

*"Making a difference through excellence of service"*



## **CITY OF WARRENTON**

### **AGENDA**

CITY COMMISSION OF THE CITY OF WARRENTON  
REGULAR MEETING

March 13, 2018 – 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. Commission Regular Meeting Minutes – 2.23.18
- B. Library Advisory Board Meeting Minutes – 9.08.17

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, prior to the meeting and when recognized, will give his or her name for the record. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. 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. 1219; Johnson Rezone Application
- B. Consideration of LSTA Grant for Automation of the Warrenton Community Library
- C. Consideration of Utility Easement - Vacated Portion of SE 14th Place from S. Main Ave. to SE Anchor Ave.

D. Consideration of Clatsop County Memorandum of Agreement – Whelen Warning Sirens

E. Consideration of Commission Goals – 2018-2019

**8. DISCUSSION ITEMS**

**9. GOOD OF THE ORDER**

**10. 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, Deputy City Recorder, at 503-861-2233 at least 48 hours in advance of the meeting so appropriate assistance can be provided.**

3-A

MINUTES  
Warrenton City Commission  
Regular Meeting – February 27, 2018  
6:00 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:01 p.m. and led the public in the Pledge of Allegiance.

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

Staff Present: City Manager Linda Engbretson, Community Development Director Skip Urling, Public Works Director Collin Stelzig, Police Chief Matt Workman, Finance Director April Clark, Fire Chief Tim Demers, Public Works Operations Manager Kyle Sharpsteen and Deputy City Recorder Dawne Shaw

COMMISSIONER COMMENTS

Mayor Balensifer noted an Agenda addition; item 7-F, a DEQ loan amendment. There were no objections.

Commissioner Newton stated he has been working on several projects. He noted a report he read on workforce housing being built in Seaside, but stated the high prices (\$300,000) are not affordable for the workforce.

Commissioner Dyer welcomed everyone and stated he would like to give an “Atta Boy” for a business in town, and noted how the new owner of Warrenton Auto & Marine (Brandon) is talking pride in his business and cleaning up the exterior.

Commissioner Baldwin gave an update on Chinook Street; he stated that he and Public Works Director Collin Stelzig went out and looked at it, and it looks pretty good. He noted the property owners have been working on it, and there is a little more work that needs to be done. Mr. Stelzig also noted the property owners have been working on the road and it looks good. Commissioner Baldwin stated he is pleased with the outcome.

Mayor Balensifer stated he attended the County Housing Task Force meeting and noted they have narrowed it down to 2 firms, and they are in the process of interviewing them. He stated this evening he attended the launch party of Natural Grocers, and encouraged the public to head over after meeting.

City Manager Engbretson stated that a correction was made on the resolution for the Police Levy; noting after consulting with legal counsel a change was made on the question.

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

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

PUBLIC COMMENT (Agenda Items) – none

## BUSINESS

Greg Apke from ODFW and the Statewide Fish Passage Program Leader gave a brief presentation on tidegate/fish passage regulations. He noted the issues in Warrenton are no different than what adjacent communities face and stated he is here to give prospective. He stated tidegates are very problematic for fish passage, and noted old tidegates are grandfathered in until action is taken, and/or the owner/operator has the resources to fix or replace; the same for levees, dams, culverts, etc. Mayor Balensifer asked if moving a tide gate structure up or down in elevation would trigger ODFW involvement; Mr. Apke noted he was not certain but would look into it. He stated cumulative replacement of over 50% of the gate or material; new construction, major maintenance, replacement or installation; cumulative removal, fill, replacement or addition of over 50% of structure – triggers contact with ODFW. Commissioner Dyer asked about emergency needs; and Mr. Apke stated the owner/operator needs to contact ODFW before, during and after an emergency. Discussion continued and Mr. Apke noted you can get exemption or waiver. He further discussed the maximum velocity and noted state law designs to the weakest, youngest fish. He continued his presentation and reviewed the new tidegates in Nehalem, with an approximate total project cost in excess of \$1,500,000; tidegates are approximately \$600,000. He noted at a state policy level they are very sensitive to local communities which typically cannot afford tidegate replacement and they try to find creative funding solutions. He stated he will work with Public Works Director Collin Stelzig, and work together to get solutions and look at funding solutions. He noted money is avail for hydro studies.

Mayor Balensifer opened the Public Hearing on Rezone Application 17-2, Stan Johnson: R-10 Intermediate Density Residential to RH High Density Residential. Formalities followed and no ex-parte or conflicts of interest were reported. Community Development Director Skip Urling presented his staff report and noted the subject property, 0.76 acres, is located north of Highway 104 Spur on the east bank of the Skipanon River. He noted the Planning Commission conducted a public hearing on January 11<sup>th</sup> and recommended the application be approved. He presented Ordinance No. 1219 for the first reading. Mayor Balensifer asked for public comment in favor of the zoning change. Stan Johnson spoke in regards to the rezone, and noted there were concerns about it possibly becoming a trailer park, and he clarified that it will not. Jennifer Bunch with Wickiup Consulting representing Mr. Johnson, noted concerns at the Planning Commission Public Hearing about what will be developed on the land and stated there are no plans at this time. Mr. Dennis Faletti noted he is not for or against the zone change but noted his concerns about drainage and wants to make sure drainage is away from the properties to the East. He noted ODOT installed a drain and need to make sure it continues. No one spoke in opposition. There being no further comments, Mayor Balensifer closed the public hearing.

## MINUTES

Warrenton City Commission  
Regular Meeting – 2.27.18  
Page: 2

**Commissioner Ackley made the motion based on the findings and conclusions of the January 5, 2018 staff report and recommendation of the Planning Commission, to conduct the first reading by title only, of Ordinance No. 1219; Amending the Zoning designation of Tax Lot 81028AD02500 from R-10 Intermediate Residential to RH High Density Residential. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the first reading of Ordinance No. 1219 by title only.

Mayor Balensifer opened the Public Hearing on the Palmberg Jetty Avenue Apartments Site Design Review and Conditional Use Permit Appeal. Formalities followed and no ex-parte or conflicts of interest were reported. Community Development Director Skip Urling presented his staff report and noted at its January 8, 2018 meeting, the Planning Commission approved applications for site design review and a conditional use permit submitted by Palmberg Development & Construction LLC for development of a 66-unit multiple family development, to be built in four phases. The Planning Commission included 29 conditions of approval, of which Mr. Palmberg is appealing 4 conditions. Mr. Urling detailed each of the appealed conditions and noted problems with downstream pump stations and the need for an assessment of pump stations and the treatment plant. Mayor Balensifer asked for public comment. The proponent, Jason Palmberg asked his engineer to step up and explain some things. Engineer Mark Mead spoke in regards to having to make improvements to SE 13<sup>th</sup> and also discussed the compact parking spaces. Mr. Palmberg discussed the 4 items they are appealing and the reasoning for the appeal. Philip Droggy, owner of Skipanon auto, stated they want sewer up in that area and now with this project they would get sewer. Kerry Johnson spoke in favor and discussed there is no need to widen SE 13<sup>th</sup> and noted it is not fair to impose that on the developer. He also stated that having to provide analysis all the way to the treatment plant, could kill projects and developers will not develop; we need affordable housing. Steve Fulton spoke in favor of the project and noted the sewer is a significant issue in that area, and as a city we should encourage that we have a sanitation system that works and this project fixes that problem. No one spoke in opposition. The Commission discussed the appealed items at length and asked for Public Works Director Collin Stelzig's input. Mr. Stelzig discussed the need for an assessment. He stated the treatment plant is near capacity, and he needs to know how quickly units are coming. He also discussed the downstream pump stations, and noted 1 or 2 are very close to capacity. Mr. Stelzig stated he feels strongly about keeping that condition in. Commissioner Baldwin noted this is a great chance for the city to partner with the developer to get something that is very needed, and it fits our community. There being no further comments, Mayor Balensifer closed the public hearing. Discussion continued.

At 8:35 the Commission took a 5 minute recess to craft a motion. At 8:38 the Commission reconvened.

**Commissioner Ackley made the motion to approve the decision of the Planning Commission, adopt the findings of the Planning Commission and staff report and to modify the conditions of approval as follows:**

- 1. Require a waiver of remonstrance against the formation of a local improvement district, consistent with Condition 4 but limited to 25 years in duration, for the purpose of making sanitary sewer, storm sewer, water or street improvements benefiting the property and assessing proportionate costs consistent with City regulations;**
- 2. Adding a limitation to the requirement of improvements imposed by Condition 8 to those that address impacts created by the development;**
- 3. Striking Condition 11 in its entirety; and**
- 4. Approving Condition 20 with the additional requirement that staff develop a resolution with the applicant so as to ensure that 26 foot travel corridors are maintained.**

**Motion was seconded and passed unanimously.**

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

City Manager Linda Engbretson presented Resolution No. 2515 and explained the current five-year local option tax for police operations end June 30, 2019. She stated revenues raised from this levy fund one full-time position in addition to partially funding one additional position. She noted staff is recommending it be placed on the May ballot, and if the measure should fail, there will be another opportunity in November. Ms. Engbretson stated staff recommends continuing the \$.28 tax. Discussion followed.

**Commissioner Baldwin made the motion to Adopt Resolution No. 2515; *Calling an Election on May 15, 2018, in the City of Warrenton, Oregon, for the Purpose of Voting on a Five Year Local Option Tax for Police Department Operations for Fiscal Year 2019-2020 through Fiscal Year 2023-2024, Adopting a Ballot Title to Submit to the Electors of the City of Warrenton.* Motion was seconded and passed unanimously.**

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

Mayor Balensifer requested to amend the agenda to move item 7-F before 7-E; there were no objections.

Finance Director April Clark stated the loan with DEQ for the Core Conveyance/Ensign Pump Station project has been completed and all disbursements have been requested and received on the project in the amount of \$1,864,762, a difference of \$55,542. She noted the purpose of the loan amendment is to reduce the principle balance amount disbursed and deduct \$500,000 Principle Forgiveness from the repayment schedule. It also sets the Loan Reserve Requirement to \$28,607. Discussion continued on the loan forgiveness.

**Commissioner Ackley made the motion to authorize the Mayor's signature on Loan Agreement No. R94945 Amendment No. 1, amending the principle balance and deducting \$500,000 Principle Forgiveness. Motion was seconded and passed unanimously.**

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

City Manager Linda Engbretson presented Resolution No. 2516 to amend to the order of business for regular City Commission meetings. Mayor Balensifer explained the changes to the order of business.

**Commissioner Baldwin made the motion to adopt Resolution No. 2516; *Setting a New Order of Business for Regular Warrenton City Commission Meetings and Repealing all Resolutions in Conflict.* Motion was seconded and passed unanimously.**

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

PUBLIC COMMENT –

There being no further business Mayor Balensifer adjourned the meeting at none 8:56 p.m.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Dawne Shaw, Deputy City Recorder

**WARRENTON COMMUNITY LIBRARY ADVISORY BOARD- 9.8.2017 MEETING MINUTES**

The Warrenton Community Library Board met on September 8, 2017, in the Warrenton City Hall Commission chambers. The meeting was called to order at 10:00 a.m. by Chairwoman Kelsey Balensifer.

Also in attendance were board members Rochelle Coulombe, Dawn DeLacey, and Eileen Purcell. Natalie Duggan, Rebecca Herren, and Baret Becker were unable to join us. City Commissioner Rick Newton and Site Manager Nettie-Lee Calog were at the meeting, too.

The minutes from the WCL Advisory Board's regular meeting on June 9, 2017 were unanimously approved. DeLacey moved to approve the minutes and Coulombe seconded the motion.

In her site manager report, Calog spoke about the Grand Opening held September 7. An estimated 70 people attended indicating collective community support for the new site and expanded programming. Calog will send a notice to the Daily Astorian's Ear, the Columbia Press and post on the City's Facebook. Balensifer can post the event in the weekly Chamber newsletter. There has been significant uptick in the number of cards issued and usage since the move. Additional programming includes serving as a summer lunch program site, children's story time on Saturdays and craft activities.

Discussion items focused on the upcoming levy to support the library on November 7. This will be the only item on the ballot. The County has decided to not issue voter pamphlets for special elections as a cost-saving measure so we cannot rely on it to get information to voters. Discussion brought forth knocking door-to-door, radio spots on KAST and KMUN, letters to church newsletters and the press, and Facebook postings. Other publications mentioned were the Columbia River Business Journal and Hip Fish.

Information must be clear that we are not purchasing the building, only asking for funds for operations. A box holder mailing of postcards would require considerable postage. There may be 4200 postcards needed.

There was a flyer presented that will be edited to make clear the cost to property owners. Balensifer is contacting print shops regarding printing costs. We need a concise message that is posted uniformly in informational materials.

Calog may have volunteers interested in reviving the Friends group. Funds must be raised for the 501c3 application. The current levy funding ends in 4 months.

Commissioner Newton addressed the board regarding the short-time left to get information out about the levy. He also asked Calog if there had been problems from homeless people using the parking lot inappropriately. Newton also suggested a letter to editor to rebut a recent article regarding the levy.



City Manager Linda Engbretson has information on voter rolls. She also mentioned urban renewal funds as something to consider in the future to buy the building.

There was no public comment given.

Our next meeting is Friday, December 8, 2017 at 10:00.

Meeting was adjourned at 11:01.

Meeting Minutes were taken and recorded by Eileen Purcell, Board Secretary.


7-A

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**CITY OF WARRENTON**

## **AGENDA MEMORANDUM**

**TO:** The Warrenton City Commission  
**FROM:** Skip Urling, Community Development Director   
**DATE:** For the Agenda of March 13, 2018  
**SUBJ:** Johnson Rezone Application 17-2, 2<sup>nd</sup> Reading of Ordinance No. 1219

### **SUMMARY**

After a public hearing at its February 27<sup>th</sup> meeting, the City Commission took action to approve the first reading of Ordinance No. 1219 effecting the map change to rezone 0.76 acres from Intermediate Density Residential to High Density Residential as applied for by Stan Johnson. The subject property is located on Hwy 104 Spur on the east side of the Skipanon River. City Charter Chapter VIII Section 34 requires two readings of an ordinance before its final passage.

### **RECOMMENDATION/SUGGESTED MOTION**

Staff recommends the Commission conduct the second reading of, and then adopt the ordinance effecting the Johnson zoning map amendment.

Suggested motion 1: I move to conduct the second reading by title only of Ordinance No. 1219 approving application RZ 17-2 to rezone Tax Lot 81028AD02500 from Intermediate Density R10 to High Density Residential RH.

Suggested motion 2: I move to adopt Ordinance No. 1219.

**ALTERNATIVE**

None recommended

**FISCAL IMPACT**

None

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

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

**ORDINANCE No. 1219**

**Introduced by All Commissioners**

**An ordinance amending the City of Warrenton Zoning map to reclassify the zoning of Tax Lot 81028AD02500 from R-10 Intermediate Density Residential to RH High Density Residential, acknowledging the recommendation of the Planning Commission and adopting the findings and conclusions of the January 5, 2018 Johnson rezone staff report to the Planning Commission.**

**WHEREAS, application RZ 17-2 was submitted on behalf of Stan Johnson to reclassify the zoning of Tax Lot 81028AD02500 from R-10 Intermediate Density Residential to Rh High Density Residential to be consistent with adjacent properties along Highway 104 Spur west of the Skipanon River; and**

**WHEREAS, after the Planning Commission conducted a public hearing on the proposal on January 11, 2018 and, based on the findings and conclusions of the January 5, 2018 staff report, forwarded a recommendation of approval to the City Commission; and**

**WHEREAS, after the City Commission conducted a public hearing on February 27, 2018, it has determined to adopt the findings and conclusions established by the Planning Commission and approve the rezone application.**

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

**Section 1. The City Zoning Designation Map is amended as to reflect the rezone of the tax lot herein described, based on the findings and conclusions referenced above.**

**Section 2. This ordinance shall become final 30 days after its second reading and adoption.**

**First Reading: February 27, 2018**

Second Reading:            March 13, 2018

ADOPTED by the City Commission of the City of Warrenton, Oregon this 13<sup>th</sup> Day  
of March, 2018.

APPROVED

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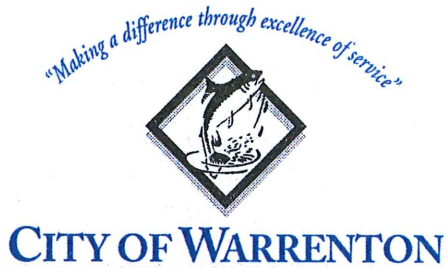
Henry A. Balensifer, Mayor

Attest:

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Dawne Shaw, Deputy City Recorder

7-B



# AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Library Site Manager, Nettie-Lee Calog

DATE: March 6, 2018

SUBJ: LSTA Grant for Automation

## SUMMARY

The Warrenton Community Library is writing a (reimbursable) grant to become automated. By partnering with Seaside Public Library, the cost to the City of Warrenton would be greatly decreased.

## RECOMMENDATION/SUGGESTED MOTION

I move to authorize city staff to move forward with partnering with Seaside and applying for the LSTA Reimbursable Grant for automation of the Warrenton Community Library.

## ALTERNATIVE

None Recommended

## FISCAL IMPACT

If Warrenton alone goes out for the grant: \$17,725 (reimbursable). If Warrenton partners with Seaside: \$7,998 (also reimbursable).

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

All supporting documentation, i.e., maps, exhibits, etc., should be attached to the memorandum.



## Option 1 - Cost Summary

### Library • Solution Software

Library Sites	1
Staff Workstations	1
Bibliographic Records	15,000 (aprox)

**The costs in this proposal are guaranteed for 30 days.**

	First Year Costs	Annual Costs
<b>TLC Software:</b>		
<b>Library • Solution® Integrated Software Package</b> <ul style="list-style-type: none"> <li>• LS2 Staff (Circulation)</li> <li>• LS2 PAC (OPAC)</li> <li>• Oracle Database Licensing</li> <li>• Library • Z (Z39.50 server)</li> <li>• LS2 Reports (one license per site)</li> <li>• LS2 Cataloging</li> </ul>	\$9,000	\$1,800
<b>ITS • MARC®</b> One of the largest, most current copy cataloging resource pools available, with two access methods: World Wide Web and Z39.50. ITS • MARC provides access to over 20 million MARC records.	Included with retrospective conversion	\$895
<b>OPAC Enrichment</b> Enrich your OPAC with a subscription to enhanced content (book jackets, book reviews, and more). A search of the library catalog simultaneously searches TLC's server and integrates content into your OPAC results.	\$1,026	\$1,026
<b>TLC Hosting Services:</b>		
<b>TLC Hosting (Year one includes setup charge)</b> TLC Hosting was designed to offer our products to libraries who desire a higher level of outsourced server hardware service and support.	\$2,700	\$2,700





<b>Services:</b>		
<b>Retrospective conversion</b> <ul style="list-style-type: none"> <li>• Access to online databases for MARC record creation</li> <li>• Webinar for training of conversion process/software</li> <li>• Terminal Server licensing for access to cataloging</li> </ul>	\$1,500	n/a
<b>Project Implementation Services</b> <ul style="list-style-type: none"> <li>• Authority Control</li> <li>• Custom OPAC Design</li> <li>• Rules Configuration</li> <li>• Migration of Data</li> <li>• Customization of MARC Record Merge</li> <li>• Data Clean-Up</li> <li>• <b>RDA</b>Express retroactive conversion of your existing MARC records to the new RDA cataloging standard.</li> </ul>	\$1,999	n/a
<b>Authority Control Processing and Ongoing Updates</b> <ul style="list-style-type: none"> <li>• Authority Control at Implementation</li> <li>• Automatic Updating</li> <li>• Ongoing Access to National Authority Files</li> <li>• Global Updating</li> </ul>	Included	Included
<b>2 Days Remote Training</b> Remote training provided by one TLC trainer, for all included modules and access to online training campus before installation.	\$1,500	n/a
<b>TOTAL COSTS</b>	<b>\$17,725</b>	<b>\$6,421</b>

Payment terms: 25% due at signing with remainder due net 30 following installation.

OR

**TLC offers a 5-Year Subscription Model, with licensing cost spread across the term.**

**The 5-Year Subscription Price for the Hosted.Solution system would be \$11,965 year one, and \$7,861 years 2-5.**



## Option 2 - Cost Summary

### Library • Solution Software

Library Sites	1*
Staff Workstations	13
Bibliographic Records	60,000 est.
Annual Circulation	130,000 est.

	First Year Costs to Warrenton	Annual Costs to Warrenton years 2+
<b>TLC Software:</b>		
<b>Library • Solution® Integrated Software Package</b> <ul style="list-style-type: none"> <li>• LS2 Staff (Circulation)</li> <li>• LS2 PAC (OPAC)</li> <li>• Oracle Database Licensing</li> <li>• Library • Z (Z39.50 server)</li> <li>• LS2 Reports (one license per site)</li> <li>• LS2 Cataloging</li> </ul>	\$3,500	\$700
<b>ITS • MARC®</b> One of the largest, most current copy cataloging resource pools available, with two access methods: World Wide Web and Z39.50. ITS • MARC provides access to over 20 million MARC records.	Included	\$895
<b>OPAC Enrichment</b> Enrich your OPAC with a subscription to enhanced content (book jackets, book reviews, and more). A search of the library catalog simultaneously searches TLC's server and integrates content into your OPAC results.	Included	Included
<b>Services:</b>		
<b>Retrospective conversion</b> <ul style="list-style-type: none"> <li>• Access to databases for copy cataloging</li> <li>• Webinar for training of conversion process/software</li> <li>• Terminal Server licensing for access to cataloging</li> </ul>	\$999	n/a
<b>Project Implementation Services</b> <ul style="list-style-type: none"> <li>• Authority Control</li> <li>• Custom OPAC Design</li> <li>• Rules Configuration</li> <li>• Importing of Data</li> </ul> RDAExpress retroactive conversion of MARC records to the new RDA cataloging standard.	\$1,999	n/a
<b>Authority Control Processing and Ongoing Updates</b> <ul style="list-style-type: none"> <li>• Authority Control at Implementation</li> <li>• Automatic Updating</li> <li>• Ongoing Access to National Authority Files</li> </ul>	Included	Included
<b>2 Days Remote Training</b> Remote training for one TLC trainer to train up to 10 library staff per session at a single location.	\$1,500	n/a
<b>TOTAL COSTS</b>	<b>\$7,998</b>	<b>\$1,595</b>

Payment terms: 50% due at signing with remainder due net 30 following installation.

7-C

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**CITY OF WARRENTON**

# AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Linda Engbretson, City Manager

DATE: March 13, 2018

SUBJ: Utility Easement for vacated portion of SE 14<sup>th</sup> Pl. from S. Main Ave. to SE Anchor Ave.

## SUMMARY

Alfred J. L'Amie Jr. proposes to grant the City a 10' wide permanent utility easement through his property in the vacated portion of SE 14<sup>th</sup> Pl. from S. Main Ave. to SE Anchor Ave. The easement will allow the City to install an 8" waterline to increase fire-fighting capabilities to Mr. L'Amie's development and the existing homes in the neighborhood currently being served by a 2" line. With direct access from S. Main through Mr. L'Amie's property, the estimated \$35,000 to install the line provides an opportunity to greatly increase fire-fighting capabilities to the existing homes, as well as Mr. L'Amie's project, at a significantly reduced cost for infrastructure improvements in an area Chief Demers identified as under-served for fire protection.

## RECOMMENDATION/SUGGESTED MOTION

"I move to accept the 10' wide utility easement from Alfred J. L'Amie Jr., to the City of Warrenton in the vacated portion of SE 14<sup>th</sup> Pl. from S. Main Ave. to SE Anchor Ave."

## ALTERNATIVE

- 1) None Recommended

## FISCAL IMPACT

There is no cost to the City for the easement. The infrastructure project will be funded with Urban Renewal dollars.

Approved by City Manager: Linda Engelke

After Recording Return to:  
Dan Van Thiel,  
Attorney at Law  
20 Basin St Suite 105  
Astoria, OR 97103

## UTILITY EASEMENT

This Easement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between **ALFRED J. L'AMIE, JR.**, hereinafter called "Grantor" and **CITY OF WARRENTON**, a Municipal Corporation of the State of Oregon, hereinafter called, "Grantee",

### CIRCUMSTANCES:

**Grantor** is the owner of real property in Clatsop County, Oregon.

**Grantee** is involved in the development of a Water System in conjunction with the development of certain properties commonly known as Moreland's Addition to Warrenton, a platted subdivision in Clatsop County, Oregon.

**Grantee**, desires to obtain from **Grantor** an easement for installation, continued operation, maintenance, repair, alteration, inspection and replacement where necessary of utilities to bring into fruition this Water System.

**Grantor** and **Grantee** are desirous of insuring that the utilities to be installed in this easement are adequately maintained and to their respective benefit and the benefit of the citizens of the City of Warrenton, Clatsop County, Oregon; it is,

**NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES, COVENANTS AND CONDITIONS CONTAINED IN THIS EASEMENT, it is agreed as follows:**

1. Description of Easement.

**See attached CKI Land Surveying paperwork, denoted as Exhibit B and map denoted as Exhibit C, which is incorporated herein by reference, setting forth the legal description of such easement together with a schematic depicting the same.**

2. Ingress and Egress.

**Grantor** accords to **Grantee** and conveys the easement as set forth at Paragraph 1 above and with all rights of ingress and egress to the real property described at Paragraph 1 above, such

property being necessary for the full and complete use, occupation and enjoyment of the easements granted and all rights and privileges incident thereto including the right to remove any obstacles which may injure or interfere with **Grantee's** use, occupation, or enjoyment of the easement and operation, maintenance, and repair of this utility.

3. Indemnification.

Each party will defend, indemnify and hold harmless the other party and their grantees, assignees or successors thereto, as to any property adjacent to or accessed by this Easement from any claim, loss or liability arising out of or in any way connected with each party's exercise of their rights under this Easement.

4. Successors.

This Easement shall be binding on the parties hereto, shall run with the land and shall bind the parties hereto and their respective heirs, successors, personal representatives and assignees.

5. Attorney Fees.

In the event suit or action is instituted to enforce any of the terms of this Easement, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

**THE PROPERTY DISCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007,**

AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505 OR ORS 358.515 THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505.

IN WITNESS WHEREOF, the parties have executed this Easement the day and year first above written.

\_\_\_\_\_  
ALFRED J. L'AMIE, JR.

STATE OF OREGON        )  
  )ss.  
County of Clatsop        )

This instrument was acknowledged before me on this \_\_\_\_\_ of \_\_\_\_\_, 2018, by  
ALFRED J. L'AMIE, JR.

\_\_\_\_\_  
Notary Public for Oregon

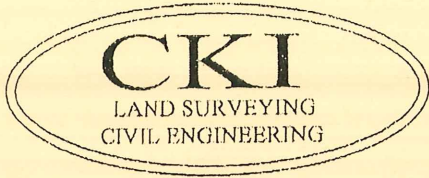
CITY OF WARRENTON

BY: \_\_\_\_\_

STATE OF OREGON        )  
  ) ss.  
County of Clatsop        )

This instrument was acknowledged before me on this \_\_\_\_\_ of \_\_\_\_\_, 2018, by  
\_\_\_\_\_ who being duly sworn, stated that he is the \_\_\_\_\_  
of the CITY OF WARRENTON, acknowledged the foregoing to be its voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon



PO Box 2699 Gearhart, OR 97138  
Ph: 503 738 4320 Fax: 503 738 7854

Exhibit "B"  
Legal Description

10 Foot Wide Non-exclusive Utilities Easement

January 24, 2018

A ten (10.00) foot wide non-exclusive utilities easement over, across and through, on the surface, and within the subsurface of that property described as a portion of Vacated SE 14<sup>th</sup> Place, and situated in the NE ¼ of Section 28, Township 8 North, Range 10 West, Willamette Meridian, City of Warrenton, Clatsop County, Oregon, as shown on the attached Exhibit "C" and more particularly described as follows:

Commencing from the Southeast corner of Lot 1, Block 9, Moreland's Addition to Warrenton, said point being on the Westerly right-of-way of SE Anchor Avenue; thence South 00°14'00" East 20.00 feet **Point of Beginning**; thence South 00°14'00" East 10.00 feet; thence South 89°46'00" West 198.13 feet to a point on the Easterly line of S. Main Avenue; Thence along said Easterly right-of-way, North 00°42'26" East 10.00 feet; thence North 89°46'00" East 198.13 feet to the **Point of Beginning**.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 30, 1997  
SCOTT S. COOTER  
2829

RENEWS.12/31/19

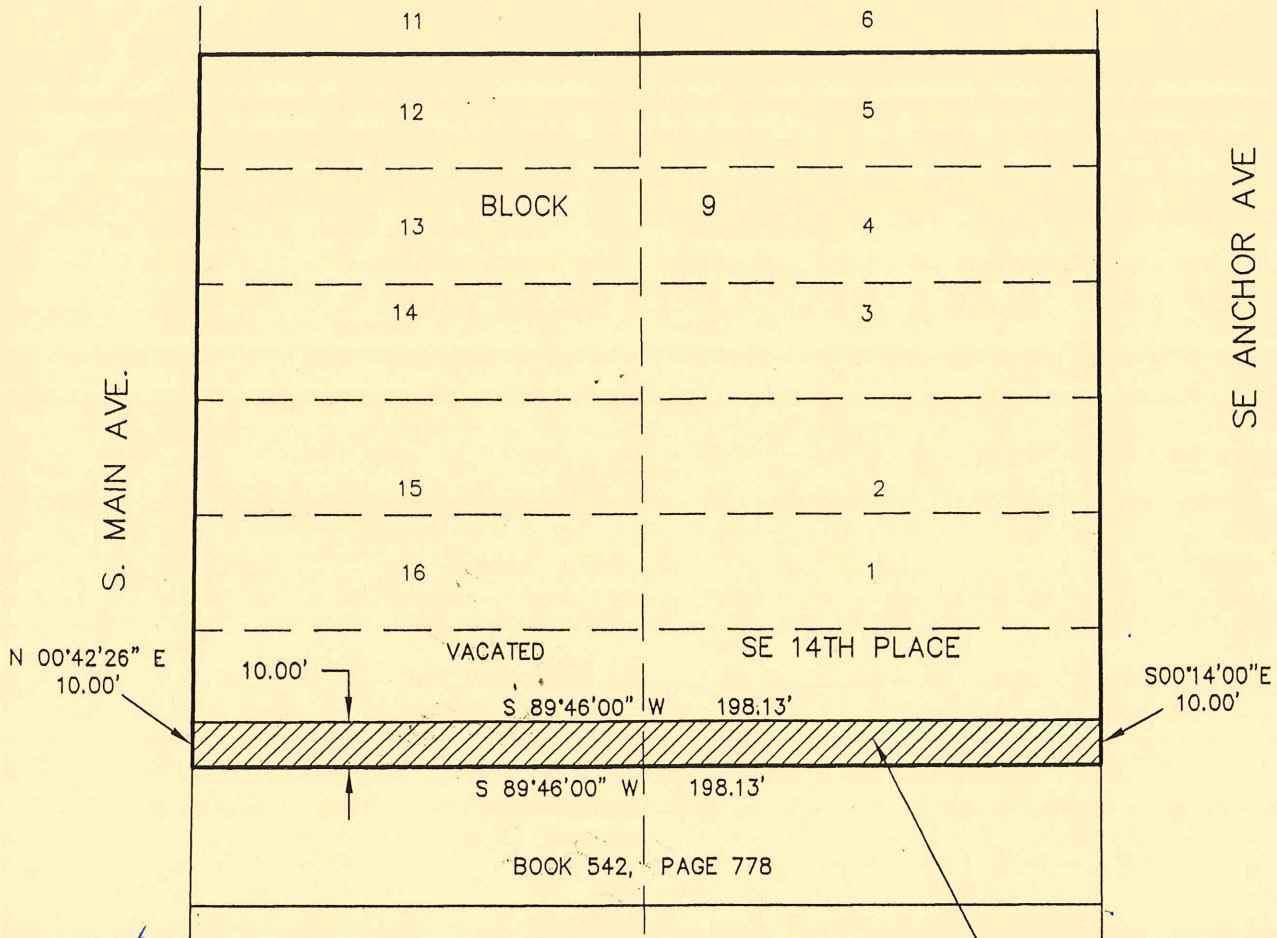


# EXHIBIT "C"

10 FOOT WIDE UTILITIES EASEMENT

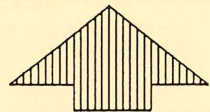
IN THE NE 1/4 OF SECTION 28, T8N, R10W, W.M.  
CITY OF WARRENTON, CLATSOP COUNTY, OREGON

DATE: JANUARY 24, 2018 SCALE 1" = 40'



MAP FOR: JASON PALMBERG

MAP BY: CKI  
P.O. BOX 2699  
GEARHART, OR 97138  
503 738 4320 PHONE



**NORTH**

1" = 40'

10 FOOT WIDE  
EASEMENT FOR  
NON-EXCLUSIVE UTILITES

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 30, 1997  
SCOTT S. COOTER  
2829

RENEWS 12/31/19



DRAWING NAME: 17-057      DATE OF PLOT: 1/24/18

7-D

*"Making a difference through excellence of service"*



**CITY OF WARRENTON**

# AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Linda Engbretson, City Manager *LE*

DATE: March 13, 2018

SUBJ: Memorandum of Agreement with Clatsop County – Whelen Warning Sirens

## SUMMARY

The City received six Whelen Warning Sirens from the County last year. We currently have the sirens in storage. In January, we wrote a letter supporting the County’s grant application to the State Homeland Security Grant Program for installation funding. The attached MOA outlines requirements should the funding be secured. The attached MOA is obviously a draft, and I’ve asked the County to make corrections so am asking for your approval upon final approval by legal counsel.

## RECOMMENDATION/SUGGESTED MOTION

“I move to authorize the Mayor’s signature on the MOA between Clatsop County and the City of Warrenton for installation of Whelen Warning Sirens, upon final approval by legal counsel.”

## ALTERNATIVE

1) None Recommended

## FISCAL IMPACT

Grant funding is anticipated.

**MEMORANDUM OF AGREEMENT**

between

Clatsop County Emergency Management Division

and

City of Warrenton

The purpose of this Memorandum of Agreement between Clatsop County Emergency Management Division (County) and City of Warrenton (City) is to set forth the terms of agreement for Whelen Warning Sirens (see Attachment A), poles and associated hardware and equipment that will be transferred to the ~~Fire District~~. Ownership of these sirens is contingent upon the following requirements:

~~The Fire District~~ will:

- 1. Retain the sirens as part of the ~~district~~ property inventory and not dispose of or transfer them to another agency without prior approval from the County; and
- 2. Install and test the sirens within three years of transfer from the County to the ~~District~~.
- 3. Maintain and regularly test the sirens.

All costs associated with installation, operation, testing, maintenance and liability is assumed by the ~~District~~. The County makes no warranties, express or implied, about the items being transferred. The transferred property is accepted in "AS IS" condition.

Whereas citizens and visitors along the coast are among the most vulnerable to hazardous weather conditions, to include earthquake and tsunami; and


Whereas warning sirens are intended to alert people who are outdoors to evacuate or seek shelter in an emergency; and

Whereas the Emergency Management Division received the sirens and poles from the Oregon Military Department to use for tsunami warning in Clatsop County; and

Whereas this transfer of surplus property to the ~~District~~ is pursuant to Clatsop County Code Section 1.04.060E

\_\_\_\_\_  
City of Warrenton

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Clatsop County Board of Commissioners

\_\_\_\_\_  
Date