



AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON
REGULAR MEETING
November 10, 2020 – 6:00 P.M.
Warrenton City Commission Chambers – 225 South Main Avenue
Warrenton, OR 97146

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 Work Session Minutes – 10.13.20

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, 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 Second Reading of Ordinance No. 1245; Amending WMC Chapter 6.04 - "Dog Control"

B. Consideration of City Manager Vacation Request

8. **DISCUSSION ITEMS** – None

9. **GOOD OF THE ORDER**

10. **EXECUTIVE SESSION**

Under the authority of ORS 192.660(2)(d); *to conduct deliberations with persons designated by the governing body to carry on labor negotiations.*

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
Work Session – October 13, 2020
5:15 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the work session to order at 5:15 p.m.

City Commissioners Present: Mayor Balensifer, Mark Baldwin, Tom Dyer, and Pam Ackley (via Zoom)

Excused: Rick Newton

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

Discussion on utility billing penalties and shutoffs – Ms. Engbretson reviewed the submitted agenda memo and a spreadsheet outlining utility billing penalties. She noted some people have made no payment at all since February or March. She stated some of the issues that are coming up because of nonpayment is if they are renters, it is becoming a burden on the landlord, and outlined a few examples. She noted what other cities are doing in regard to late fees and penalties, as well as rental accounts. Discussion followed on rental accounts. Ms. Engbretson stated what we really want to talk about tonight is where the commission is regarding setting a date to reinstate penalties. Brief discussion ensued on commercial accounts. Ms. Engbretson stated we want to start a payment plan, so people start paying. Commissioner Dyer suggested a monthly plan – if they stay on plan, no penalty; if they miss a payment, then charge them a penalty. Commissioner Baldwin suggested using the state Covid money for past due accounts; it was noted we cannot use Covid money to reimburse the city for lost revenue. Discussion continued.

Mayor Balensifer asked what staff is recommending; Ms. Engbretson stated staff would like to reinstate the normal process after the first of the year, with notification to past due customers. This will include payment arrangements. She noted agencies that can help people get caught up with utilities. Mayor Balensifer stated if people call us in good faith, we should not charge them a penalty; we should give them a payment plan. If folks do not call, they should be held to where they have until a certain point to get their ducks in a row. Ms. Engbretson and Ms. Clark stated they want to treat everyone the same (commercial and residential). Ms. Clark clarified that she would like the commission to pick a date to reinstate the normal process, and then we can communicate with people to make payment plans to bring their accounts current. Staff would like to start the first of the year. Commissioner Ackley agreed with Ms. Clark, we need to determine a date to implement the process. She also thinks that landlords should pay the utilities. There was agreement to reinstate the normal residential utility billing process on January 1; and

June 30 to have landlords be responsible for utilities if staff can work out the details. Ms. Clark suggested the landlord change be going forward with new tenants, not existing accounts – the commission agreed. After further discussion, the city will reinstate the normal process on February 1, to avoid causing stress over holidays. Consensus was to reinstate the normal residential billing process on February 1; to get a notice to large commercial accounts to bring accounts current or there will be penalties; and staff will explore a transition period for landlord/tenant billing options.

Discussion on Covid relief fund grant – Ms. Engbretson stated the city’s allocation was \$174,000; there is approximately \$150,000 left to spend. She stated we cannot use it for revenue loss, but we could give it to NOAH or Clatsop Community Action (CCA) to assist people with past utilities. Other suggestions were to assist with senior meal sites or business loans; staff does not recommend that city staff manage this. Ms. Engbretson noted staff’s suggestions – expand technology in the fire training room and the Community Center, which will help facilitate larger meetings with the Covid restrictions; installing touchless faucets; keyless entry doors; fire department service window to reduce walk-in traffic through the bay doors; more laptops for remote working; folding training tables to enable in-person training/webinars and meetings; and a large projection screen behind commission seats and a projector for better meeting viewing and communication. There was consensus on a projector for the chambers, and consensus on installing technology (audio/visual) in the Community Center, with improved internet service. There was also consensus on assistance through CCA for utilities and rent/mortgage. Ms. Clark noted the money must be spent by December 31.

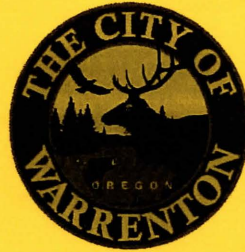
There being no further business, Mayor Balensifer adjourned the work session at 5:59 p.m.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder



WARRENTON CITY COMMISSION PUBLIC COMMENT FORM

NAME: Sony Saletta

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

EMAIL: _____

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

BRIEFLY DESCRIBE YOUR TOPIC: lighting at library, parking
on main street

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



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Mathew J. Workman, Chief of Police
DATE: November 10, 2020
SUBJ: 2nd Reading Dog Control Code Amendment

SUMMARY

This is the 2nd Reading of Ordinance Amendment No. 1245 changing Section 6.04 of the Warrenton Municipal Code relating to dog control.

RECOMMENDATION/SUGGESTED MOTION

1st – *"I move to conduct the second reading, by title only, of Ordinance No. 1245 amending Section 6.04.020 of the City of Warrenton Municipal Code and adding Section 6.04.025 as stated."*

2nd – *"I move to adopt Resolution No. 1245."*

ALTERNATIVE

Do nothing and leave current Code as is.

FISCAL IMPACT

There would be no fiscal impact with either decision.

ATTACHMENTS:

Ordinance No. 1245.

Approved by City Manager:

A handwritten signature in black ink, appearing to read "Linda Eghelso", is written over a horizontal line.

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

ORDINANCE NO. 1245

INTRODUCED BY ALL COMMISSIONERS

AN ORDINANCE AMENDING CHAPTER 6.04 "DOG CONTROL" OF THE WARRENTON MUNICIPAL CODE AND ADDING A NEW PROVISIONS RELATED TO PHYSICAL CONTROL

WHEREAS, the City last addressed dog control the City's municipal code in 2009;

WHEREAS, the City has received complaints from citizens and visitors who have been confronted, attacked, and injured by unrestrained dogs;

WHEREAS, the current municipal code does not have a requirement for dogs to be physically controlled unless they exhibit certain behavior or are declared as a "dangerous animal" as described in Chapter 6.08 of municipal code.

NOW THEREFORE, The City of Warrenton ordains as follows:

Section 1. Section 6.04.020 "Definition of terms" is hereby amended to read as follows:

6.04.020 Definition of terms.

As used in this chapter:

- A. "Dog" means either male or female of the species.
- B. "Owner" means:
 - 1. The person shown on the application for license of a dog as the owner is the owner of such dog.
 - 2. The adult occupants of a dwelling shall be presumed to be the co-owners of any dogs housed in such dwelling or on the premises thereof.
- C. "At large" means off or outside the premises belonging to the owner having the control, custody or possession of the animal while the animal is not under the complete control of such person or within a vehicle of such person. *Dogs in designated dog park areas are not considered "at-large." Dogs being used to legally hunt in designated areas under the direct supervision of the keeper or being used to control or protect livestock or other activities related to agriculture are not considered "at large."*
- D. "Control" means to have power over or exercising restraining or directing influence over by means of an adequate *physical control device* or under voice control. "Voice control" means the complete control by such person in the immediate vicinity of the animal. If the animal creates a nuisance or acts unlawfully as defined in this code, such acts will in and of themselves determine that the animal was not under voice control.
- E. *"Physical Control Device" means a sufficiently strong collar connected to a leash or tether made of chain links, or other material as strong, or fenced or enclosed in a structure so as to prevent the escape of an animal by breaking of the device.*
- F. *"Athletic fields" Means any baseball, soccer, football, or any other clearly marked athletic field whether or not it is contained by a fence. Dogs are not allowed on City athletic fields unless permission is obtained from the City or you reserve an athletic field for your use through the prescribed City process.*

Section 2. Section 6.04.025 "Physical Control Devices" is a new section to read as follows:

6.04.025 Physical Control Devices.

A physical control device is:

- A. Required to be carried and readily available to be used by the keeper of a dog whenever they are off of their premises if a situation would arise where they need to control their dog.*
- B. Required to be used on all Warrenton Trail Systems.*
- C. Required to be used in all areas of Warrenton Parks and Facilities where dogs are allowed unless engaged in a recreational activity (ball chasing, frisbee, etc.) or if engaged in a professional training activity.*
- D. Is not required to be used within the fenced area at any designated Dog Park.*
- E. Is not required to be used when the dog is used to legally hunt in designated areas under the direct supervision of the keeper.*
- F. Is not required when a dog is being used to control or protect livestock or other activities related to agriculture.*

Section 4. This Ordinance shall become effective thirty days after its adoption by the Commission and approved by the Mayor.

PASSED by the City Commission of the City of Warrenton this 10th day of November, 2020.

First Reading: 10/27/20

Second Reading: 11/10/20

Approved

Henry A. Balensifer III, Mayor

Attest

Dawne Shaw, City Recorder



AGENDA MEMORANDUM

TO: The Honorable Mayor and Warrenton City Commission
FROM: Linda Engbretson, City Manager
DATE: For the Agenda of November 10, 2020
SUBJ: **City Manager Vacation Request**

SUMMARY

Per the City Manager Contract, I am requesting to be out of county for vacation, beginning December 21 and back in the office on December 29.

Chief Mathew Workman will be available to make emergency administrative decisions, and I will designate Dawne Shaw, along with Chief Workman with signing authority on my behalf during my absence.

RECOMMENDATION/SUGGESTED MOTION

"I move to approve the vacation request from December 21 through December 28 for the City Manager."

ALTERNATIVE

Deny the request.

FISCAL IMPACT

I currently have over 170 hours of accumulated vacation leave.

CITY OF WARRENTON LEAVE REQUEST FORM

updated 7/17/2019

Employee Name: Linda Engelson Dept: Admin

Date request made: 10/20/20 Dates Requested: 12/21/20 - 12/28/20

- VACATION ALL DAY OR _____ HOURS FROM _____ TO _____
- PERSONAL DAY
- COMPENSATORY OT ALL DAY OR _____ HOURS FROM _____ TO _____
- HOLIDAY (POLICE & FIRE EMT ONLY) ALL DAY OR _____ HOURS FROM _____ TO _____
- SICK LEAVE ALL DAY OR _____ HOURS FROM _____ TO _____

If any below qualify, please select and fill out additional OFLA/FMLA Leave Request Form if noted.

- Sick Child (does not include routine appointments)
 - My own serious health condition
 - Serious Health Condition of Qualifying Family Member
 - Parental Leave
- } Requires additional OFLA/FMLA Leave Request Form

COMPASSIONATE LEAVE
(Please fill out ofla/fmla leave request form)

JURY DUTY/SUBPEONA ALL DAY OR _____ HOURS FROM _____ TO _____
(Please include copy of Subpeona)

EDUCATION

MAKEUP TIME
for Date: _____ HOURS from _____ to _____
Date: _____ HOURS from _____ to _____

LEAVE WITHOUT PAY (must be approved by City Manager)
Explanation:

MILITARY LEAVE
**Paid Military Leave not to exceed fifteen (15) calendar days or eleven (11) working days in any calendar year

OTHER Explanation:

APPROVED () DENIED ()

Signature of Supervisor: _____ Date: _____

Explanation, if denied:



AGENDA MEMORANDUM

TO: The Honorable Mayor and Warrenton City Commission
FROM: Linda Engbretson, City Manager *LMC*
DATE: For the Agenda of November 10, 2020
SUBJ: Resolution to Allow Taking of Deer on Airport Property

SUMMARY

Attached is a resolution approving the taking of deer on airport property. This addition to the Agenda was requested by Mayor Balensifer.

The City was approached on Friday regarding ODFW's issuance of special tags to the Airport to take deer within the fencing at the airport. The City of Warrenton does not allow the discharge of firearms within the city limits except shotguns and solely for the purpose of hunting migratory birds. Staff worked with legal to determine our authority in this regard. There is an ODFW pilot program – but there are some requirements of both ODFW and the City that must be met, and the City had limited interaction and coordination on this matter. The attached resolution attempts to address the requirements of the City under OAR 635-043-0270, by: *designating the areas within city limits where deer are to be taken, designate the manner of taking deer, (which may be by use of firearms or by live capture); and designate an agent(s) with appropriate qualification to take deer.* By designating the Port of Astoria as the City's agent in this matter, the Port (airport) is responsible to follow requirements under OAR 635-043-0280.

This resolution does not provide a permanent resolution. It does not address the City's code restricting the use of firearms to shotguns for migratory bird hunting. A suggested remedy: *"to permanently repeal the current waterfowl language via ordinance (it is currently addressed by the state OARs) and at the same time amend 12.18.020 to restrict the use of firearms in the City except as authorized by the state in compliance with all applicable laws and regulations."*

Staff did not have time to fully investigate this request to determine whether there are additional aviation permissions or requirements that over-ride the City's involvement. I believe the attached resolution addresses the immediate concern.

RECOMMENDATION/SUGGESTED MOTION

"I move to adopt Resolution No. 2578; Authorizing the Discharge of Firearms on Astoria Regional Airport Property, within the City Limits of Warrenton, Oregon for Wildlife Mitigation in Compliance with Federal Aviation Administration and State of Oregon Regulations."

ALTERNATIVE

As deemed appropriate by the City Commission.

FISCAL IMPACT

N/A

RESOLUTION NO. 2578

A Resolution Authorizing the Discharge of Firearms on Astoria Regional Airport Property, Within the City Limits of Warrenton, Oregon for Wildlife Mitigation in Compliance with Federal Aviation Administration (FAA) and State of Oregon Regulations.

WHEREAS, Warrenton Municipal Code 12.18.020 prohibits the discharge of firearms within the city limits, except for shotguns in designated hunting areas for migratory birds; and

WHEREAS, the Astoria Regional Airport is experiencing significant damage and public danger due to other wildlife, namely deer; and

WHEREAS, the Astoria Regional Airport has secured a limited number of permits from the Oregon State Fish and Wildlife Department to mitigate the damage and safety concerns on airport property.

NOW, THEREFORE, The City Commission of the City of Warrenton hereby resolves to approve the discharge of firearms on airport property in order to protect the health, safety, and welfare of the traveling public in compliance with Federal Aviation Administration Regulations and with appropriate state issued permits.

Be it further resolved, the City of Warrenton designates the Port of Astoria as the City's agent and is authorized to act under OAR 635-043-0280 to take deer on other than City owned property, as currently permitted by ODFW.

Adopted this 10th day of November 2020, by the Warrenton City Commission.

APPROVED:

Henry A. Balensifer, III, Mayor

ATTEST

Dawne Shaw, CMC
City Recorder