Commission

### FISCAL IMPACT

Recording costs considered in FY 2020-2021 budget.

Approved by City Manager:

ORDINANCE NO. 1251

INTRODUCED BY ALL COMMISSIONERS

VACATING A PORTION OF SE GALENA AVENUE  
IN WARRENTON, OREGON, and REPEALING ORDINANCE NO. 1210A

WHEREAS, The Warrenton City Commission previously vacated a portion of SE Galena Avenue under Ordinance No. 1210A; and

WHEREAS, all legal proceedings were followed for the vacation; and

WHEREAS, the Clatsop County Assessor's Office has informed the City of a legal description error in the original vacation;

NOW, THEREFORE, the City of Warrenton ordains as follows:

**Section 1.** The public right-of-way in the City of Warrenton, Clatsop County, State of Oregon, described as:

That portion of SE Galena Avenue that runs from SE 14<sup>th</sup> Place south for a distance of 361.2 feet between Block 1 and Block 2, Sub Tract 3 of Chelsea between tax lots 81027BC 01700 81027 BC 01600; 81027BC 02100, 81027BC 02200 and 81027BC 01500

is hereby vacated. Nothing contained herein shall cause or require the removal or obstruction of any drainage ditch, abandonment of any sewer, water main conduit, utility line, pole or any other thing used or intended to be used for any public service.

**Section 2.** The City Recorder of the City of Warrenton is hereby ordered to make this vacation a matter of public record; and it is expressly provided that the petitioner shall forthwith pay the costs of the necessary changes of public records, as required by law, and it is hereby provided that the City Recorder shall file with the clerk, the assessor, and the surveyor of Clatsop County, a certified copy of this ordinance.

**Section 3.** This ordinance will take effect 30 days after its adoption by the Warrenton City Commission.

Adopted by the City Commission of the City of Warrenton, Oregon this \_\_\_\_\_ day of May 2021.

First Reading: May 11, 2021  
Second Reading: May 25, 2021

APPROVED:

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

ATTEST:

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



Marina’s Advisory Committee Update

May 18, 2021

March 22, 2021 the first meeting of the committee was held with all committee members present with City Manager, Linda Engbretson, Harbor Master Jane Sweet & staff Jessica McDonald.

Marina Budget overview

Reviewed Capital Improvements

Overview of current Marina rates analysis

Introductions were made with Committee Goals outlined with priorities in mind:

**Warrenton**

**Funding**

- Lighting Urban Renewal 1 million+
- Work Dock Budget
- Misc. dock repairs, piling, cameras, maintenance, equipment No funding
- Parking improvements No funding

Wish list

Float repairs/dock stabilization  
Ramp repairs/improvements  
Net repair area

**Hammond**

**Funding**

- Dredge west side docks Budget
- Potential Pier location discussed Possible Funding/ODFW/State?

Wish List

Ramp Improvements  
Restrooms  
User fees review  
Boardwalk/memorial benches  
Park Host with power and water  
Concession food truck for Salmon Season

No funding

.....  
Marina rates discussed. Both marinas face issues with getting grants due not being a port, municipality owned. Funding from OMB is only interested in funding for transient sport docks or temp tie ups. Jane & Linda to meet with Business Oregon to discuss potential loan options as funding sources.

Board went through rates and made the following recommendations:

1. Camping increase to \$50
2. Labor equal to cost of employee with benefits x2
3. Dry Storage increase to \$95
4. Late fee increase to \$10 +1.5%
5. Hoist increase to \$100
6. Electrical meter read fee increase to \$15

7. Additional parking passes for annual moorage holders \$100
8. Key replacement increase to \$25
9. Unauthorized living aboard vessel \$200.00

Hammond Marina has lost the use of the area south of the gazebo in Seafarers Park for overflow camping, this will reduce the Hammond Marinas revenues between \$12,000-\$20,000 for the upcoming year. It was discussed with more info to be provided at the next meeting.

#### **April Meeting 4/19/2021**

Members Present: Pam Ackley, Lylla Gaebel & Mike Balensifer  
Jane Sweet Harbormaster and Jessica McDonald staff

Lylla Gaebel gave a report on the economic advisory board. The advisory board was asking about liveaboards being a possible revenue source. Harbormaster Jane Sweet explained that to have liveaboards in a marina there are rules for waste and sewer within the Clean Marina Program and State of Oregon, is not finically feasible to make the necessary changes and recommendations to allow for sewer to each liveaboard slip in the marina. All present members went through each rate and discussed them and made recommendations for rate increases, Lylla Gaebel made a motion to approve rate recommendations. Motion was seconded and passed unanimously.

A recreational fishing pier in the Hammond Marina has been on the task force recommendation and discussed by advisory committee as well as review of Hammond Marina Master plan from 2005. Committee members were all supportive of the idea, Mike Balensifer explained Mayor Henry Balensifer's idea sheet piling pier off the seafarer's park area. The committee wanted more information about location, parking and restroom facilities and who would be responsible for maintenance, they asked for a presentation on this proposal in the future once more details come forth.

Seafarer's Park property - Harbormaster Jane Sweet explained that the Park manages the park area and the marina manages the marina property in the past the marina has had access to the allow camping in the park area south of the gazebo for the month of August. This allowed the marina department to make up some of the losses in revenue that they occur supplying the park with year around restrooms and garbage services. The camping area south of seafarer's park accounts of between \$12,000 - \$20,000 of the Marina's annual camping revenues. Chairperson Pam Ackley made a motion to ask the Parks Advisory Board to allow use of a 50 feet wide area that is south of seafarer's park along lake drive to remain as camping with a camp host, staff will provide map and rope off area with clear signage from August 1 – September 15 (45days) with no camping on the marina property along the east side of the park. Lylla Gaebel seconded the motion and it was passed unanimously.

Transferring \$150K was also discussed to be transferred to the dredging budget at the budget meeting

Meeting adjourned 3:54

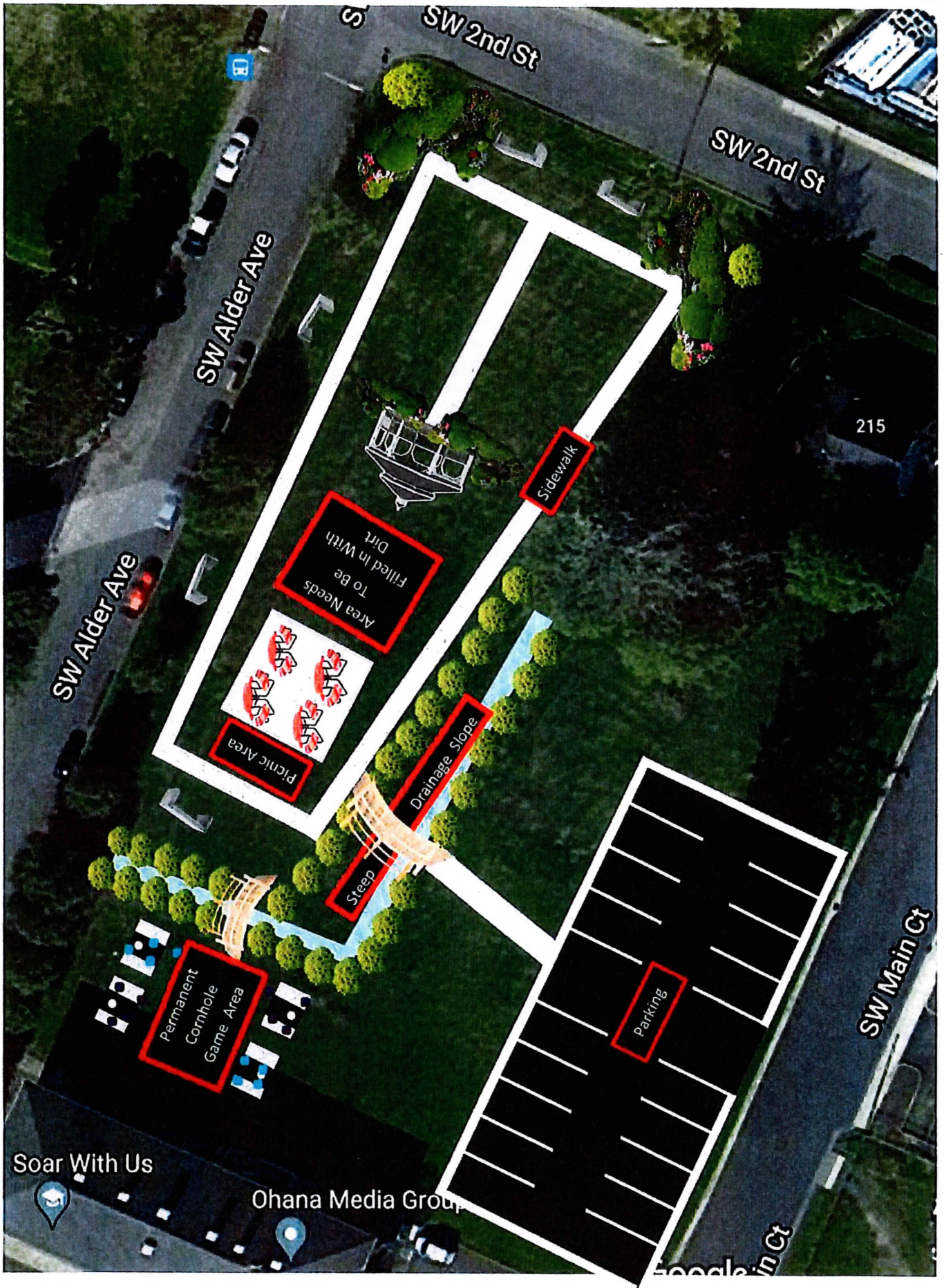
#### **May Meeting 5/17/2021**

All members present

- Harbormaster Jane Sweet gave a report on the budget meeting wherein she noted that she went with the lower numbers for the budget and if advisory committee recommendations were approved that would be facilitate more of our wish list items to be considered.
- \$100,000.00 was agreed to be transferred to the dredging budget at the budget meeting.

- Discussion regarding the A & B dock and camping ~ Adding parking signage and improving pay station signage for camping and limiting camping to the areas as discussed at April meeting. A & B docks have been occupied for over upwards of 30+ years however there has been no contract with the Portland Yacht Club Assoc. for 20 years but the slips have been offered to them on a continued basis year over year. Discussions about their multiple emails regarding increases was discussed and the fact that many of the slips have not been being used by the association therefore giving the harbormaster the opportunity to offer more annual rents. These docks have had locked gates dating back 30+years which is a bonus to the boat owners and they wish to keep it that way. More potential for locked gates for especially the commercial vessels will be discussed as future meetings.
- The committee discussed the need for updated master plans for the marinas as the current ones are from 2005 and 2010. Investigation into grants for this will be one of the priorities in the budgeting process.
- This budget year's priorities from our April meeting were discussed again along with consideration of the expense to start a trail which would turn into a boardwalk around the marina with memorial benches available. Trails committee will be consulted. We also asked for another pet waste station at the east end of the marina.
- Leases were discussed at both marinas in that the committee would like to have a list of when those expire to make recommendations on increases.
- Capitalizing on the revenue from camping for both marinas. Extend waterline to dredge spoils area for fire protection and moving spoils to the potential pier area so not moved twice...and is the pier or additional camping a priority for removal of spoils.
- Invitation to be sent to Mayor in regards to pier potential at the look out.
- Meeting adjourned 4:00pm







TO: The Warrenton City Commission  
 FROM: Brian Alsbury, Fire Chief  
 DATE: May 25, 2021  
 SUBJ: Contract with OMD (Camp Rilea)  
 Recovering costs from other governmental property

**SUMMARY-**

Attached you will find a draft copy of:

1. INTERGOVERNMENTAL AGREEMENT FOR MUTUAL ASSISTANCE between Oregon Military Department and Warrenton Fire Department.
2. Copy of MOA between the City of Astoria/AFD and USCG Tongue Point facility
3. 15 USC Ch. 49: FIRE PREVENTION AND CONTROL-section 2210.  
 Reimbursement for cost of firefighting on Federal property of  
***the Federal Fire Prevention and Control Act of 1974***

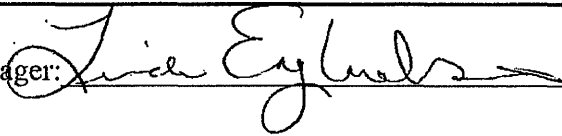
Warrenton Fire Department has 4 major facilities that do not directly contribute property taxes to the City of Warrenton. They are:

1. Camp Rilea
2. USCG-Air Station
3. Fort Stevens State Park
4. Port of Astoria-Airport, Bay Front Property

Although they do not generate large call volumes, these properties/facilities are high risk, low frequency and during a major incident, they can be the most taxing to the Fire Department and its staff. Incidents could last hours to days depending on the structure or contents of the structure. Example-Fire at 1190 S.E. Flightline Drive-Lektro, WWII era airplane hangar, heavy timber, heavy fire load-smoke, and flames showing from the roof and front door. This incident would pull resources from every fire department in the county and possibly neighboring counties.

Would the City of Warrenton want to enter MOU with these governmental agencies and charge for medical/fire protection? Much like the contract the City of Warrenton has with the Warrenton Rural Fire District.

Approved by City Manager:

A handwritten signature in cursive script, appearing to read "Julie Egelund", written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

**MEMORANDUM OF AGREEMENT  
BETWEEN  
UNITED STATES COAST GUARD  
AND  
CITY OF ASTORIA FIRE DEPARTMENT  
REGARDING FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES**

**COPY**

1. **PARTIES.** The parties to this Agreement are the United States Coast Guard and the City of Astoria Fire Department.
2. **AUTHORITY.** The Coast Guard is authorized to enter this agreement by 14 U.S.C. § 141.
3. **PURPOSE.** The purpose of this Agreement is to set forth terms by which the City of Astoria Fire Department (AFD) will provide fire protection and emergency medical services to the U.S. Coast Guard facilities at Tongue Point in Astoria, Oregon in order to supplement the limited firefighting capabilities of those facilities. As an aid to implementing this agreement, members of the AFD may, with prior arrangement with the Commanding Officer or the point of contact of any Tenant Command at Tongue Point, tour U.S. Coast Guard facilities at Tongue Point and any of its structures or Tenant Commands, for the purpose of preparing pre-fire plans. Access to the facility and structures will be granted at least biannually for the purpose of reviewing and updating pre-fire plans. Upon request by the AFD, U.S. Coast Guard Sector Columbia River shall also provide copies of Material Safety Data Sheets (MSDS) for materials used at the unit.
4. **RESPONSIBILITIES.**

**Coast Guard.**

- a. All requests for fire or emergency medical equipment and personnel shall be made via 911, unless that number is inoperative or unavailable for any reason.
- b. Requests for aid will include a description by a U.S. Coast Guard representative of the type and nature of the fire or emergency to which response is requested, and will specify the location to which the equipment and personnel are to be dispatched.
- c. The affected U.S. Coast Guard tenant shall provide an escort to meet equipment and personnel and guide the AFD personnel to the location where emergency services are to be rendered.

**Astoria Fire Department.**

- a. On request made to the Astoria Fire Department (AFD) via 911 by a representative of the U.S. Coast Guard designated in this agreement, fire fighting and emergency medical services equipment and personnel of the AFD, if available, shall be

dispatched to the U.S. Coast Guard facilities at Tongue Point as determined and directed by the AFD.

- b. The amount and type of equipment and number of personnel to be furnished will be determined by the AFD.
- c. The AFD equipment and personnel will report to the U.S. Coast Guard Tongue Point facilities and be met by a U.S. Coast Guard representative who shall guide the AFD to the location where emergency services are to be rendered.
- d. All actions of the AFD fire and rescue equipment and personnel in responding to the emergency shall be at the sole direction of the AFD.

## 5. RECOVERY OF RESPONSE COSTS.

- a. Federal reimbursement to Astoria Fire Department for cost of firefighting on the U.S. Coast Guard Tongue Point facility is governed by section 11 of the Federal Fire Prevention and Control Act of 1974, Public Law 93-948, 88 Stat. 1535, as codified at 15 U.S.C. § 2210 ("the Act") and the implementing regulations set forth at 44 C.F.R. Part 151. Claims should be submitted to the appropriate federal agency identified in the Act and implementing regulations, not the U.S. Coast Guard.
- b. The U.S. Coast Guard has no legal authority to provide a direct reimbursement to the Astoria Fire Department for fire suppression and emergency costs on the U.S. Coast Guard Tongue Point facility property.
- c. Pursuant to the Supremacy Clause of the United States Constitution and Federal sovereign immunity law, the Federal government is not subject to O.R.S. § 478.310 (Response to fire or public safety incident outside territory; recovery of costs) or any other provision of state or municipal law providing for fire protection cost recovery.

## 6. POINTS OF CONTACT.

For USCG Sector Columbia River  
Commanding Officer  
2185 SE 12<sup>th</sup> Place  
Warrenton, OR 971456  
(503) 861-6206

For the City of Astoria Fire Department  
Fire Chief  
555 30<sup>th</sup> St.  
Astoria, OR 97103  
(503) 325-2345

- 7. OTHER PROVISIONS. Nothing in this Agreement is intended to conflict with current law or regulation or the directives of the U.S. Coast Guard or Department of Homeland Security. If a term in this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
- 8. EFFECTIVE DATE. The terms of this agreement will become effective upon the date subscribed by both original signatories, and their successions in office.

**COPY**

9. **MODIFICATION.** This MOA may be modified by a written agreement signed by both original signatories, and their successors in office.
10. **TERMINATION.** The terms of this agreement, as modified with the consent of both parties, will remain in effect upon agreement of parties. Either party, upon 30 days written notice to the other party, may terminate this agreement.

**APPROVED BY:**

CAPT Bruce C. Jones  
Commanding Officer  
USCG Sector Columbia River  
Warrenton, Oregon

\_\_\_\_\_  
(date)

Willis L. Van Dusen  
Mayor  
City of Astoria

\_\_\_\_\_  
(date)

Paul Benoit  
City Manager  
City of Astoria

\_\_\_\_\_  
(date)

Approved As To Form  
City Attorney  
City of Astoria

\_\_\_\_\_  
(date)

**INTERGOVERNMENTAL AGREEMENT  
FOR MUTUAL ASSISTANCE  
24800-20-006  
Between**

COPY

Oregon Military Department  
and  
Warrenton Fire Department

**THIS AGREEMENT**, effective February 12, 2020, is by and between the STATE OF OREGON, acting by and through its Oregon Military Department (OMD) and the WARRENTON FIRE DEPARTMENT (WFD).

**SUBJECT**

**WHEREAS**, the provisions of Oregon Revised Statute 190.110 grants authority of units of local government and state agencies to cooperate by agreement, and

**WHEREAS**, in order to provide more effective and prompt wildland fire suppression on lands managed by OMD and WFD, mutual assistance and cooperation between OMD and WFD is desirable.

**NOW, THEREFORE**, the parties hereto, OMD and WFD, do hereby agree as follows:

**ARTICLE I**

**DEFINITIONS FOR AGREEMENT**

- 1.01 **Agency** means OMD or WFD
- 1.02 **Agencies** means OMD and WFD Collectively.
- 1.03 **Assisting Agency** means the Agency providing assistance to a Protecting Agency.
- 1.04 **Firefighting Resources or Resources** means physical equipment commonly used for the suppression of fire.
- 1.05 **Protection Area** means a designated area protected from wildland fire by Protecting Agency described in ARTICLE II and designated in Exhibit A and Exhibit B of this agreement.
- 1.06 **Protecting Agency** means the party responsible for fire suppression within a Protection Area.
- 1.07 **Personnel** means the persons designated by each protecting agency to take part in fire suppression activities.

**ARTICLE II**

**PROTECTION AREA**

- 2.01 **OMD Protection Area**  
The Protection Area of OMD shall be indicated on the map labeled Exhibit "A", attached hereto and by this reference and made a part hereof.
- 2.02 **WFD Protection Area**  
The Protection Area of WFD shall be that indicated on the map labeled Exhibit "B", attached hereto and by this reference and made a part hereof.

ARTICLE III

**COPY**

MUTUAL ASSISTANCE

**3.01 Cooperation**

Agencies agree to furnish Personnel and Resources to each other to aid in the suppression of wildland fires.

**3.02 Initial Attack and Control Actions**

If a wildland fire occurs on or near a Protection Area, the Protecting Agency shall provide the initial attack and continue to supply control action. If the Protecting Agency determines additional support is needed, the Protecting Agency will make a request to the Assisting Agency. Assisting Agency shall provide Personnel and Resources to support a Protecting Agency. At its sole discretion, an Assisting Agency reserves the right to send Personnel and Resources it deems reasonably available at the time of need.

**3.03 Notification**

Employees of one Protecting Agency discovering or receiving reports of fires on or threatening lands within the Protection Area of the other Protecting Agency shall report the fires promptly to the responsible Protecting Agency.

**3.04 Reimbursement**

Agencies agree to reimburse each other for all incurred costs and expenses directly related to providing assistance. Agencies shall only seek reimbursement for costs and expenses incurred after the first four (4) hours of providing assistance. Request for reimbursement must be submitted within 60 days of the incident, unless otherwise agreed to by the Agencies.

Reimbursement shall be based on the following after the initial four (4) hours:

**Personnel**

Employee rates for actual hours worked to include regular hours, shift differential and overtime rates when applicable. The cost of "backfilling" employees into local home unit positions for personnel that have been mobilized to incidents. The cost of travel including hotel and meal per diem. All rates shall be fully loaded rates that include all Agency paid fringe benefits. When reimbursement is in order, payment for volunteer personnel and firefighting services furnished shall be at the current and actual cost of when the service was provided.

**Resources**

Reimbursement for Resources shall be based on the rate chart in Exhibit C drawn directly from the Oregon State Fire Marshall 2017 Mobilization plan. Resource include but are not limited to specialized equipment such as fire apparatus, water tenders, pumps, personnel with incident qualifications, and other motor vehicles for ground transportation to and from assignments.

ARTICLE IV

SUPERVISION OF FIRE CONTROL

**4.01 Regular Procedure**

Each Protecting Agency is responsible for assuming direction of action on fires within its Protection Area. Initial action taken by the Assisting Agency, prior to the arrival of the Protecting Agency, shall be under the supervision of the Assisting Agency only until the arrival of the Protecting Agency unless other arrangements are made in advance.

**4.02 Change in Procedures**

Whenever it appears advantageous to establish a different procedure for supervision of fire control action the Agencies may do so by mutual agreement. At all other times the procedures set forth in Paragraph 4.01, herein, shall be in effect.

ARTICLE V

**COPY**

**LIMITATIONS – RESPONSIBILITES**

**5.01 Limitations**

In no event shall either party to this agreement be bound beyond its lawful authority and appropriations available.

**5.02 Liabilities**

Neither Protecting Agency shall be liable to the other Protecting Agency for any loss or damage occurring as a consequence of performance or lack of performance under this agreement.

**5.03 Communications**

Interoperability between OMD resources and WFD resources is accomplished by using mutually agreed to frequencies. See attached agency contact information sheet (Exhibit D) and frequency plan (Exhibit E).

**5.04 Laws and Regulations**

Each party hereto agrees to comply with all federal, state, and local laws, rules and regulations pertaining to this agreement including, but not limited to, industrial accident and workman's compensation laws of the State of Oregon.

**5.05 Hold Harmless**

To the extent permitted by Article 11, Section 7 and Article 11, Section 10 of the Oregon Constitution and the Oregon Tort Claims Act, each party hereto agrees to indemnify, within the limits of the Oregon Tort Claims Act, and save the other harmless from any claim, liability or damage resulting from any error, omission, or act of negligence by the indemnifying part, its officers, employees or agents in the performance of its responsibilities under this Agreement, provided the parties will not be required to indemnify the other for any such liability arising out of the wrongful acts of the other's officers, employees or agents.

ARTICLE VI

**TERM**

**6.01 Duration**

It is the intent of the parties hereto that this agreement shall remain in continuous effect until termination pursuant to Paragraph 6.02 herein.

**6.02 Termination**

This agreement may be terminated at any time by written mutual consent of the parties or by one party giving written notice to the other party not less than thirty (30) days prior to effective date of termination.

**SIGNATURES**

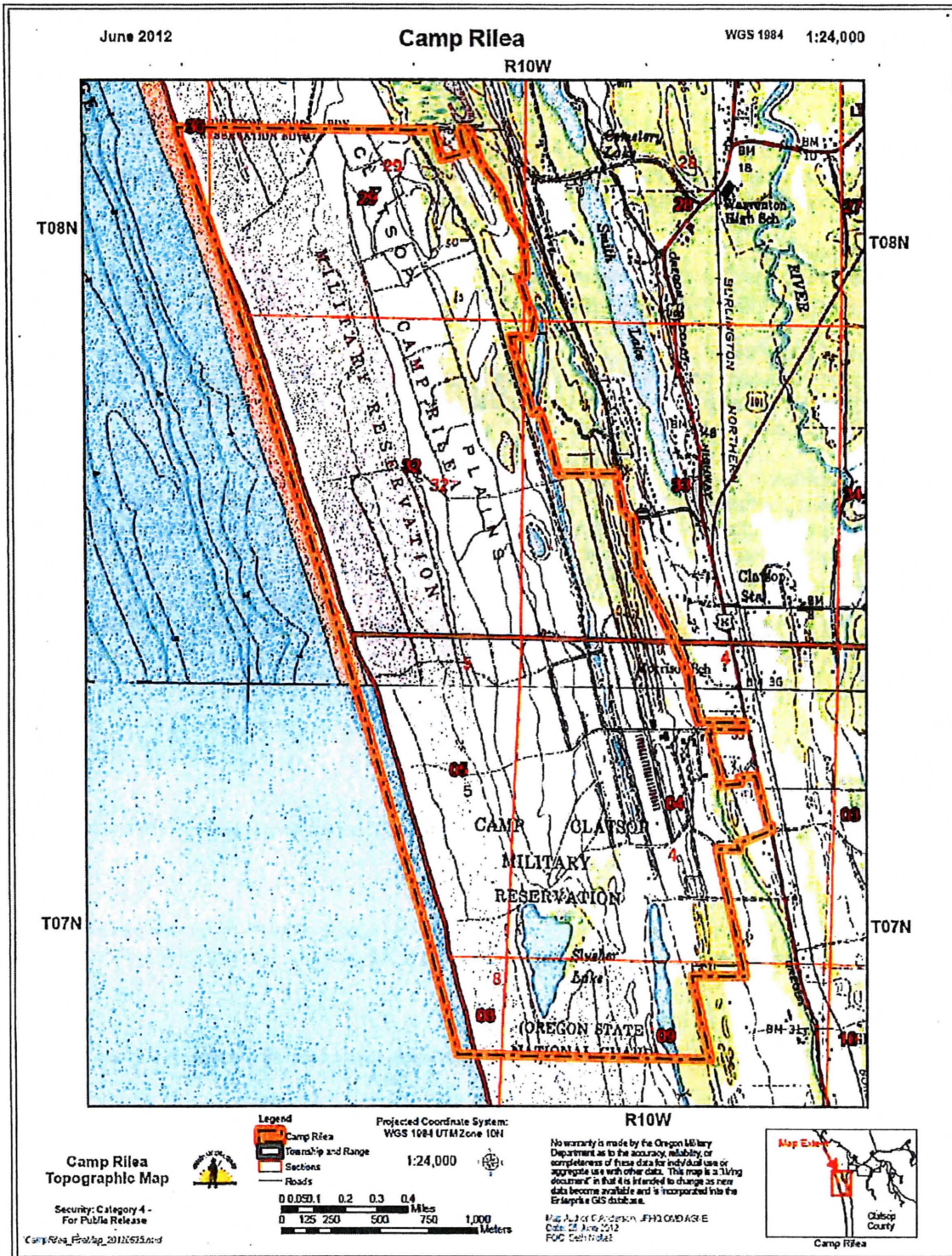
IN WITNESS WHEREOF, the parties have executed this agreement on the date first hereinabove stated.

OMD

WFD

by: \_\_\_\_\_ Date: \_\_\_\_\_  
Todd E Farmer  
Deputy Director  
Installation Division OMD

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_



## **2210. Reimbursement for costs of firefighting on Federal property**

### **(a) Filing of claims**

Each fire service that engages in the fighting of a fire on property which is under the jurisdiction of the United States may file a claim with the Administrator for the amount of direct expenses and direct losses incurred by such fire service as a result of fighting such fire. The claim shall include such supporting information as the Administrator may prescribe.

### **(b) Determination**

Upon receipt of a claim filed under subsection (a) of this section, the Administrator shall determine—

- (1) what payments, if any, to the fire service or its parent jurisdiction, including taxes or payments in lieu of taxes, the United States has made for the support of fire services on the property in question;
- (2) the extent to which the fire service incurred additional firefighting costs, over and above its normal operating costs, in connection with the fire which is the subject of the claim; and
- (3) the amount, if any, of the additional costs referred to in paragraph (2) of this subsection which were not adequately covered by the payments referred to in paragraph (1) of this subsection.

### **(c) Payment**

The Administrator of FEMA shall forward the claim and a copy of the Administrator's determination under subsection (b)(3) of this section to the Secretary of the Treasury. The Secretary of the Treasury shall, upon receipt of the claim and determination, pay such fire service or its parent jurisdiction, from any moneys in the Treasury not otherwise appropriated but subject to reimbursement (from any appropriations which may be available or which may be made available for the purpose) by the Federal department or agency under whose jurisdiction the fire occurred, a sum no greater than the amount determined with respect to the claim under subsection (b)(3) of this section.

### **(d) Adjudication**

In the case of a dispute arising in connection with a claim under this section, the United States Court of Federal Claims shall have jurisdiction to adjudicate the claim and enter judgment accordingly.

(Pub. L. 93-498, §11, Oct. 29, 1974, 88 Stat. 1543; Pub. L. 97-164, title I, §146, Apr. 2, 1982, 96 Stat. 45; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 106-503, title I, §110(a)(2)(B)(iii), Nov. 13, 2000, 114 Stat. 2302; Pub. L. 112-239, div. A, title XVIII, §1802(b)(1), Jan. 2, 2013, 126 Stat. 2100.)