



## **AGENDA**

CITY COMMISSION OF THE CITY OF WARRENTON  
REGULAR MEETING  
April 14, 2020 – 6:00 P.M.  
Warrenton City Commission Chambers – 225 South Main Avenue  
Warrenton, OR 97146

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1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

- A. City Commission Emergency Meeting Minutes – 3.21.20
- B. City Commission Regular Meeting Minutes – 3.24.20
- C. Community Center Advisory Board Meeting Minutes – Oct. 2019
- D. Community Center Advisory Board Meeting Minutes – Nov. 2019

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 email their comments 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 First Reading of Ordinance No. 1238; WMC Chapters 15 and 16 Amendments
- B. Consideration of Second Reading of Ordinance No. 1237; URA Plan Amendment Legal Description Correction

C. Consideration of Ordinance No. 1239; Amending WMC 5.04 Business License Fee and Repealing WMC 2.28 – Warrenton Business Association

D. Consideration of ODF Volunteer Fire Assistance Grant

8. **DISCUSSION ITEMS**

A. Engineering Standards

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  
 Emergency Meeting – March 21, 2020  
 5:00 p.m.  
 Warrenton City Hall - Commission Chambers  
 225 S. Main  
 Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 5:00 p.m. and led the public in the Pledge of Allegiance

Commissioners Present: Mayor Henry Balensifer, Rick Newton, Tom Dyer, and Mark Baldwin, and Pam Ackley (via phone)

Staff Present: City Manager Linda Engbretson, Police Chief Mathew Workman, Police Officer Josh Hollaway, Police Sergeant Jim Pierce, Fire Chief Brian Alsbury, City Attorney Spencer Parsons (via phone), and City Recorder Dawne Shaw, Jennifer Purcell Governor's office (via phone).

Mayor Balensifer stated the purpose of the emergency meeting is to declare a State of Emergency in the City of Warrenton due to the COVID-19 pandemic. He explained the current situation; vacationers flooding the city despite the measures that have been put into place for social distancing by State and Federal. Mayor Balensifer continued to explain that the city has been in contact with legal to help navigate through these times. Mayor Balensifer asked for Spencer Parsons, City Attorney, to explain the City of Warrenton's Charter authority and the laws applicable under the State of Oregon's declared emergency. Mr. Parsons explained.

Mayor Balensifer read Resolution No. 2564 aloud for the record and public benefit.

Commissioner Newton asked for clarification on section 2. Mayor Balensifer clarified that we evoke the emergency clause within our municipal code and it enables us to bypass our bidding process so that we don't have to go through a lengthy process just to obtain necessities. Mr. Parsons noted the state public contracting rules allow the city to enter into discrete contracts on a case by case basis as long as there is a determination that it is addressing an emergency. This is just clarifying there is an emergency that may require more than one contract to be entered into, so it takes care of not having to have individual findings of an emergency each time the city enters into a contract because of COVID-19.

**Commissioner Newton made the motion to adopt Resolution No. 2564; A Resolution of the Warrenton City Commission Declaring a State of Emergency Because of the COVID-19 Outbreak. Motion was seconded and passed unanimously.**

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

Mayor Balensifer noted Resolution 2564 is adopted and a State of Emergency is declared.

Mayor Balensifer read Resolution No. 2565; to ensure the Public Health and Safety of the Citizens of Warrenton and to Avoid Unnecessary Risks to Hospital Surge in Clatsop County. He noted Police Chief Workman is present to provide comment on enforcement. Chief Workman stated that what we have to

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 Emergency Meeting – 03.21.20  
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plan for is how long people have to vacate, and we will make sure that people are complying with the order. He noted he thinks it is good that the commission is giving individuals a small grace period to make plans to move on to wherever they need to go. He continued to note a violation of ORS Chapter 401 is a class C misdemeanor and is arrestable. He hopes it will not come to that, but the Warrenton Police Department is prepared to do what they need to do to enforce the emergency declaration. Mayor Balensifer noted that there will be many people leaving in a short time period. If for some reason there is public safety issue Warrenton Police Department can manage that at their discretion, but the commission is providing a baseline for the Police Department to operate. Ms. Engbretson noted that she left one section off of the Resolution, camping on private property, except by Police Chief or local health authority. She stated its currently addressed in our camping authority, but she does want to note the addition to this Resolution. Mayor Balensifer noted that section 7 will be moved to become section 8 and succession thereof will become 9 and 10. Section 7 will now read "as all recreational camping on private property will be prohibited accept if permitted from Clatsop County Health Department or Warrenton Police Chief." Mr. Parsons noted that under the emergency declaration that just passed and the emergency operation plan (EOP) if there are other similar related issues that arise, the EOP allows the EOP Manager to evoke orders that can implement the same type of concepts that are off the radar right now. It is not necessary for the city manager to come back to the commission to address other issues as they come up. Commissioner Ackley asked for clarification on section 2, and if there could be modification for residential users. Mayor Balensifer clarified. Mr. Parsons confirmed. Mayor Balensifer noted he does not want the KOA to become a loophole for people to come and stay in Warrenton. Conversation continued. Commissioner Newton suggested defining a long-term resident as someone who registered ten days ago and no new long-term residents would be allowed. Commissioner Baldwin stated at a minimum; that should be the minimum. Commissioner Dyer noted he thinks Police Chief should have the discretion. Mr. Parsons noted that whatever language is going to be used for KOA should also be used for Campers West. Conversation continued. Mayor Balensifer asked for guidance on verbiage from Mr. Parsons. Mr. Parsons would propose a provision stating that all campgrounds shall be closed except to current residential users as of March 11, 2020 under 30 day or longer periods to stay in those parks. Mayor Balensifer stated we will use the same language for all parks. Conversation continued. Mayor Balensifer stated we will amend this Resolution No. 2565 to encompass that all sections related to campgrounds will note that campgrounds will close to all users except current residential users as of March 11, 2020 under a 30 day or longer contract except for employees and camp hosts. There was a consensus.

**Commissioner Baldwin moved to amend Resolution No. 2565 to encompass all campgrounds, and campgrounds will be closed to all users except for current residential users as of March 11,2020 under a 30 day or longer contract also exempting camp hosts and employees. Motion was seconded and passed unanimously.**

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

**Commissioner Baldwin moved to make the second amendment stating all camping on private property shall be prohibited without the approval of the Warrenton Police Chief and Public Health Authority.**

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

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**Commissioner Newton made the motion to adopt Resolution No. 2565 as amended; to Ensure the Public Health and Safety of the Citizens of Warrenton and to Avoid Unnecessary Risks to Hospital Surge in Clatsop County. Motion was seconded and passed unanimously.**

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

Mayor Balensifer noted that all resolutions are passed unanimously.

Ms. Engbretson stated that she hopes majority of folks affected by this will work cooperatively with the city to not tax our law enforcement and limited resources. She thanked local partners. Mayor Balensifer noted he has been in contact with the county commission and Senator Johnson – and we have their support. A brief conversation continued. Ms. Engbretson noted we will not be proceeding with utility shuts off for at least the next 30 days. She continued to note that if citizens can pay their bills she would encourage them to do so. Consensus was to halt utility shut offs for 30 days.

There being no further business, Mayor Balensifer adjourned the emergency meeting at 5:44 p.m.

Respectfully submitted by Lindsay Duarte, Deputy City Recorder

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder

MINUTES  
Warrenton City Commission  
Regular Meeting – March 24, 2020  
6:00 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, OR 97146

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

Commissioners Present: Mayor Henry Balensifer, Tom Dyer, Mark Baldwin, Rick Newton (via phone), and Pam Ackley (via phone)

Staff Present: City Manager Linda Engbretson, City Attorney Spencer Parsons (via phone), Finance Director April Clark, Police Chief Mathew Workman, Fire Chief Brian Alsbury and City Recorder Dawne Shaw

Mayor Balensifer noted the mayor's statement and the proclamations are removed from the agenda.

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 3.10.20
- B. Police Department Monthly Statistics – February 2020
- C. Monthly Finance Report – February 2020

City Recorder, Dawne Shaw, noted a correction to the consent calendar – the City Commission Meeting Minutes are for the 03.10.20 meeting, not the 02.25.20 as listed on the agenda.

**Commissioner Baldwin made the motion to approve the consent calendar as amended. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer – aye; Ackley – aye; Newton – aye; Dyer - aye**

COMMISSIONER REPORTS/GOOD OF THE ORDER – None

PUBLIC COMMENT – None

PUBLIC HEARING – None

BUSINESS ITEMS

Finance Director, April Clark, discussed Resolution No. 2563; a budget adjustment for the Warrenton Library. Ms. Clark discussed an error in the contributions to PERS for a retired employee. She continued to note that in order to correct the issue they are requesting to move money from contingency to retirement funds to allow for the contributions payment needed. She outlined the memo presented in the meeting material packet and noted this adjustment is necessary.

**Commissioner Dyer made the motion to adopt Resolution No. 2563; Approving and Adopting Increases and Decreases to the 2019-2020 Budget by Making an Intrafund Transfer of Appropriations. Motion was seconded and passed unanimously.**

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

Mayor Balensifer noted the city commission goals are outlined in the meeting material packet and continued to note that they may need to be flexed a bit with the current situation ( COVID-19), regardless we should still have a plan outlined for the city. City Manager, Linda Engbretson, stated we have been making pretty good progress on some of these goals already, and it is unfortunate that we will be stalled for a bit. Commissioner Newton commended Mayor Balensifer for putting the commission goals together and he feels it is important.

**Commissioner Baldwin made the motion to adopt the Fiscal Year 2020-2021 Goals as drafted by the City Commission at the February 22, 2020 annual retreat, and as attached. Motion was seconded and passed unanimously.**

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

City Manager, Linda Engbretson, noted this is a house keeping measure, however, we still need to go through the Ordinance adoption process. She continued to explain that we had inadvertently attached an earlier legal description to the ordinance adopting the Urban Renewal Substantial Amendment. She noted Ordinance No. 1237 which amends the legal description, will be recorded in the Records of Clatsop County.

**Commissioner Dyer made the motion to conduct the first reading by title only of Ordinance No. 1237. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the first reading by title only of Ordinance No. 1237; Amending the Legal Description of Ordinance No. 1230 an Ordinance Making Certain Determinations and Findings Relating to Improving the Warrenton Urban Renewal Plan Amendment.

#### DISCUSSION ITEMS

Ms. Engbretson discussed the temporary policies put in place due to COVID-19. She noted some of the issues previously discussed at the Emergency Meeting on Saturday. She explained that given the current situation the City is temporarily not enforcing utility shut offs; we went from around 13, and if we implemented shut offs now it would be 63; a significant increase. She continued to note that as issues come up regarding the COVID-19, City Hall is prepared to take appropriate actions as needed. Mayor Balensifer noted that the Warrenton Police Department put out a notice on their Facebook Page warning citizens to lock their cars and homes. He asked Chief Workman if he could explain this post in greater detail. Chief Workman explained the uptick in car prowls; and stated it was posted to give a friendly reminder to citizens. Mayor Balensifer inquired about the kind of calls the Police Department has been receiving since the order to vacate was given. Chief Workman gave an update on the calls received pertaining to potential violations of the order; mostly calls on vacation rentals and businesses

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that may have been operating when they should not have been. He requested people not call 911 for violations of the executive order no matter what the violation is. He continued to state if it is not an emergency it is important to not tie the emergency lines up. If people are going to call in on social distancing and similar violations such as groups gathering this should be done on the nonemergency lines.

Ms. Engbretson stated she is extremely proud of all city employees for working professionally and taking concerns seriously. She also commended the community for all they are doing to make this time easier for all of us. Discussion continued on guidance for permitting certain industries that may need temporary housing/hotel and how to handle the matter. Ms. Engbretson noted that the businesses have been working well with the City and she is comfortable with taking on these situations on a case by case basis. Chief Workman noted he will reach out to the South Jetty to make sure they have up to date information. A brief conversation continued.

At 6:20 p.m. Mayor Balensifer announced they will now meet in executive session under authority of ORS 192.660(2)(h); *to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.* He stated the Commission is not expected to return to regular session to take action on any item considered in the executive session.

There being no further business, Mayor Balensifer adjourned the regular meeting at 6:40.

Respectfully submitted by Lindsay Duarte, Deputy City Recorder

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder

**WARRENTON COMMUNITY CENTER**

Advisory Board Meeting

October 24, 2019

4:00 PM

Meeting Date: October 24, 2019

Call to Order: Chairman, Debbie Little, called the meeting to order at 4:05 PM

Roll Call: Chairman, Debbie Little; Vice Chairman, Ronald LeChurch, Secretary, Carol Snell; Penny Morris; Frank Becker; Lorna Anderson; and Warrenton Finance Director, April Clark.

Introduction of Guests: None

Public Comment: None

Approval of the Regular Minutes for: March 21, 2019, Lorna moved to approve the regular minutes as corrected (February 21, 2019 should be March 21, 2019 and \$ 976.00 should be \$ 876.00) Penny seconded. Minutes approved. There was a spelling correction (buss) needed in the Agenda

Financial Report: April reviewed her report date October 24, 2019 for the financial period July 1, 2019 thru September 30, 2019. The Center's rental fees to date is \$4,920.00 for 132 rental hours. The Center is over budget by \$920.00. Expenses are under budget by \$3,381.00. Cash on hand is \$20,434.00,

Old Business: There was a discussion concerning the kitchen door and keeping it locked. The senior group is paying \$100.00 per month for using the Center. The group can provide a sign designating bus parking.

April stated the donation letters had gone out, information about the breakfast is on the City web site and in the Cities' quarterly News Letter. It was suggested that we use Vista Print, on-line posters, to advertise the breakfast.

It was decided to not change the by-laws. The President or 2 members of the board can call meetings outside those designate in the by-law.

Penny stated she was having surgery and would not be at the next meeting. She has everything under control for the raffle. There will a KOA drawing and Ronald will donate more fire wood. Penny plans on having more items for the kids. Debbie has some green toys to donate.

April would like to complete an inventory to the office and clean out items that we don't use for either breakfasts, etc. Lorna and Carol will help on a Monday or Thursday after 2:00 PM.

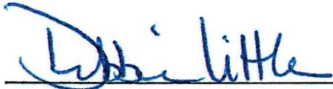
April reminded the board that the City has a \$200.00 gift card from Wall Mart with which to buy food items. We should ask Starbucks for 2 pots of coffee. If they can't provide two we need to use the Centers pot. Frank will contact the Pig, Lorna reminded to check the size of the sausages. Debbie will check with the high school to see if the football team will serve. Lorna will get someone to help with the eggs, we need at least 60 dozen eggs. Carol will help sell tickets at the door with her daughter. Someone will check with the owner of the Main Street Market to see if he will be our Santa. We were reminded that we ran out of candy canes last year.

New Business: Easter Breakfast will be April 4, 2020.

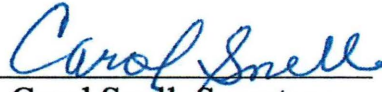
Correspondence: None

Next Meetings: See Agenda

It was moved and seconded to close the meeting at 5:20 PM.



Debbie Little, Chairman



Carol Snell, Secretary

## WARRENTON COMMUNITY CENTER

Advisory Board Meeting

November 21, 2019

4:00 PM

Meeting Date: November 21, 2019

Call to Order: Chairman, Debbie Little, called the meeting to order at 4:00 PM

Roll Call: Chairman, Debbie Little; Vice Chairman, Ronald LeChurch, Secretary, Carol Snell; Frank Becker; Lorna Anderson. Excused: Warrenton Finance Director, April Clark and Penny Morris. April did text that we had received a donation from Maddox Dance and Astoria Ford. \$75.00 from each.

Introduction of Guests: None

Public Comment: None

Approval of the Regular Minutes for: October 24, 2019, Lorna moved to approve the regular minutes as corrected (spelling error bard s/b board, Wall s/b Walmart, and \$920.00.00 s/b \$920.00.) Frank seconded. Minutes approved. There was a spelling correction (buss) needed in the Agenda

Financial Report: April was excused.

Old Business: Randy, Pig and Pancake, said they will have someone to cook pancakes and provide the grill. They will have a new cook. Mitch won't be able to wash dishes. They do have someone to take his place.

April and Carol cleaned up the office. Got rid of some things, found some salt and peppers. No one knows where they came from. We gave them to the Center. We will decorate the Christmas tree on December 4<sup>th</sup> as April will be out of town. The owner of Main Street Market will act as Santa Clause.

New Business: There was some discussion of canceling the February 2020 meeting. Instead meet in March and put on the breakfast April 4, 2020.


We will have a report from April on the Santa Breakfast and election of officers in January 2020.

Correspondence: None

Next Meeting: January 16, 2020

It was moved and seconded to close the meeting at 4:37 PM.

  
Debbie Little, Chairman

  
Carol Snell, Secretary

April 13, 2020

Mayor Henry Balensifer  
Warrenton City Commission  
225 S. Main Ave.  
Warrenton OR 97146

Dear Mayor Balensifer and commissioners,

I own two businesses in the city of Warrenton and, therefore, pay two business license fees to the city.

My purpose in writing this is to express my concern regarding the dissolution of Warrenton Business Association as a group of business representatives appointed to oversee how the business license fees are spent and advise the commission on economic issues.

In my opinion, as a former WBA member, there have been problems with how the WBA functioned over the years (people appointed who didn't own or manage businesses, the difficulty of finding volunteer board members, members who occasionally used the group as a political vehicle). Not every decision of the WBA has been based on supporting programs, events or other things to help Warrenton businesses thrive. That is how business license fees should be used; a healthy economy is healthy for everyone.

My concern is that, without business representatives serving as advocates for how the business license fee money is spent, it will be spent on things that have nothing to do with promoting the economic well-being of the city of Warrenton. Too often, politicians tax citizens or businesses and then lose sight of the reason a fee or tax was enacted. Please don't let that happen.

If you choose to dissolve the WBA, vow to consider every expenditure from those funds to ensure they're used to promote or benefit businesses in the city of Warrenton.

Thank you,  
Cindy Yingst

The Columbia Press  
503-861-3331

The UPS Store  
403-861-7447

**Dawne Shaw**

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**From:** Kimberly Nichols <kn.95@hotmail.com>  
**Sent:** Tuesday, April 14, 2020 8:35 AM  
**To:** Dawne Shaw  
**Subject:** 4/14/2020 commission meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi this is a comment/question from Ryan Palek and Kimberly Nichols. We are just curious about where you are at with the engineering standards for development. We are hoping this can be expedited as we are all in a tough spot right now. All the permits and surveys have now been paid out of pocket which originally were going to come from our loan. As you know, without a permit you can not get a loan. Sadly are loan would not permit for a road more than 15k. Putting in a 50k+ road will not bring up the value of our future home. We are hoping you are able to push forward with this at tonight's meeting. Once this is passed we then can get the engineer updated and started on the design for our road. Though we will still need to spend around 10k for the road including the engineer we are still saving thousands of dollars. We are thankful for all your hard work at this time and look forward to listening in tonight. Thank you!

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## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
 FROM: Bob Johnston, Building Official  
 DATE: April 14, 2020  
 SUBJ: WMC CHAPTER 15 and CHAPTER 16 AMENDMENTS

### SUMMARY

The State typically adopts new Codes on a three-year cycle, the most current being the 2019 Oregon Structural Specialty Code and 2014 Oregon Fire Code. The currently adopted Chapter 15.04.010 identifies the use of the 1994 Uniform Fire Code. Additionally, WMC Chapter 15.04.180 Structural code section A references the 1994 Uniform Fire Code. Chapter 15.04.180 further stipulates specific 1996 Structural specialty code references pertaining to Fire Flow Requirements which have been removed from the Oregon Structural Specialty Code and are enforced through the Oregon Fire Code. Significant changes have been made in these codes and WMC should be updated to the most currently adopted State Codes. My recommendation of modified text is outlined in the attached ordinance.

### RECOMMENDATION/SUGGESTED MOTION

*I move to conduct the first reading, by title only, of Ordinance No. 1238; An Ordinance Amending Warrenton Municipal Code, Chapters 15.04.010, 15.04.180, 15.08.030, 15.08.070, and 16.152.060*

### ALTERNATIVE

1) Other action as deemed appropriate by the City Commission

**FISCAL IMPACT:** No fiscal impact is anticipated

Approved by City Manager:

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

**Ordinance 1238**  
**Introduced by All Commissioners**

**AN ORDINANCE AMENDING WARRENTON MUNICIPAL CODE CHAPTER 15.04.010, 15.04.180, 15.08.070, and 16.152.060; TO REFLECT THE MOST CURRENTLY ADOPTED STATE CODES**

**WHEREAS**, significant changes have been made to the Oregon State Codes, and;

**WHEREAS**, the Warrenton Municipal Code needs to be updated to the most currently adopted State Codes, and;

**NOW, THEREFORE**, the City of Warrenton ordains as follows: (Key: **new** deleted)

**Section 1.** Warrenton Municipal Code, Chapters 15 and 16 shall be amended with the following:

**WMC 15.04.010:** These regulations shall be known as the City of Warrenton's Building Code requirements and includes the **most currently adopted editions of the** Oregon Structural Specialty Code, ~~the 1994 Uniform~~ **Oregon Fire Code, Oregon Mechanical Specialty Code, Oregon Electrical Specialty Code, Oregon Plumbing Specialty Code, Oregon One- and Two-Family Dwelling Specialty Code, Oregon Manufactured Dwelling Code, Oregon Manufactured Dwelling Park and Mobile Home Park Rules, Oregon Recreational Park and Organizational Camp Regulations and International Dangerous Buildings Codes**, including the administration sections **and appendices** herein, may be cited as such, and will be referred to herein as "this code." (Ord. 965-A § 2, 1996)

**WMC 15.04.180:**

A. **Enforcement of State Code.** The Oregon Structural Specialty Code **and Oregon Residential Specialty Code**, as adopted by OAR 918-460-0010 through 918-460-0015, except as modified in this code, is enforced as part of this code. ~~The 1994 Uniform~~ **most currently adopted edition of the Oregon Fire Code**, including administrative sections, all appendices and all the State of Oregon Revisions.

B. **Adoption of Fire Flow Requirements.** ~~Appendix Chapter 9 Division II of the 1996 The~~ **most currently adopted edition of the Oregon Structural Specialty Fire Code** is adopted as part of this code with the following modifications:

1. ~~910.1~~ **Decreases.** Fire-flow requirements may be modified downward by joint approval of the Building Official and the Chief of the Fire Department for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

2. ~~910.2~~ **Increases.** Fire-flow requirements may be modified upward by joint approval of the Building Official and the Chief of the Fire Department where conditions indicated an unusual susceptibility to group fires or conflagrations. An upward modification shall not be more than twice that required for the building under construction.

C. **Excavation and Grading/Erosion Control.** ~~Appendix Chapter 33 of the Uniform Building Code, 1994 Edition, published by the ICBO, including Tables 33-A and 33-B,~~ **the most currently adopted edition of the Oregon Structural Specialty Code, Appendix J Grading**, is adopted as part of this code. (Ord. 965-A § 2, 1996)

**15.08.030 Alterations, additions and repairs.**

All buildings or structures which are required to be repaired under the provisions of this chapter shall be subject to the provisions of this chapter and be subject to the provisions of OSSC ~~Section 105.2.1 Chapter 1~~ and ORSC ~~Section R102.7 Chapter 1~~ (Ord. 1079-A § 103, 2005)

**15.08.070 Inspection of work.**

All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this chapter and ~~Sections 305 and 306 of the currently adopted State Building Codes.~~ (Ord. 1079-A § 204, 2005)

**16.152.060 Grading Permit Requirements**

D. Engineered Grading Requirements. As required by ~~2010~~ **currently adopted** Oregon Structural Specialty Code Appendix J, as may be amended.

**Section 2.** This Ordinance will take effect 30 days after its adoption by the Warrenton City Commission.

**First Reading:**

**Second Reading:**

**ADOPTED** by the City Commission of the City of Warrenton, Oregon this      day of  
**2020.**

APPROVED

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

Attest:

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



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Dawne Shaw, City Recorder  
DATE: April 14, 2020  
SUBJ: Second Reading of Ordinance No. 1237; Urban Renewal Plan –  
Substantial Amendment Legal Description Correction

### SUMMARY

At its March 24, 2020 meeting, the City Commission conducted the first reading of Ordinance No. 1237. This is a necessary housekeeping measure to correct the legal description of the Urban Renewal Plan Substantial Amendment, which was adopted on November 12, 2019 by Ordinance No. 1230. After the adoption of Ordinance No. 1237, the Legal Description amendment will be recorded in the Records of Clatsop County.

### RECOMMENDATION/SUGGESTED MOTION

*"I move to conduct the second reading by title only, of Ordinance No. 1237; An Ordinance Amending the Legal Description of Ordinance No. 1230; An Ordinance Making Certain Determinations and Findings Relating to and Approving the Warrenton Urban Renewal Plan Amendment"*

*"I move to adopt Ordinance No. 1237."*

### ALTERNATIVE

No Recommendation

### FISCAL IMPACT

N/A

Approved by City Manager:

A handwritten signature in blue ink, appearing to read "Linda Engstrom", is written over a horizontal line. The signature is enclosed in a rectangular box.

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

**ORDINANCE NO. 1237**

**AN ORDINANCE AMENDING THE LEGAL DESCRIPTION OF ORDINANCE NO. 1230; AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE WARRENTON URBAN RENEWAL PLAN AMENDMENT**

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**WHEREAS**, the City of Warrenton's Urban Renewal Plan Amendment was adopted on the 12<sup>th</sup> day of November, 2019 by the Warrenton City Commission and thereafter submitted a copy of the Plan Amendment to Clatsop County for Recording; and

**WHEREAS**, the County duly recorded the Plan Amendment on January 27, 2020; and

**WHEREAS**, the City received notice from the County that the legal description submitted with the Plan Amendment needs revising, as adopted by Ordinance No. 1116-A.

**NOW THEREFORE, THE COMMISSION OF THE CITY OF WARRENTON HEREBY ORDAINS THAT:**

**Section 1.** The City of Warrenton Urban Renewal Plan Amendment, adopted by Ordinance No. 1230, is hereby amended to reflect the revised Legal Description which is attached to this ordinance as Exhibit "A."

**Section 2.** The City Recorder shall forward a copy of this Legal Description amendment to be recorded in the Records of Clatsop County.

**Section 3.** This Ordinance shall take effect 30 days after its adoption.

First Reading: March 24, 2020

Second Reading: April 14, 2020

ADOPTED by the City Commission of the City of Warrenton, Oregon this 14<sup>th</sup> day of April 2020.

Approved

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

Attest

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



4253-a highway 101 north • seaside, oregon 97138  
(503) 738-3425 • fax (503) 738-7455  
www.hlb-otak.com

**Legal Description  
for  
City of Warrenton  
Re: Urban Renewal District**

**October 22, 2007**

Situate in the SW1/4 of Section 15, the SE 1/4 of Section 16, the East 1/2 of Section 21, the West 1/2 of Section 22, and all of Sections 27 and 28, Township 8 North, Range 10 W.M., City of Warrenton, Clatsop County, Oregon and being described as follows:

Beginning at the northeast corner of the Solomon Smith DLC No. 40, also being the southeast corner of DLC 43; thence west on the north line of said DLC No. 40 a distance of 935 feet more or less to the east right of way of the abandoned SP&S Railroad; thence north along said east right of way 1,110 feet more or less to the Easterly extension of the North line of the plat of Ivy Park; thence west along said easterly extension 115 feet more or less to a point 100 feet west of the west right of way of the abandoned SP&S railroad right of way; thence south parallel with and 100 feet west of said right of way 1,110 feet more or less to the North line of DLC No. 40; thence west a distance of 825 feet, more or less to the east right-of-way line of Old Oregon Coast Highway; thence north and northeasterly on the east right-of-way line of said Old Oregon Coast Highway, a distance of 650 feet, more or less to the intersection of the southerly extension of the east line of Block 8 in the plat of Ivy Park; thence north on said east line a distance of 730 feet, more or less to the northeast corner of said plat, also being on the north right-of-way line of Hutchinson Avenue; thence west on said north right-of-way line, a distance of 780 feet, more or less to a point on the east right-of-way line of Whiskey Road; thence northwesterly on said east right-of-way line and the extension thereof a distance of 650 feet, more or less to a point on the north right-of-way line of DeLaura Beach Road; thence northeasterly on the said north right-of-way line, a distance of 1,000 feet, more or less to a point on the south line of the Block 17, Plat of Hollywood Park; thence east on said south line, a distance of 90 feet, more or less to the west right-of-way line of SW Elm Avenue; thence north on said west right-of-way line and the extension thereof, a distance of 1,300 feet to a point on the north right-of-way line of SW 14<sup>th</sup> Street; thence east on said north right-of-way line, a distance of 1,030 feet, more or less to the west right-of-way line of SW Alder Avenue; thence northeasterly 80 feet more or less to the northwest corner Parcel 3 of Partition Plat 1994-037; thence north a distance of 210 feet more or less, to the south line of Pulkin Addition extended westerly; thence west 30 feet, more or less to a point on the east line of the Plat of Sand Creek No. 2; thence north on said east line and the extension thereof, a distance of 1,610 feet, more or less to a point on the westerly extension of the south right-of-way line of SW 9<sup>th</sup> Street; thence east on said extension, a distance of 60 feet, more or less to the northwest corner of Lot 1, Block 7, Plat of Skipanon Addition; thence northerly

on the west right-of-way line of Cedar Street and the extension thereof, a distance of 1,180 feet, more or less to a point on the north right-of-way line of 5<sup>th</sup> Street; thence west on said north right-of-way line, a distance of 30 feet, more or less to a point; thence northeasterly, a distance of 30 feet, more or less; thence northwesterly, a distance of 30 feet to a point on the north right-of-way line of SW 6<sup>th</sup> Street; thence west on said north right-of-way line, a distance of 36 feet, more or less to the intersection of the north right-of-way line of SW 5<sup>th</sup> Street; thence northwesterly on said north right-of-way line, a distance of 120 feet, more or less to a point on the west right-of-way line of SW Alder Avenue; thence northeasterly on said west right-of-way line, a distance of 2,440 feet, more or less to the intersection of the westerly right-of-way line of Market Street; thence northwesterly on said westerly right-of-way line, a distance of 460 feet, more or less to a jog in the said right-of-way line; thence west 65 feet, more or less to a point on the east line of Block 115, Plat of Alder Meadows 2<sup>nd</sup> Extension; thence northerly on said east block line, a distance of 190 feet, more or less to the westerly right-of-way line of Market Street; thence northerly on said westerly right-of-way line, a distance of 600 feet to a point on the south right-of-way line of NW 3<sup>rd</sup> Street; thence northwesterly on said south right-of-way line, a distance of 90 feet, more or less to the west right-of-way line of NW Birch Avenue; thence northeasterly on said west right-of-way line, a distance of 275 feet, more or less to the intersection point with the west right-of-way line of Market Street; thence northwesterly on said west right-of-way line, a distance of 210 feet, more or less to the south right-of-way line of NW 4<sup>th</sup> Street; thence southeasterly on westerly extension of the South line of Lot 1, Plat of G. Clifford Barlow and on the south line of Lots 1 – 7 of said plat, a distance of 1,640 feet, more or less to the west right-of-way line of NE Skipanon Drive; thence northeasterly on said west right-of-way, a distance of 490 feet, more or less to the center line of Madison Avenue; thence southeast on the easterly extension of said center line, a distance of 50 feet, more or less to the center line of NE Skipanon Drive; thence east, a distance of 50 feet, more or less to the northwest corner of parcel E Warrenton Lumber parcel described in Book 390, Page 685, Clatsop County Deed Records, thence following the north line of said Parcel E easterly, a distance of 1,060 feet, more or less to the north line of said Section 22; thence east on said Section 22, a distance of 620 feet, more or less to a point on the west line of Block 14, Plat of Portoria; thence southwesterly on said plat line, a distance of 445 feet, more or less to a point on the south right-of-way line of NE 3<sup>rd</sup> Place; thence west on said south right-of-way line, a distance of 20 feet, more or less to the east right-of-way line of NE Iredale Avenue; thence south on said east right-of-way line, a distance of 1,500 feet, more or less to an angle point in said east right-of-way line; thence continuing on said east right-of-way line southwesterly, a distance of 790 feet, more or less to a point on the north right-of-way line of SE 2<sup>nd</sup>, also being an angle point in the east right-of-way line of SE Iredale Avenue; thence continuing on said east right-of-way line south, a distance of 870 feet, more or less to a point on the south line of SE 5<sup>th</sup> Street; thence west on said south right-of-way line, a distance of 1,810 feet, more or less to a point on the east right-of-way line of SE Ensign Avenue; thence southeasterly on said east right-of-way line, a distance of 280 feet, more or less to an angle point on said east right-of-way line; thence continuing on the east right-of-way line of SE Ensign Avenue, a distance of 1,900 feet, more or less to a point on the north right-of-way line of SE 12<sup>th</sup> Place; thence east on said north right-of-way line, a distance

of 590 feet to an angle point on said north right-of-way line; thence southeasterly on said north right-of-way line, a distance of 725 feet, more or less to a point on the west right-of-way line of SE Galena Court; thence northeast, a distance of 170 feet, more or less to the SW corner of Block 21 Plat of The Plaza, also being on the north right-of-way of SE 12<sup>th</sup> Place; thence east on said north right-of-way line, a distance of 1,645 feet, more or less to a point on the east right-of-way line of SE King Avenue; thence south on said east right-of-way line, a distance of 880 feet to the south right-of-way line of SE 14th Street;

thence west on said south right-of-way line, a distance of 1,360 feet, more or less to the east right-of-way line of Oregon Coast Highway;

thence southeasterly along the east right-of-way line of Oregon Coast Highway 1,435 feet to a point;

thence, leaving said right of way easterly 1,012 feet, more or less, to point on the east line of Parcel 1 of Partition 2006-33, said point being 1250 feet south of the northeast corner of Parcel 1 of Partition Plat 2006-33;

thence south along said east line of Parcel 1 of Partition Plat 2006-33 a distance of 711 feet to a point;

thence westerly on a line perpendicular to the east line of Parcel 1 of Partition 2006-33 a distance of 1,438 feet, more or less, to the east right-of-way line of Oregon Coast Highway;

thence southwesterly along the east right-of-way line of Oregon Coast Highway 50 feet, more or less, to an angle point at STA 212+00 105 feet left as shown on map B-9505;

thence southwesterly along the east right-of-way line of Oregon Coast Highway 101.11 feet, more or less, to an angle point at STA 213+00 105 feet left as shown on map B-9505;

thence southwesterly along the east right-of-way line of Oregon Coast Highway 299.87 feet, more or less, to an angle point at STA 216+00 105 feet left on as shown on map B-9505;

thence southwesterly along the east right-of-way line of Oregon Coast Highway 173.15 feet, more or less, a 5/8" rebar and yellow plastic cap marked "HLB INC" as shown on map B-9505;

thence leaving said right of way at a bearing of N 89° 50' 58" E for a distance of 600.28 feet, more or less, to a 5/8" rebar set with a plastic cap marker "HLB INC" as shown on map B-9505;

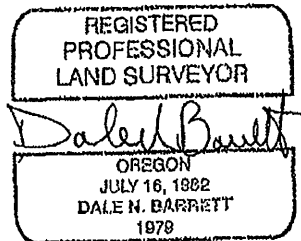
thence S 00° 00' 44" W for a distance of 54.68 feet, more or less, to a 5/8" rebar set with a plastic cap marker "HLB INC" as shown on map B-9505, Detail D Sheet 2;

thence S 87° 15' 58" E for a distance of 2.06 feet, more or less, to a 5/8" rebar set with a red plastic cap marker "OREGON STATE HIGHWAY 101" as found as Monument "95" per map B-9505;

thence S 06° 06' 55" E for a distance of 699.06 feet, more or less, to a 5/8" rebar set with a plastic cap marker "HLB INC" as shown on map B-9505;

thence N 89° 50' 58" E for a distance of 821.77 feet, more or less, to a 5/8" rebar set with a plastic cap marker "HLB INC" as shown on map B-9505 to the northeast corner of Block 1 vacated plat of Herrington-Elliott Addition to Warrenton;

thence south on the east line of said blocks 1 and 14, a distance of 500 feet, more or less, to the southeast corner of the vacated plat of Herrington-Elliott; thence west, a distance of 1,820 feet to a point on the west right-of-way line of SE Dolphin Avenue; thence north on said west right-of-way line, a distance of 1,230 feet, more or less to the northeast corner of Block 5, Plat of "Subdivision of Portsmouth" Addition to Warrenton; thence west on the north lines of Blocks 5 - 7, a distance of 1,125 feet, more or less to the northwest corner of Block 7; thence south on the west line of said Block 7, a distance of 50 feet, more or less to the point of beginning.



RENEWAL DATE: DEC. 31, 07



## AGENDA MEMORANDUM

**TO:** The Warrenton City Commission

**FROM:** Kevin A. Cronin, AICP, Assistant City Manager/Community Development Director

**DATE:** April 14, 2020

**SUBJ: 1st Reading:** Ordinance No. 1239 | Business License Code Amendments WMC 5.04 |  
Repeal Chapter 2.28 Warrenton Business Association

### BACKGROUND

On February 11, the City Commission held a work session and discussion on revisions to the business license section of the Warrenton Municipal Code Chapter 5.04 and repealing Chapter 2.28, which are the bylaws of the Warrenton Business Association. Enclosed are revisions based on the discussion and direction of the City Commission as well as Ordinance No. 1239 that would adopt said revisions.

### RECOMMENDATION/SUGGESTED MOTION

If there is consensus, staff recommends holding a first reading. Otherwise, the Commission can delay a first reading to the second meeting in April to allow additional testimony.

*Suggested Motion: I move to conduct the first reading of Ordinance 1239 by title only.*

*Alternative Motion: I move to continue deliberation at the April 28, 2020 City Commission meeting.*

Approved by City Manager:

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

**Ordinance 1239**  
**Introduced by Mayor Balensifer**

**AN ORDINANCE AMENDING WMC 5.04 BUSINESS LICENSE FEE AND REPEALING  
WMC 2.28 WARRENTON BUSINESS ASSOCIATION REGARDING UPDATED BUSINESS  
LICENSE AND BUSINESS DEVELOPMENT POLICIES AND AMENDED CODES**

**WHEREAS**, the City Commission has made it a priority to review outdated policies and fee schedules and has not reviewed the WMC 5.04 since 1989 - Ordinance 857-A; and

**WHEREAS**, the City of Warrenton wants to strike a balance with the need to create new business development opportunities with a need to support community-based economic development initiatives; and

**WHEREAS**, Spruce Up Warrenton is a non-profit and Oregon Main Street sponsored program responsible for business development in downtown and Astoria-Warrenton Chamber of Commerce for all businesses in Warrenton.

**NOW, THEREFORE**, the City of Warrenton ordains as follows: (Key: **new**, ~~deleted~~)

**Section 1.** Chapter 2.28 of the Warrenton Municipal Code is hereby repealed.

**Section 2.** Chapter 5.04 of the Warrenton Municipal Code "BUSINESS LICENSE FEE" is hereby amended as follows:

**5.04.010 Definitions.**

A. "Business" means all services, manufacturers, processors, trades, retail and wholesale shops and any and all occupations carried on in the City of Warrenton for the purpose of profit or not for profit.

B. "Person" means all domestic and foreign corporations, associations, syndicates, partnerships of any kind, joint ventures, societies and individuals transacting and carrying on business in the City of Warrenton. (Ord. 857-A § 1, 1989)

**5.04.020 Exclusions.**

A. No person whose income is based solely on an hourly, daily, weekly, monthly or annual wages or salary shall, for the purpose of this chapter, be deemed a person transacting or carrying on any business in said City. It is the intention that all license fees herein shall be borne by the employer of the person for the privilege of doing business in the City of Warrenton.

B. Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the City which is exempt from such license fee or regulation of the City by virtue of either the Constitution or laws of either the United States of America or State of Oregon.

C. ~~Any religious, fraternal, or charitable organization may receive a refund of the license fee under this chapter following the filing of an exemption which must be approved by the City Commission. Such organizations which have once been granted an exemption are not required to pay the license fee in subsequent years, if a certification has been filed that the character or nature of the activity has not changed. (Ord. 857-A § 2, 1989) A non-profit operating with a 501(c)(3) shall not be required to submit a license application fee.~~

D. **Vendors attending a City Sponsored event are not required to apply for a business license, if that is the only time they are conducting business within the City.**

#### 5.04.030 Purpose.

It is necessary to levy license fees through this chapter in order to provide revenue for the primary purpose of enhancing the ~~business community~~ **economy and livability**, including the following:

- A. ~~Providing Funding for the appropriate chamber of commerce representing the City of Warrenton.~~ **Providing funding for blight and nuisance abatement per City Policy, including property improvement projects that will increase property values or visibility for businesses.**
- B. ~~Providing promotional material for the City.~~ **Provide grants to the local Main Street Program or equivalent organization, and grants to nonprofits whose efforts improve the economic value or viability of businesses or business districts as deemed appropriate by the City Commission.**
- C. ~~Development of funding for projects, or events that will enhance the livability or economic vitality of the City.~~
  - 1. **Examples include events that celebrate national, state or local holidays; festivals; public movies or games; and other events and activities that promote livability and/or economic activity.**
    - a. **All events receiving City funds must be open to the public.**
- D. ~~Beautification of the City.~~
- E. **Assist with the funding of public safety programs or the purchases of public safety equipment.** ~~Other tasks, projects, or functions recommended by the Warrenton Business Association, as set out in Chapter 2.28 and approved by the City Commission.~~
- F. ~~Other tasks, projects, or functions recommended and approved by the City Commission, that are consistent with WMC 5.04.040. (Ord. 857-A § 3, 1989)~~

#### 5.04.040 Policy.

It is the policy of the City of Warrenton to prioritize funding for projects that will have the greatest impact to residents and businesses within the City. Business license funds should not be used to contribute to nonprofits or agencies dedicated to goals other than business promotion or adopted goals of the City. It is also the policy of the City Commission to dedicate a portion of license revenues every year for the continuation of the annual 4<sup>th</sup> of July Parade, at least one festival event, and winter holiday decorations.

#### 5.04.050 Prohibitions.

Business license funds shall not be used to:

- A. **Duplicate the work of entities which receive City transient lodging tax funds for the primary purposes of tourism promotion.**
- B. **Perpetually fund events, festivals, service programs that are not primarily controlled by the City or its designee.**
  - a. **E.g. The City may designate a nonprofit or contractor to organize an event like the 4<sup>th</sup> of July Parade, this may be perpetually funded for as long as that nonprofit or contractor is designated by the City to control that event.**
- C. **Fund governmental entities other than the City, unless it is to cover a fee or other cost associated with a City led or funded project, program or event.**
- D. **Be used as a grant program to fund charitable organizations that support another governmental agency's major function.**
- E. **Provide block grants to nonprofits or social service agencies not directly relating to business development, City supported or sponsored events.**
- F. **Fund programs or events based and/or held outside of the city limits.**

**5.04.0640 Payment required.**

A. No person may engage in, prosecute or carry on any business without first **completing a business license application and** paying the required license fee.

B. The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for the payment of the fee thereon, as herein provided, and for the penalties for failure to pay the same, or to comply with the provisions of this chapter to the extent and with like effect as if such agent or agents were themselves the proprietor thereof, resident or nonresident.

C. A person representing or exhibiting a sign or advertisement that such person or business is engaged in any operation for which payment is required by this chapter is deemed to be engaged in such business and shall pay such license fee as required by this chapter.

D. Any person engaged in operating or carrying on more than one business in the City of Warrenton shall pay the license fee prescribed for each business **location** operated by such person. **Only one license is required for vending machine type businesses.**

E. Those persons whose physical plants or facilities are located outside of the City, but whose business requires use of the City's streets or services, and whose services or materials are rendered or delivered within the City, are required to file an application and pay the appropriate license fee. (Ord. 857-A § 5, 1989)

**5.04.0750 City disclaimer.**

A. The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the City of Warrenton to the person engaged therein to so engage in the event such business shall be unlawful, illegal or prohibited by the laws of the State of Oregon or the United States, or by the ordinances of the City of Warrenton.

B. Nothing in this chapter shall be constructed as vesting any right in a person engaged in any business required to have a license under this chapter, either by granting the license or under a contract obligation on the part of the City for the amount or character of the license fee. Such a fee may be increased or decreased at any time. (Ord. 857-A § 6, 1989)

**5.04.0860 Tax year and payment due.**

A. The tax year for which the license fees shall be charged hereunder shall commence with the 1st day of July each year and terminate with the close of the business day on the 30th of June of each year. If the applicant applies for a **new** business license after the 1st of January, the fee shall be 50% of the annual rate.

~~B. Persons applying for a license who have not engaged in or operated the business applying in either the current or previous tax year, shall pay the required fee on or before the first day business is transacted with customers or products, or process is initiated in manufacturing.~~

~~B. C.~~ All license fees **and accompanying application or renewal form** shall be due and payable on the 1st day of July each year. ~~If a person is classified under subsection B of this section, the fee shall be for the remainder of that tax year.~~

~~C. D.~~ If the license fee is not paid prior to the **31<sup>st</sup> 15<sup>th</sup>** of July or the nearest working day thereto in the respective year, the license fee will be delinquent and the penalties and rights given by the City of Warrenton under this chapter may be imposed as hereinafter set forth. (Ord. 857-A § 7, 1989)

**5.04.0970 Duties.**

A. It is unlawful for any person to operate or transact any business as specified by this chapter without first paying the City of Warrenton in advance such license fee as is imposed by this chapter.

B. No transfer or assignment of any license issued under this chapter is valid.

C. Whenever a person sells or transfers, ~~in whole,~~ a business, **the new owner must submit a new application and pay the applicable fee.** ~~a business for which such license fee has been paid, neither the vendee nor vendor is required to pay an additional license fee for the balance of the tax year.~~

D. If a question arises between the applicant for a license and the City auditor, or designate, as to classification, fee or other, the same may be referred to the City Commission for its determination.

E. It is unlawful for any person to willfully make any false or misleading statement to the auditor or his or her designate, in the application for the purpose of determining the amount of license fee herein provided to be paid by any such person, or to fail or refuse to comply with those provisions of this chapter required to be so complied with or observed, or to fail or refuse to pay, before the same shall be delinquent, any license fee or penalty hereby required to be paid by such person. (Ord. 857-A § 8, 1989)

F. **A license issued under this chapter shall be available at all times for inspection at the location of said business. The police chief and officers are directed to examine all places of business subject to this chapter at any reasonable time for the purpose of determining whether or not such business is complying with this chapter. (Ord. 857-A § 12 1989)**

5.04.080.100 Classifications and fees.

All fees and classifications will be designated by resolution and approved by the Warrenton City Commission. (Ord. 857-A § 9, 1989)

5.04.090.1010 Procedures for application.

A. Prior to the date due, a person transacting or engaged in a business shall apply for a license and ~~a determination of fee due on a form provided by the City.~~

~~A. The application shall be on an appropriate form provided by the City.~~

B. ~~At the time of filing the application, the applicant shall make payment of the required license fee. The application fee is non-refundable.~~

~~C. Said application shall be filed with the auditor or designate for use of the City Commission and City officials.~~

~~D. The auditor or designate shall furnish a receipt for monies received for the license. (Ord. 857-A § 10, 1989)~~

5.04.100 Application form:

~~A. The applications shall be in book form and numbered consecutively, beginning with number 1. The form shall have the year for which application is made, printed or stamped immediately following the aforementioned number.~~

~~B. The application shall contain the following information:~~

~~1. A description of the business, etc. to be operated.~~

~~2. The name and address of the applicant. For other forms of business, the following information is required:~~

~~a. Partnership. Names and addresses of all partners;~~

~~b. Corporation. Names of the president and secretary and address of the home office;~~

~~c. Foreign Corporation. Name and address of the designated Oregon agent and name and address of the local agent or representative who will be in charge of the Warrenton business.~~

~~3. Address of the business location or its Warrenton office.~~

~~4. Average number of employees for year minus one.~~

~~5. The amount of the license fee tendered with the application.~~

~~6. Date of application.~~

~~7. Any other information the auditor or City Commission deems said application should contain. (Ord. 857-A § 11, 1989)~~

5.04.110 License form.

~~A. The licenses issued during a license year shall be numbered consecutively beginning with number 1 and followed immediately by the year the license is to cover. This number should correspond with the licensee's application number. In addition to the number, the license shall contain:~~

~~1. The name of the business to which issued.~~

~~2. The name of the business owner.~~

~~3. Description of the business as shown by the application.~~

~~4. The location and mailing address of the business.~~

~~5. The signature of the auditor.~~

~~6. The seal of the City of Warrenton.~~

~~7. Date issued.~~

~~8. Any other information deemed desirable by the auditor or City Commission.~~

~~B. The license shall be padded in duplicate with a detachable original to be given to the licensee and the copy remaining of record with the auditor.~~

~~C. A license issued under this chapter shall be available at all times for inspection at the location of said business. The police chief and officers are directed to examine all places of business subject to this chapter at any reasonable time for the purpose of determining whether or not such business is complying with this chapter. (Ord. 857-A § 12, 1989)~~

5.04.1420 Penalty clause.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, in the municipal court of the City of Warrenton, be punished by a fine not to exceed ~~\$100.00~~ **\$1000.00**. (Ord. 857-A § 13, 1989)

5.04.1530 Additional remedies.

A. In addition to the penalties provided herein and as separate and district remedies, the City may, in any court of competent jurisdiction, sue to obtain a judgment and enforce collection thereof by execution for any fee due under this chapter.

B. The City may seek an injunction prohibiting a person from engaging in any business.

C. In any action or suit authorized by this section the City, if it prevails, shall recover reasonable attorneys' fees, in addition to the City's costs and disbursements. (Ord. 857-A § 14, 1989)

**Section 3.** This Ordinance shall take full force and effect 30 days upon its adoption by the Commission of the City of Warrenton.

**First Reading: April 14, 2020**

**Second Reading:**

**ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day \_\_\_\_\_ of 2020.**

APPROVED

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

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Attest:

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



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Brian Alsbury, Fire Chief  
DATE: 04/08/2020  
SUBJ: ODF Volunteer Fire Assistance Grants

### SUMMARY

Warrenton Fire Department would like to apply for a grant through the ODF Volunteer Fire Assistance Grants (VFA)

This grant is to purchase Wildland Personal Protective Equipment (PPE) Pants, Shirts, Helmets, Gloves, etc. The majority of the current wildland PPE will be past its useful life of 10 years, set by the National Fire Protection Agency.

This grant requires matching funds, dollar for dollar up to \$10,000.00. We plan on spending upwards to \$20,000 for the PPE, if we are successfully awarded, we will be required to spend \$10,000.00. The matching funds will come from the Apparatus Replacement Fund from the FY 2020/2021 budget. The Apparatus fund has approximately \$63,000.00 We will need to set aside \$10,000.00. The application deadline is April 17<sup>th</sup>, 2020.

### RECOMMENDATION/SUGGESTED MOTION

*"I move to have the fire department apply for the VFA Grant.*

*"I move to use funds from the apparatus replacement fund FY 2020/2021 for the required matching fund."*

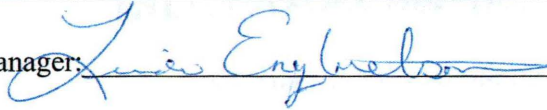
### ALTERNATIVE

1) Find alternate funding sources.

**FISCAL IMPACT**

This will deplete funds from the apparatus replacement fund of approximately  
\$10,000.00

Approved by City Manager:

A handwritten signature in blue ink, appearing to read "James Engelson", written over a horizontal line.

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



Public Works Department

Discussion Item Memorandum

To: The Warrenton City Commission  
From: Collin Stelzig, Public Works Director  
Cc:  
Date: April 14, 2020  
Re: Engineering Design Standards – Review Comments

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The City received 127 comments from 4 individuals. The vast majority of these comments were technical and clarification questions. These comments have been addressed.

The City did receive a couple review comments that require some input from the commission. We have included these review comments below with a brief explanation or response from Public Works (PW).

**2.12 Final Project Acceptance**

Review Comment: Why does the commission need to accept?

PW Response: In the past the City Commission would accept public infrastructure after a development has finalized construction. It is our understanding that the City needs to formally accept improvements. In addition, it is recommended by our auditors that there be some form of formal acceptance that supports adding capital to our fixed assets list.

**2.6.2 Appeal Process**

Review Comment: The appeals process appears to only apply to the design exceptions. It should be expanded to include other areas of the engineering design and policies where it is appropriate for review by the City Manager and Council.

PW Response: The City has reached out to the individual who made this comment to understand the actual concern. We've also asked for an example. We have not yet received a response.

We believe the intent of this comments is to appeal items that are not part of the Engineering Standards. If this is the case, it is our understanding that any issue concerning a Public Works'

policy can be brought to the City Manager and to Commission with public comment or an approved agenda item.

## **2.7 Construction Surety**

Review Comment: A performance bond is an unnecessary expense. Contractors are licensed and bonded and approved by the CCB to perform construction projects. A commonly used practice is for a developer to enter into an agreement with the City to complete all the project elements and conditions before the City will sign off on the subdivision plat for recording.

PW Response: The City's municipal code currently requires a developer to Bond Public Improvements (16.212.050 Bonding and Assurances). We would need to change the municipal code if we were to remove from the engineering standards.

Per City Code and Engineering Standards, Performance Bonds are not necessarily required for portions of land developments that do not impact City systems. A subdivision on private land would not require a performance bond, except for items impacting a City System. An example would be necessary improvements to an existing water or sewer system or existing roadway.

### **3.1.3.2 Curb, Gutter and Edge Area**

Review Comment: planting strips are being removed in a lot of older cities because they are always a mess. Looks great on paper and when new, filled with mud, tire tracks, and weeds soon after. Waste of space. If that extra space is available, pave it!

Landscaping and irrigation belongs in yards not under power lines and next to curb, gutter, or sidewalks. I always look at tree grating when I see it, and it never gets replaced and ends up killing the trees. Plus, tree grates are expensive.

PW Response: This standard is copied from the adopted TSP and Municipal Code. Note that the code states "Median/flex lane and planting strips are **optional** depending on surrounding land use and available right-of-way." We would need to change this section of the code if we were to remove from the engineering standards.

### **3.5.1 General Requirements**

#### **3.5.2 Clearance**

#### **3.5.3 Street Tree Installation**

#### **3.5.4 Suggested Types of Trees**

Review Comment: look at Portland and Astoria and you can see why I'm against ALL of this.

PW Response: The proposed engineering standards do not require landscaping or trees in the ROW. The standards were developed to protect the City if planting strips or trees are required within the right-of-way.

#### **4.5.1 Connection of Sanitary Sewer Laterals**

Review Comment: The property owner should never own anything below ground in our right of way or be responsible for maintenance. We charge for connection fees for utilities to the property line, and then we want the owner to be responsible for what they already were asked to provide. As well as our rates should include future repairs/replacement. Seems like taxing people twice ,

PW Response: The language is typical for municipalities. What we see most is blockages in sewer laterals and our municipal code requires the property owner to be responsible for any blockage. We would like to leave this language in as the standard.