



AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON REGULAR MEETING

December 14, 2021– 6:00 P.M.

Warrenton City Commission Chambers – 225 South Main Avenue
Warrenton, OR 97146

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

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

- A. City Commission Meeting Minutes – 11.23.21
- B. City Commission Work Session Minutes – 11.23.21
- C. Monthly Finance Report – October 2021
- D. Marina Advisory Committee Meeting Minutes – 9.20.21

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

4. **COMMISSIONER REPORTS**

5. **PUBLIC COMMENT**

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card and submit it to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to the City Recorder, at cityrecorder@ci.warrenton.or.us, 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

- A. Consideration of Development Code Violation Appeal Hearing – Gramson
- B. Consideration of Development Code Violation Appeal Hearing – Newton

7. BUSINESS ITEMS

- A. Consideration of Advisory Committee Appointments
- B. Consideration of December 28, 2021 City Commission Meeting Cancellation

8. DISCUSSION ITEMS – None

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
 November 23, 2021
 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, Mark Baldwin, Tom Dyer, Gerald Poe, and Rick Newton

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

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 11.09.21
- B. Committees & Boards Vacancy Update
- C. Police Department Monthly Report – October 2021
- D. Community Center Advisory Board Meeting Minutes – May 2021

Mayor Balensifer requested unanimous consent to add appointment of board nominees to the agenda as item 7C; there were no objections.

Commissioner Newton asked Police Chief Mathew Workman about the procedure for uninsured or suspended drivers. Chief Workman explained it depends on the situation, but often ends in an arrest, citation, or towing a vehicle. Driving while suspended and driving uninsured are the two top-issued citations. He reviewed the figures from the past 4 months. Many come from traffic stops and accidents. He noted the importance of having insurance coverage. Many of the statistics are repeat offenders. Brief discussion continued.

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

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

COMMISSIONER REPORTS

Mayor Balensifer attended the Clatsop Economic Development Resources (CEDR) meeting. Congresswoman Bonamichi spoke about ARPA funds; he has nothing new to report.

PUBLIC COMMENT – None

PUBLIC HEARINGS – None

BUSINESS ITEMS

Planning Director Scott Hazelton gave an update on the Simonsen nuisance property. The nuisance is considered abated. If there are further issues within a 12-month period, it could become a chronic nuisance. This process would go through staff not the commission.

Mayor Balensifer noted the junk vehicles in the right-of-way and asked Chief Workman if any cars have been towed or if there are remaining issues. Chief Workman stated none have been towed. They were all moved. Mayor Balensifer asked if there are no unlicensed or unregistered vehicles on that street related to the nuisance property. Chief Workman clarified he is not saying that; the RV is the main issue right now. Mayor Balensifer asked about any other outstanding issues. Chief Workman noted they are working with legal on which way to proceed. They will be moving forward with a parking code violation. He noted discussion from the last meeting that if the vehicle was moved off the property and into the right-of-way, it is no longer part of the nuisance. He noted they need to be careful with this as it is not the case. Mr. Simonsen did not move the vehicle to the right-of-way, his son did, eliminating that part of the nuisance. Brief discussion followed about the other vehicles that were moved.

Public Works Director Collin Stelzig noted a grant agreement with the Oregon Department of Transportation (ODOT) for the project refinement portion of the Tansy Point Connection NW 11th Path project. This is a planning and engineering exercise to look at routes and provide estimates for construction grant applications. About \$94,000 will come from ODOT and about \$10,000 will come from the city. There was brief discussion whether or not the trail will be paved. Mayor Balensifer noted the Delaura Beach trail and asked why the NW 11th trail was prioritized over others. Ms. Engbretson noted it was identified in the master plan and for emergency access. Mr. Stelzig noted they were approached by ODOT about the project. It was noted the trail goes behind the Tagg's property. Commissioner Newton asked about Federal Emergency Management Agency (FEMA) funding. Brief discussion continued.

Commissioner Newton made the motion to authorize the Mayor's signature for the grant agreement between the City and ODOT's Community Paths Program for the Tansy Point Connection NW 11th Path project. Motion was seconded and passed unanimously.

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

Mayor Balensifer discussed his nominations for volunteer committees and boards. He noted his nominations for reapplications. They have served with no issues and are a credit to the citizenry's volunteerism. They were not interviewed for reappointment because they went through initial interviews. He discussed his nominations for new appointments from Anya Schauermaann for the Parks Advisory Committee and Michelle Murray for the Parks Advisory Committee and the Warrenton Community Library Board. He noted two other applicants that

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Warrenton City Commission

Regular Meeting – 11.23.21

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there are no available positions for on the requested boards. Discussion followed about whether a person can be part of the library board and the Friends of Warrenton Community Library. Ms. Engbretson stated she will need to double check this. Discussion continued. Mayor Balensifer noted the library board bylaw revisions are not finished. He noted past issues and suggested looking into the value of having both groups. Ms. Engbretson noted the Friends is not a city board. Mayor Balensifer suggested holding off on appointing Michelle Murray to the library board.

Commissioner Poe made the motion to appoint Angelo Schaueremann to Position 3 on the Budget Committee. Motion was seconded and passed unanimously.

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

Commissioner Baldwin made the motion to appoint Anya Schaueremann, Ron Dyer and Michelle Murray to Positions 1, 2 and 6 respectively, on the Warrenton Parks Advisory Committee. Motion was seconded and passed unanimously.

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

Commissioner Baldwin made the motion to appoint Chris Hayward to Position 3 on the Planning Commission. Motion was seconded and passed unanimously.

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

DISCUSSION ITEMS

Mayor Balensifer explained a request he submitted to staff about the Water Resource Development Act (WRDA) project funding. This year's emphasis is about bank hardening and erosion control. The Mayor and Marinas Advisory Committee Chair Pam Ackley discussed several projects with Senator Merkley's staff. December 3 is the deadline for project requests. Ms. Engbretson noted they were submitting a couple projects on tide gates. The fishing pier was put in the CIP this year. Many WRDA project requests require a 50% funding match for studies. She feels they should not do this right now to allow time to identify matching funds. Brief discussion followed. Mr. Stelzig noted submitting information on the tide gates. They have draft information for the fishing pier, but it is coming down to determining funding. The commission would like to explore it a little further with Merkley's office. Mayor Balensifer noted significant federal support on this project and would like to see if they could negotiate the cost match for studies. Ms. Engbretson noted this funding is available every couple years and there are many large projects almost ready to go. Mr. Stelzig noted a submittal would be rushed and feels funding research is needed. Ms. Engbretson would like to choose a CIP project to allow more time to focus and prioritize a project over the next couple years. Discussion continued. The commission would like to explore further with Merkley's office; if staff feels good about the funding, go forward, if not, don't. Discussion continued about funding and project management.

MINUTES

Ms. Engbretson noted an opportunity staff has been working on with the county. Mr. Stelzig stated it is a biodigester. The county is doing the feasibility study with Jacobs Engineering for \$150,000. The county is asking if the City of Warrenton would like to be a stakeholder for \$4,000. He stated it would be in our interest to support this. It was noted the material would be brought to the biodigester. Ms. Engbretson noted it is a small amount of money to be a good partner and participate in the study with possible benefit. Brief discussion followed. There was consensus from the commission for \$4,000.

GOOD OF THE ORDER

Commissioner Newton gave an update on Seaside's meeting about the homeless situation. He discussed Spruce Up Warrenton's daffodil planting and noted leftover daffodil bulbs to be planted. They are planning to put a flowerbed around the base of the sign on Harbor. The Friends of the Warrenton Community Library is considering library after dark events for fundraising. He noted a phone app with a map of Warrenton and Astoria trails; they are discussing a reward system. He noted an article he wrote in the Columbia Press. The Kiwanis club will be selling Christmas trees; most vendor's trees were burned this year. He also noted Raven Air signed a contract for electric airplanes in Alaska.

Commissioner Dyer noted a blind spot on the corner by Bio-Products and asked if the brush can be trimmed in the right-of-way to improve the line of sight. Mr. Stelzig said they will look into it. Brief discussion followed on the ownership of baseball field at Fort Stevens. Mayor Balensifer noted the school district is considering housing development there. Ms. Engbretson said it may have been reverted back in the past.

Mayor Balensifer had pleasure of pardoning a turkey this past week and discussed the event.

There being no further business, Mayor Balensifer adjourned the regular meeting at 6:45 p.m.

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

ATTEST:

Dawne Shaw, CMC, City Recorder

APPROVED:

Henry A. Balensifer III, Mayor

MINUTES
Warrenton City Commission
Work Session – November 23, 2021
5:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the work session to order at 5:00 p.m.

City Commissioners Present: Mayor Henry Balensifer, Tom Dyer, Mark Baldwin, Rick Newton, and Gerald Poe

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

Finance Director April Clark reviewed a presentation that explained the American Rescue Plan Act (ARPA) including figures for the distribution of the funds, details about the City of Warrenton's funds, deadline for expenditures, an outline of prohibited uses, and details about permitted uses for the funds. Appropriate uses include responding to the public health emergency and its economic impacts, providing premium pay to eligible workers, recovering lost revenue, and investing in water, wastewater, or broadband infrastructure. Ms. Clark explained each category further. It was noted staff does not recommend using funds for payroll of personnel dedicated to COVID response. It was noted the city is responsible for tracking the use of funds by subrecipients. Discussion followed about premium pay; Ms. Clark noted restrictions. Discussion continued. Ms. Engbretson noted staff does not want to spend time and money on lost revenue calculations. Discussion followed. Staff recommended the funds be used to focus on infrastructure. Ms. Clark noted the whatever the commission decides will be vetted by legal. Public Works Director Collin Stelzig reviewed the list of recommended water and sewer projects outlined in the presentation. He noted the bolded projects are the most likely to meet the criteria for the funds. He recommended the Ridge Road water main project. Brief discussion followed about project details.

Mayor Balensifer feels sewer is an urgent need. Mr. Stelzig agreed and discussed the list of sewer projects. Discussion continued on water mains and advanced financing districts. Discussion followed about stormwater and sewer. The general consensus was to consider stormwater projects if possible. The commission is supportive of using the funds for infrastructure. Mayor Balensifer would like to see the funding allocation for each project when they do the prioritization.

Brief discussion followed on the status of the 7th and N Main sewer and road project. Commissioner Newton noted it is difficult to collect money from the federal government. Mr.

Stelzig discussed concerns about pipe shortages with the pending influx of water and sewer projects. There was brief discussion.

There being no further business, Mayor Balensifer adjourned the work session at 5:38 p.m.

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

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder

Volume 15, Issue 4

**Monthly Finance Report
October 2021**

December 14, 2021

Economic Indicators

	Current	1 year ago
◆ Interest Rates:		
LGIP :	.49%	.91%
Prime Rate:	3.25%	3.25%
◆ CPI-U change:	6.2%	1.2%
◆ Unemployment Rates:		
Clatsop County:	not.avail.	7.3%
Oregon:	4.4%	7.0%
U.S.:	6.9%	4.6%

Department Statistics

◆ Utility Bills mailed	3,372
◆ New Service Connections	0
◆ Reminder Letters	361
◆ Door Hangers	93
◆ Water Service Discontinued	12
◆ Counter payments	399
◆ Mail payments	1,157
◆ Auto Pay Customers/pmts	714
◆ Online (Web) payments	1,145
◆ Checks issued	327

Current and Pending Projects

- ◆ Audit/Financial Statements FYE 6/30/21 Due 12/31/21
- ◆ ARPA Funding
- ◆ SDC Annual Report due 12/31/21
- ◆ Landfill Financial Assurance Report due 12/31/21

Financial Narrative as of October 31, 2021

Note: Revenues and expenses should track at 4/12 or 33.3% of the budget.

General Fund: Year to date revenues amount to \$1,271,325, which is 27.8% of the budget, compared to the prior year amount of \$1,154,798, which was 26.1% of the budget and are up by \$116,527. Increases are shown in prior city franchise fees, transient room taxes, municipal court, police charges, fire charges, park charges, miscellaneous, interest and leases and are offset by decreases in property tax, franchise fees, state revenue sharing and planning fees.

Expenses year to date amount to \$1,499,960, which is 29.4% of the budget, compared to the prior year amount of \$1,197,339, which was 25.4% of the budget. All departments are tracking at or under budget with the exception of Admin/Commission/Finance which has one-time expenses due at the first of the fiscal year.

WBL: Business license revenue amounts to \$58,980, compared to \$55,315 at this time last year, a difference of \$3,665. Year to date licenses issued is 775 compared to 612 at this time last year.

Building Department: Permit revenues this month amount to \$6,146 and \$80,352 year to date, which is 24.6% of the budgeted amount. Last year to date permit revenue was \$74,190.

State Tax Street: State gas taxes received this month amount to \$39,989 fuel

sold in September and \$108,694 year to date. City fuels taxes received this month amount to \$35,639 for fuel sold in August and are \$70,474 year to date. Total gas taxes received year to date are \$179,168 compared to \$158,066 at this time last year.

Warrenton Marina: Total revenues to date are \$552,191, 87% of the budgeted amount, compared to the prior year amount of \$460,398, which was 80.6% of the budgeted amount. There is \$20,089 in moorage receivables outstanding.

Hammond Marina: Total revenues to date are \$391,045, 111.2% of the budgeted amount, compared to the prior year amount of \$292,514, which was 125.3% of the budgeted amount. There is \$5,086 in moorage receivables outstanding.

Of the total outstanding receivables:

\$5,199 (20.7%) is current,
\$2,743 (10.9%) is 30-60 days past due,
\$935 (3.7%) is 60-90 days past due and
\$16,298 (64.7%) is over 90 days past due.

Water Fund: Utility fees charged this month are \$205,252 and \$103,150, and \$1,034,338 and \$734,108 year to date for in-city and out-city respectively and totals \$1,768,446 and is 46.4% of the budget. Last year at this time, year to date fees were \$1,032,538 and

\$719,058, for in-city and out-city, respectively and totaled \$1,751,596.

Sewer Fund: Utility fees charged this month are \$208,467 and \$891,319 year to date, which is 36.4% of the budget. Last year at this time, year to date fees were \$841,644. Shoreline Sanitary fees year to date are \$45,159. Total revenues year to date are \$960,431 compared to \$999,199 at this time last year.

Storm Sewer: Utility fees (20% of sewer fees) this month are \$41,677 and \$178,177 year to date and is 36.4% of the budget. Last year to date revenues were \$168,246 which was 39.2% of the budget.

Sanitation Fund: Service fees charged this month for garbage and recycling were \$85,519 and \$17,615, and \$354,501 and \$70,361, year to date, and are 37.1% and 34.4% of the budget respectively.

Library: Total revenues received to date are \$24,940. These revenues are from current and prior year taxes, book sales, fines, interest, donations and miscellaneous. Total expenditures year to date are \$93,030, a decrease in fund balance of \$68,090. The majority of current year property taxes will be received in November to offset this decrease.

Community Center: Rental revenue to date is \$5,685 and represents 43.7% of the budget. Total revenues are \$5,967 and total expenses are \$5,643 for an increase to fund balance of \$324.

Financial data as of October, 2021

	General Fund				
	Current Month	Year to Date	Budget	% of Budget	
Beginning Fund Balance	972,260	1,467,390	875,000	167.70	
Plus: Revenues	589,658	1,271,325	4,569,509	27.82	(see details of revenue, page 4)
Less: Expenditures					
Municipal Court	10,420	55,760	187,431	29.75	
Admin/Comm/Fin(ACF)	87,831	450,485	1,223,114	36.83	
Planning	14,449	64,634	287,914	22.45	
Police	137,838	627,517	2,098,395	29.90	
Fire	63,784	257,469	944,476	27.26	
Parks	8,841	44,095	186,654	23.62	
Transfers	-	-	170,778	-	
Total Expenditures	323,163	1,499,960	5,098,762	29.42	
Ending Fund Balance	1,238,755	1,238,755	345,747	358.28	

	WBL				Building Department			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	90,559	53,439	40,000	133.60	809,706	847,148	840,000	100.85
Plus: Revenues	948	59,112	59,500	99.35	6,477	82,374	332,361	24.78
Less: Expenditures	8,453	29,497	77,091	38.26	29,836	143,175	491,145	29.15
Ending Fund Balance	83,054	83,054	22,409	370.63	786,347	786,347	681,216	115.43

	State Tax Street				Warrenton Marina			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,480,059	2,608,279	1,900,000	137.28	644,134	266,345	265,000	100.51
Plus: Revenues	76,733	264,529	1,380,063	19.17	15,421	552,191	634,538	87.02
Less: Expenditures	115,294	431,310	2,983,459	14.46	41,015	199,996	741,644	26.97
Ending Fund Balance	2,441,498	2,441,498	296,604	823.15	618,540	618,540	157,894	391.74

Financial data as of October 2021, continued

	Hammond Marina				Water Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	479,403	239,353	250,000	95.74	4,392,555	3,336,675	2,900,000	115.06
Plus: Revenues	17,188	391,045	351,548	111.24	324,773	1,823,412	6,492,447	28.09
Less: Expenditures	24,994	158,801	483,652	32.83	146,990	589,749	8,425,702	7.00
Ending Fund Balance	<u>471,597</u>	<u>471,597</u>	<u>117,896</u>	<u>400.01</u>	<u>4,570,338</u>	<u>4,570,338</u>	<u>966,745</u>	<u>472.76</u>

	Sewer Fund				Storm Sewer			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	3,371,342	3,110,780	3,000,000	103.69	1,471,098	1,473,868	1,300,000	113.37
Plus: Revenues	224,141	960,431	2,753,900	34.88	42,278	181,429	495,220	36.64
Less: Expenditures	126,172	601,900	4,908,806	12.26	41,040	182,961	1,182,221	15.48
Ending Fund Balance	<u>3,469,311</u>	<u>3,469,311</u>	<u>845,094</u>	<u>410.52</u>	<u>1,472,336</u>	<u>1,472,336</u>	<u>612,999</u>	<u>240.19</u>

	Sanitation Fund				Community Center			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	547,289	450,351	425,000	105.96	17,216	16,757	15,000	111.71
Plus: Revenues	103,385	427,249	1,165,092	36.67	1,252	5,967	16,600	35.95
Less: Expenditures	93,585	320,511	1,331,479	24.07	1,387	5,643	24,771	22.78
Ending Fund Balance	<u>557,089</u>	<u>557,089</u>	<u>258,613</u>	<u>215.41</u>	<u>17,081</u>	<u>17,081</u>	<u>6,829</u>	<u>250.12</u>

	Library				Warrenton Urban Renewal Agency Capital Projects Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	97,557	162,709	168,000	96.85	12,942	13,174	16,220	81.22
Plus: Revenues	18,920	24,940	243,503	10.24	739	8,227	6,181,812	0.13
Less: Expenditures	21,858	93,030	283,477	32.82	771	8,491	6,198,032	0.14
Ending Fund Balance	<u>94,619</u>	<u>94,619</u>	<u>128,026</u>	<u>73.91</u>	<u>12,910</u>	<u>12,910</u>	<u>-</u>	<u>-</u>

Financial data as of October 2021, continued

(\$) Cash Balances as of October 31, 2021

General Fund	1,522,039	Warrenton Marina	605,615	Storm Sewer	1,419,783
WBL	82,830	Hammond Marina	473,347	Sanitation Fund	424,731
Building Department	791,980	Water Fund	4,061,471	Community Center	18,269
State Tax Street	2,463,933	Sewer Fund	3,163,445	Library	97,475

Warrenton Urban Renewal Agency

Capital Projects	12,944
Debt Service	2,310,963

General Fund Revenues	Collection Frequency	2021-2022 Budget	Actual as a % of Current Budget	Collections/Accruals Year to date		(over) under budget
				Oct 2021	Oct 2020	
Property taxes-current	AP	1,171,282	7.80	91,371	125,688	1,079,911
Property taxes-prior	AP	35,000	22.03	7,711	12,371	27,289
County land sales	A	-	0.00	-	-	-
Franchise fees	MAQ	598,000	20.68	123,684	133,007	474,316
COW - franchise fees	M	293,269	38.87	113,979	110,079	179,290
Transient room tax	Q	527,000	57.89	305,070	236,366	221,930
Liquor licenses	A	500	0.00	-	-	500
State revenue sharing	MQ	170,653	12.29	20,979	28,158	149,674
Municipal court	M	127,800	34.80	44,475	29,305	83,325
Planning Fees	I	65,500	24.18	15,841	18,050	49,659
Police charges	I	18,000	33.43	6,017	4,986	11,983
Fire charges	SM	106,630	0.49	525	-	106,105
Park charges	I	-	0.00	655	-	-
Miscellaneous	I	2,000	668.45	13,369	6,654	(11,369)
Interest	M	8,000	26.96	2,157	2,147	5,843
Lease receipts	M	222,761	33.67	75,008	71,462	147,753
Grants	I	-	0.00	-	909	-
Sub-total		3,346,395	24.53	820,841	779,182	2,525,554
Transfers from other funds	I	-	0.00	-	-	-
Overhead	M	1,223,114	36.83	450,485	375,616	772,629
Total revenues		4,569,509	27.82	1,271,326	1,154,798	3,298,183

M - monthly

Q - quarterly

SM - Semi-annual in November then monthly

AP - As paid by taxpayer beginning in November

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

S - semi-annual

I - intermittently

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

R - renewals due in July and new licenses intermittently

A - annual

Note: Budget columns do not include contingencies as a separate line item but are included in the ending fund balance. Unless the Commission authorizes the use of contingency, these amounts should roll over to the following year beginning fund balance. For budget details, please refer to the City of Warrenton Adopted Budget for fiscal year ending June 30, 2022. Budget amounts reflect budget adjustments approved by the Commission during the fiscal year. Information and data presented in this report is unaudited.

MINUTES
Marina Advisory Board
September 20, 2021
Warrenton Marina Office – Conference Room
501 NE Harbor PL
Warrenton, OR 97146

Chairperson Pam Ackley called the meeting to order at 2:06 p.m.

Marina Advisory Board Members Present: Chairperson Pam Ackley, Lylla Gaebel, Kevin Dunn, Malcolm Cotte

Staff Present: Harbormaster Jane Sweet, Marina Office Assistant Jessica McDonald

CONSENT CALENDAR

Meeting minutes from 6.21.2021 & 7.6.21 were presented by staff.

Lylla Gaebel made motion to approve minutes. Motion was seconded and passed unanimously.

DISCUSSION

Jane Sweet presented a progress update for board members. She shared revenues collected from July and August 2021, report on collected revenues 7/1/2021-8/31/2021 attached to meeting minutes. Update on the Warrenton Inner Basin lighting project that is mostly completed except for part of H dock. Hammond Marina dredging is on track to begin November 1st 2021 and the Warrenton Commercial Pier is on track with the engineering company. The foreman job has also been posted and hopeful we will get good applicates.

Committee discussed vendors in the Hammond Marina and that both Marinas should have a procedure in place for vendors to sign up. Discussed putting out an ad inviting different businesses to apply to be a vendor and increase interest and create a possible revenue source from vendors. Jessica to bring back Astoria Sunday Market Vendor prices to share as an example for vendor pricing.

Committee discussed creating long term (30 days) camping reservations in a certain area of the Hammond Marina to help keep track of paying customers, this might be a good idea for along the back of Seafarer's Park. Committee would like to work on registration policy or system for campers staying over 4 days, help track payments and for safety reasons in the event of an emergency have a contact person. Start easing into adding camping reservations over the next couple years.

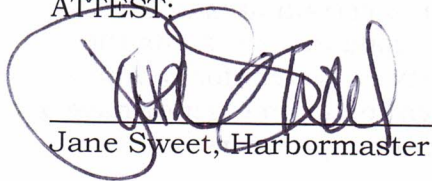
Committee discussed and staff shared customer feedback from August and the compliments and complaints the marina received. Overall, good buoy 10 with a lot of compliments. Customers have really loved the Warrenton inner basin lights. Warrenton does get complaints about the parking lot the spaces are too small which leads to trailers getting hit, need more handicap spots, and better striping. Would like to take the Warrenton parking lot into consideration when planning for capital improvement. In the Hammond Marina Lake Dr needs to be widened and would like to get quotes to improve dredge spoils area so they can be used for parking or camping, possibly get quote from Robert Rush.

Next meeting set for November 15, 2021 at 2pm at the Warrenton Marina Office.

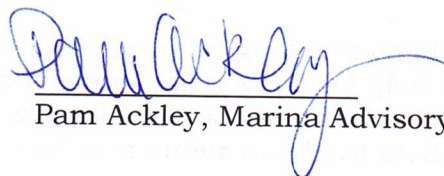
There being no further business for this meeting, Chairperson Pam Ackley adjourned the meeting at 3:15 p.m.

Respectfully prepared and submitted by Jessica McDonald, Marina Office Assistant

ATTEST:


Jane Sweet, Harbormaster

APPROVED:


Pam Ackley, Marina Advisory Board Chairperson

CITY OF WARRENTON MARINAS - REPORT 7/1/2021- 8/31/2021

CITY OF WARRENTON MARINAS - REVENUE COLLECTED THROUGH AUGUST, 2021

WARRENTON

HAMMOND

REVENUE	BUDGET	YTD	COLLECTED	%	REVENUE	BUDGET	YTD	%
OSMB - MAP GRANT	\$ -	\$ -	\$ -	0%	OSMB - MAP GRANT	\$ -	\$ -	0%
MOORAGE CREDITS			\$ -		MOORAGE CREDITS		\$ -	
ANNUAL MOORAGE	\$ 280,000.00	\$ 295,235.00	\$ 15,235.00	105%	ANNUAL MOORAGE	\$ 110,000.00	\$ 125,023.00	114%
TRANSIENT DAILY	\$ 45,000.00	\$ 24,603.00	\$ (20,397.00)	55%	TRANSIENT DAILY	\$ 15,000.00	\$ 7,515.00	50%
UTILITIES	\$ 53,000.00	\$ 5,108.05	\$ (47,891.95)	10%	UTILITIES	\$ 1,000.00	\$ 439.22	44%
BOAT STORAGE	\$ 30,000.00	\$ 6,600.00	\$ (23,400.00)	22%	BOAT STORAGE			
LAUNCH RAMP	\$ 35,000.00	\$ 28,020.00	\$ (6,980.00)	80%	LAUNCH RAMP	\$ 95,000.00	\$ 68,480.00	72%
HOIST/SHOWER	\$ 20,000.00	\$ 3,250.00	\$ (16,750.00)	16%	HOIST/SHOWER			
FUEL CHARGES			\$ -		FUEL CHARGES			
MONTHLY MOORAGE	\$ 25,000.00	\$ 33,419.50	\$ 8,419.50	134%	MONTHLY MOORAGE	\$ 15,000.00	\$ 21,488.00	143%
FACILITIES FEE	\$ 45,000.00	\$ 35,128.50	\$ (9,871.50)	78%	FACILITIES FEE	\$ 15,000.00	\$ 14,143.50	94%
PARKING	\$ 27,000.00	\$ 30,390.00	\$ 3,390.00	113%	PARKING	\$ 25,000.00	\$ 28,273.00	113%
PUMP OUT			\$ -		PUMP OUT			
OVERNIGHT STAY	\$ 12,000.00	\$ 27,450.00	\$ 15,450.00	229%	OVERNIGHT STAY	\$ 50,000.00	\$ 62,280.00	125%
LIVEABOARD FEES	\$ 4,500.00	\$ 715.00	\$ (3,785.00)	16%	LIVEABOARD FEES			
WORK SLIP	\$ 10,000.00	\$ 200.00	\$ (9,800.00)	2%	WORK SLIP			
REPAIR CHARGES			\$ -		REPAIR CHARGES			
PIER USE	\$ 10,000.00	\$ 121.20	\$ (9,878.80)	1%	PIER USE			
FISHERMEN & FARMERS	\$ 1,000.00		\$ (1,000.00)					
MISCELLANEOUS	\$ 2,500.00	\$ 2,519.84	\$ 19.84		MISCELLANEOUS	\$ 3,000.00	\$ 2,510.95	
INTEREST EARNINGS	\$ 5,000.00	\$ 1,996.39	\$ (3,003.61)	40%	INTEREST EARNINGS	\$ 9,000.00	\$ 276.31	3%
LEASE RECIPTS	\$ 29,538.00		\$ (29,538.00)	0%	LEASE RECIPTS	\$ 13,548.00		0%
TOTALS	\$ 634,538.00	\$ 494,756.48	\$ (139,781.52)	78%	TOTALS	\$ 351,548.00	\$ 330,428.98	94%

Column1 Column2 Column3 Column4 Column5 Column7 Column8

*Interest Earnings & Lease Recipits Reflected Through 1/31/2021

Removed from agenda
at meeting



AGENDA MEMORANDUM

TO: The Warrenton City Commission
 FROM: Scott Hazelton, Planning Director
 DATE: December 14th, 2021
 SUBJ: Development Code Violation Appeal Hearing

SUMMARY

A stop work notice was sent to Loren Gramson at 1149 SW Pine Drive, Warrenton OR on August 18, 2021 for a lack of stormwater plans, lack of erosion control elements for property at 135 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC05800. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Due to the lack of plans and lack of communication staff brought the development code violation before the Planning Commission on November 4th, 2021.

The Planning Commission found that there was a development code violation on Tax Lot 81021AC05800. The commission granted a 60-day grace period to come into compliance or face a \$500 a day fine. On November 15th, 2021 the Planning Department was contacted by adjacent landowners regarding flooding on the property in question. Photos of that day are an attachment to this memo.

Due to the impacts on adjacent landowners the Planning Director has chosen to appeal the Planning Commissions decision to grant the 60-day grace period, especially considering this process started in the dry season with no communication from the violator. It was believed that there would be minimal impacts to adjacent landowners. The decision to appeal was made due to the realization of the unexpected impacts.

The violator has proposed a temporary solution, that is satisfactory to city staff.

The only factors for consideration during this appeal are the lack of stormwater report, and the adjacent landowner effects. However, the issue has been addressed to staff's satisfaction. The January 4th, 2022 date for submitting the full stormwater report and erosion and sediment control plan remains in effect.

CONCLUSION AND RECOMMENDATION

Staff is removing the appeal.

FINDINGS

A development code violation has occurred at Tax Lot 81021AC02100 as determined by the Planning Commission on November 4th, 2021. A grace period was granted through

January 4th, 2022 due to the expectation of no impacts on adjacent landowners. Staff is removing their appeal due to the elimination of the adjacent landowner impacts.

The January 4th, 2022 date for compliance instituted by the Planning Commission remains in place.

At the time of this writing the department has not received the requested documentation to drop the appeal, however it is expected to arrive before December 13, 2021. If the requested letter is not submitted then staff shall not drop the appeal and will ask for a revised grace period.

Suggested Motion:

None

ATTACHMENTS

- None

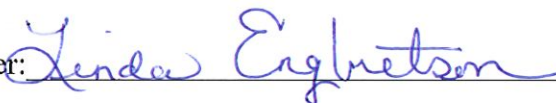
ALTERNATIVE

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

FISCAL IMPACT

Potential collection of fines by non-compliance.

Approved by City Manager:

A handwritten signature in blue ink, reading "Linda Egbertson", is written over a horizontal line.

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



August 18, 2021

Loren Gramson
1149 SW Pine Drive
Warrenton, OR 97146

RE: 135 SW Birch Court, Warrenton, OR

STOP WORK NOTICE

Mr. Gramson-

I have performed an inspection of the proposed stockpiling at the property. The amount of stockpiled material is inconsistent with what was proposed, and the sand material does not have the appropriate erosion and sediment control features installed at this time. The city will need an erosion and sediment control plan prepared by either a licensed civil engineer, or the licensed contractor that will be performing the work.

Attached, as a courtesy, are Oregon standard drawings for erosion and sediment control that are consistent with common engineering practice that may be utilized, however we will need a site plan clearly delineating the location of each erosion and sediment control feature to be incorporated. Please see item E below in the Warrenton Municipal Code regarding your responsibilities as the **permittee**.

16.152.070 Grading Inspection.

- A. **General.** Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the building official for regular grading.
- B. **Civil Engineer.** The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.
- C. **Soils Engineer.** The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.
- D. **Engineering Geologist.** The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.
- E. **Permittee.** The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the

consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

F. Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.

H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

In addition, an approved stormwater report and drainage plan will also be necessary for the work you have recently completed on your property.

Per WMC 16.140.030, all developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

A. No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and

B. No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.

C. No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.

The City has concerns that your work will unreasonably impede the natural flow of water and could damage adjacent properties. Please provide a stormwater report and detailed drainage and grading plan that will provide adequate protection to the surrounding properties.

If you have any questions, please feel free to call the Building Department at 503-861-0920. A failure to respond to this letter may result in penalties under Warrenton Municipal Code Section 15.04.260

Sincerely,



Van Wilfinger, CBO
Building Official



September 2, 2021

Loren Gramson
1149 SW Pine Drive
Warrenton, OR 97146

RE: 135 SW Birch Court, Warrenton, OR

STOP WORK- 2nd NOTICE

Mr. Gramson-

I have performed an inspection of the proposed stockpiling at the property. The amount of stockpiled material is inconsistent with what was proposed, and the sand material does not have the appropriate erosion and sediment control features installed at this time. The city will need an erosion and sediment control plan prepared by either a licensed civil engineer, or the licensed contractor that will be performing the work.

Attached, as a courtesy, are Oregon standard drawings for erosion and sediment control that are consistent with common engineering practice that may be utilized, however we will need a site plan clearly delineating the location of each erosion and sediment control feature to be incorporated. Please see item E below in the Warrenton Municipal Code regarding your responsibilities as the **permittee**.

16.152.070 Grading Inspection.

- A. General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the building official for regular grading.
- B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.
- C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.
- D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.
- E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be

responsible for informing the building official of such change and shall provide revised plans for approval.

F. **Building Official.** *The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.*

G. **Notification of Noncompliance.** *If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.*

H. **Transfer of Responsibility.** *If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.*

In addition, an approved stormwater report and drainage plan will also be necessary for the work you have recently completed on your property. The stormwater report and drainage plan shall meet the requirements of WMC 16.152 and the City of Warrenton's Engineering Standards. This code section and the engineering design standards can be found on the city website. You may also contact public works at 503-861-0912 if you have questions concerning plan or report questions.

Per WMC 16.140.030, all developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

A. *No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and*

B. *No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.*

C. *No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.*

In addition, Per WMC 16.152.050, Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt in writing from the building official, shall within the time period specified therein eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this Code.

The City has concerns that your work will unreasonably impede the natural flow of water and could damage or endanger adjacent properties. Please provide a stormwater report and detailed drainage and grading plan that will provide adequate protection to the surrounding properties. You have until Friday, September 10th, 2021, to provide a revised application and plan to the city for review, and the approved grading and erosion control plans shall be implemented and inspected no later than September 17th, 2021.

A failure to respond to this letter may result in penalties under Warrenton Municipal Code Section 15.04.260

Sincerely,



Van Wilfinger
Building Official
City of Warrenton
(503) 861-0920



October 28th, 2021

Mr. Gramson,

A stop work notice was sent to you at 1149 SW Pine Drive Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for your property at 135 SW Birch Court Warrenton, OR also known as Tax Lot 81021AC05800. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Staff has received no plans nor communication on the development of requested plans.

This letter will serve as notice that the issue has not been abated by the date of mailing and will be processed as a code violation at the November 4th, 2021 Planning Commission meeting at 6 pm at Warrenton City Hall at 225 S. Main Ave. Warrenton, OR 97146. The violator may choose to attend the meeting if they wish to provide information opposing staff findings.

Possible action at the meeting could result in fines not to exceed \$1,000 per violation per day as referenced below:

15.04.260 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense. (Ord. 965-A § 2, 1996)

The action to be reviewed violates WMC 16.152.070, WMC 16.140.030 and any other violations as presented at the Planning Commission Meeting.

If you have any further questions, or if we can be of further assistance, please do not hesitate to call 503-861-0920, or email me at shazelton@ci.warrenton.or.us.

Sincerely,

Scott Hazelton
Planning Director



October 28th, 2021

Warrenton Planning Commission

A stop work notice was sent to Loren Gramson at 1149 SW Pine Drive Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for your property at 135 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC05800. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Staff has received no plans nor communication on the development of requested plans.

The property is zoned High Density Residential. The City of Warrenton must ensure that development in the city does not have a hazardous effect on neighbors and the surrounding environment, staff never received documentation showing proper procedures were being followed. There has been adequate time for communication or submittal of requested plans, however nothing has been received.

Possible action at the meeting could result in fines not to exceed \$1,000 per violation per day as referenced below:

15.04.260 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense. (Ord. 965-A § 2, 1996)

The action to be reviewed violates WMC 16.152.070, WMC 16.140.030 (attached) and any other violations as presented at the Planning Commission Meeting.

FINDINGS

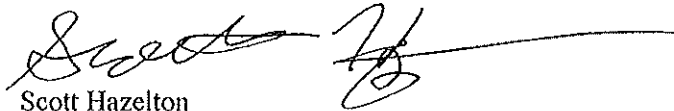
Staff issued two stop work notices first on August 18th, 2021, then on September 2nd, 2021 requesting further information regarding fill activities occurring on 135 SW 1st St. Warrenton, OR. No contact was made by the violator to remedy the situation. Therefore, staff has moved forward in the procedure for a code violation. Codes that have been violated are [referenced below](#):

WMC 16.152.030
WMC 16.152.060
WMC 16.152.070
WMC 16.152.130
WMC 16.152.140
WMC 16.152.150

CONCLUSION

Staff has determined a code violation has occurred at 135 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC05800. Staff submits the following recommended motion:

I motion to adopt the findings in the staff report and direct staff to provide notice to the violator of the findings and to consult with the City Manager and the City Attorney to identify the proper procedure to levy and accrue fines of \$_____ per violation per day. [The Commission will determine the amount]



Scott Hazelton
City of Warrenton
Planning Director

- Attached:
Stop Work Notice #1
Stop Work Notice #2
Notice of Hearing



AGENDA MEMORANDUM

TO: The Warrenton City Commission
 FROM: Scott Hazelton, Planning Director
 DATE: December 14th, 2021
 SUBJ: Building Code Violation Appeal Hearing

SUMMARY

A stop work notice was sent to Rick Newton at PO Box 487 Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for property at 115 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC02100. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Due to the lack of plans and lack of communication staff brought the building code violation before the Planning Commission on November 4th, 2021.

The Planning Commission found that there was a building code violation on Tax Lot 81021AC02100. The commission granted a 60-day grace period to come into compliance or face a \$500 a day fine. On November 12th, 2021 the Planning Department was contacted by Public Works regarding flooding on the property in question. Photos of that day are an attachment to this memo. The Planning Department also received a voicemail from the affected land owner.

Due to the impacts on adjacent landowners the Planning Director has chosen to appeal the Planning Commissions decision to grant the 60-day grace period, especially considering this process started in the dry season with no communication from the violator. It was believed that there would be minimal impacts to adjacent landowners. The decision to appeal was made due to the realization of the unexpected impacts.

The violator has proposed a permanent solution, that would require tying into city infrastructure, and not a temporary one as requested by city staff.

The only factors for consideration during this appeal are the lack of stormwater report, and the effect on the adjacent landowners.

CONCLUSION AND RECOMMENDATION

Staff is appealing the decision to get satisfactory action to relieve the adjacent landowner

of any impacts. Staff does not feel that a satisfactory temporary solution has been implemented.

15.04.260 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense. (Ord. 965-A § 2, 1996)

Staff recommends a reduction in the grace period from 60 days to December 15th, 2021. The violator has had ample time to provide what is requested by city staff.

FINDINGS

A building code violation has occurred at Tax Lot 81021AC02100 as determined by the Planning Commission on November 4th, 2021. A grace period was granted through January 4th, 2022 due to the expectation of no impacts on adjacent landowners. Now that impacts have been realized staff is recommending a reduction in the grace period.

Suggested Motion:

I motion to reduce the grace period from January 4th, 2022 to December 15th, 2021 due to the impacts on adjacent landowners. If the situation has not been remedied by December 15th, 2021 fines in the amount of \$500 a day will begin accruing.

ATTACHMENTS

- Appeal Letter
- Adjacent impact photos
- Original Staff Report
- Minutes from Planning Commission Meeting

ALTERNATIVE

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

FISCAL IMPACT

Potential collection of fines by non-compliance.

Approved by City Manager:



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



P.O. BOX 250 ■ WARRENTON, OR 97146 -0250 ■ OFFICE: 503.861.2233 ■ FAX: 503.861.2351

November 15th, 2021

City Commission

RE: Fill Violation at 115 SW 1st St. Warrenton

Dear Commissioner,

The City has observed flooding caused by an illegal fill at 115 SW 1st St. Warrenton, OR. This violation was processed at the November 4th Planning Commission meeting. The Planning Director is appealing the Planning Commissions decision to get the violator, Rick Newton, 60 days to provide the proper stormwater plan. The department has been alerted to negative impacts from adjacent landowners and observed these conditions with members of the Public Works department on Friday November 12th, 2021.

The department is appealing this decision to expedite the timeline for abatement to reduce the negative impacts on the adjacent landowners. Staff is citing impacts to adjacent landowners, initial notice occurring August 18th, 2021 which provided ample time for abatement, and continued weather which could include ongoing negative impacts to the property owners.

If you have any further questions, or if we can be of further assistance, please do not hesitate to call 503-440-4082, or email me at shazelton@ci.warrenton.or.us.

Sincerely,

Scott Hazelton
Planning Director

"Making a difference through excellence of service"













P.O. BOX 250 ■ WARRENTON, OR 97146 -0250 ■ OFFICE: 503.861.2233 ■ FAX: 503.861.2351

November 15th, 2021

Rick Newton

RE: Fill Violation at 115 SW 1st St. Warrenton

Dear Mr. Newton,

The Department has observed flooding caused by the illegal fill at 115 SW 1st St. Warrenton, OR. This violation was processed at the November 4th, 2021 Planning Commission meeting. The Planning Director is planning to appeal the Planning Commission's decision to give you a 60-day grace period to provide the proper stormwater plan. The department has been alerted to negative impacts from adjacent landowners and observed these conditions with members of the Public Works department on Friday November 12th, 2021.

The department is appealing this decision to expedite the timeline for abatement to reduce the negative impacts on the adjacent landowners. Staff is citing impacts to adjacent landowners, initial notice occurring August 18th, 2021 which provided ample time for abatement, and expected weather which could include ongoing negative impacts to the property owners.

Attached are images that reference the flooding observed. If the issue has not been addressed then adjacent landowner notice and public notice will be posted on November 24th, 2021 for the December 14th, 2021 regularly scheduled City Commission meeting.

If you have any further questions, or if we can be of further assistance, please do not hesitate to call 503-440-4082, or email me at shazelton@ci.warrenton.or.us.

Sincerely,

Scott Hazelton
Planning Director



October 28th, 2021

Warrenton Planning Commission

A stop work notice was sent to Rick Newton at PO Box 487 Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for your property at 115 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC02100. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Staff has received no plans nor communication on the development of requested plans.

The property is zoned High Density Residential. The City of Warrenton must ensure that development in the city does not have a hazardous effect on neighbors and the surrounding environment, staff never received documentation showing proper procedures were being followed. There has been adequate time for communication or submittal of requested plans, however nothing has been received.

Possible action at the meeting could result in fines not to exceed \$1,000 per violation per day as referenced below:

15.04.260 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense. (Ord. 965-A § 2, 1996)

The action to be reviewed violates WMC 16.152.070, WMC 16.140.030 (attached) and any other violations as presented at the Planning Commission Meeting.

FINDINGS

Staff issued two stop work notices first on August 18th, 2021, then on September 2nd, 2021 requesting further information regarding fill activities occurring on 135 SW 1st St. Warrenton, OR. No contact was made by the violator to remedy the situation. Therefore, staff has moved forward in the procedure for a code violation. Codes that have been violated are [referenced below](#):

WMC 16.152.030
WMC 16.152.060
WMC 16.152.070
WMC 16.152.130
WMC 16.152.140
WMC 16.152.150

CONCLUSION

Staff has determined a code violation has occurred at 115 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC02100. Staff submits the following recommended motion:

I motion to adopt the findings in the staff report and direct staff to provide notice to the violator of the findings and to consult with the City Manager and the City Attorney to identify the proper procedure to levy and accrue fines of \$_____ per violation per day. [The Commission will determine the amount]



Scott Hazelton
City of Warrenton
Planning Director

Attached:

Stop Work Notice #1
Stop Work Notice #2
Notice of Hearing



September 2, 2021

Rick Newton
P.O. Box 487
Warrenton, OR 97146

RE: 115 SW 1st Street, Warrenton, OR

STOP WORK- 2nd NOTICE

Mr. Newton-

I have inspected the site as requested by Ryan Lampi with Big River Contracting. The site does not have the appropriate erosion and sediment control features installed per the Oregon standards that were provided with the last letter. As previously requested, a new grading and erosion and sediment control plan prepared by either a licensed civil engineer, or the licensed contractor that will be performing the work shall be submitted to the city for review.

Attached, as a courtesy, are Oregon standard drawings for erosion and sediment control that are consistent with common engineering practice that may be utilized, however we will need a site plan clearly delineating the location of each erosion and sediment control feature to be incorporated. Please see item E below in the Warrenton Municipal Code regarding your responsibilities as the **permittee**.

16.152.070 Grading Inspection.

A. General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the building official for regular grading.

B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.

D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the

consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

F. Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.

H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

In addition, an approved stormwater report and drainage plan will also be necessary for the work you have recently completed on your property. The stormwater report and drainage plan shall meet the requirements of WMC 16.152 and the City of Warrenton's Engineering Standards. This code section and the engineering design standards can be found on the city website. You may also contact public works at 503-861-0912 if you have questions concerning plan or report questions.

Per WMC 16.140.030, all developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

A. No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and

B. No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.

C. No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.

In addition, Per WMC 16.152.050, Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt in writing from the building official, shall within the time period specified therein eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this Code.

The City has concerns that your work will unreasonably impede the natural flow of water and could damage or endanger adjacent properties. Please provide a stormwater report and detailed drainage and grading plan that will provide adequate protection to the surrounding properties. You have until Friday, September 10th, 2021, to provide a revised application and plan to the city for review, and the approved grading and erosion control plans shall be implemented and inspected no later than September 17th, 2021.

A failure to respond to this letter may result in penalties under Warrenton Municipal Code Section 15.04.260

Sincerely,



Van Wilfinger, CBO
Building Official
City of Warrenton
(503) 861-0920



August 18, 2021

Rick Newton
P.O. Box 487
Warrenton, OR 97146

RE: 115 SW 1st Street, Warrenton, OR

STOP WORK NOTICE

Mr. Newton-

I have performed an inspection of the proposed stockpiling at the property. The stockpiled material is inconsistent with the waste gravel that was proposed, and the sand material does not have the appropriate erosion and sediment control features installed at this time. Our office received a letter stating that the contractor will be going to stabilize the site, but we will need an erosion and sediment control plan prepared by either a licensed civil engineer, or the licensed contractor that will be performing the work.

Attached, as a courtesy, are Oregon standard drawings for erosion and sediment control that are consistent with common engineering practice that may be utilized, however we will need a site plan clearly delineating the location of each erosion and sediment control feature to be incorporated. Please see item E below in the Warrenton Municipal Code regarding your responsibilities as the **permittee**.

16.152.070 Grading Inspection.

A. General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the building official for regular grading.

B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.

D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the

consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

F. Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.

H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

In addition, an approved stormwater report and drainage plan will also be necessary for the work you have recently completed on your property.

Per WMC 16.140.030, all developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

A. *No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and*

B. *No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.*

C. *No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.*

The City has concerns that your work will unreasonably impede the natural flow of water and could damage adjacent properties. Please provide a stormwater report and detailed drainage and grading plan that will provide adequate protection to the surrounding properties.

If you have any questions, please feel free to call the Building Department at 503-861-0920. A failure to respond to this letter may result in penalties under Warrenton Municipal Code Section 15.04.260

Sincerely,



Van Wilfinger, CBO
Building Official



October 28th, 2021

Mr. Newton,

A stop work notice was sent to you at PO Box 487 Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for your property at 115 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC02100. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Staff has received no plans nor communication on the development of requested plans.

This letter will serve as notice that the issue has not been abated by the date of mailing and will be processed as a code violation at the November 4th, 2021 Planning Commission meeting at 6 pm at Warrenton City Hall at 225 S. Main Ave. Warrenton, OR 97146. The violator may choose to attend the meeting if they wish to provide information opposing staff findings.

Possible action at the meeting could result in fines not to exceed \$1,000 per violation per day as referenced below:

15.04.260 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense. (Ord. 965-A § 2, 1996)

The action to be reviewed violates WMC 16.152.070, WMC 16.140.030 and any other violations as presented at the Planning Commission Meeting.

If you have any further questions, or if we can be of further assistance, please do not hesitate to call 503-861-0920, or email me at shazelton@ci.warrenton.or.us.

Sincerely,

Scott Hazelton
Planning Director

MINUTES
Warrenton Planning Commission
November 4, 2021
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

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

Commissioners Present: Chair Paul Mitchell, Mike Moha, Chris Hayward (via Zoom), Ken Yuill (via Zoom), Kevin Swanson (via Zoom, left at 8:01 p.m.), and Lylla Gaebel (via Zoom)

Absent: Commissioner Christine Bridgens

Staff Present: Planning Director Scott Hazelton, City Manager Linda Engbretson (via Zoom), Building Official Van Wilfinger, and Secretary Rebecca Sprengeler

PUBLIC COMMENT ON NON-AGENDA ITEMS - None

APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 9.9.21

Commissioner Yuill made the motion to approve the minutes as written. Motion was seconded and passed unanimously.

Mitchell – aye; Moha – aye; Hayward – aye; Yuill – aye; Swanson – aye; Gaebel - aye

PUBLIC HEARING

Open Public Hearing: Chair Mitchell opened the public hearing in the matter of a fill violation at 135 SW 1st Street. Formalities followed. Commissioner Yuill noted he visited the site but feels it will not affect his judgement. Chair Mitchell stated the same.

Staff Report: Planning Director Scott Hazelton gave a PowerPoint presentation about the violation. He stated the property owner of record is Kevin Gramson and the permittee is Loren Gramson. The first stop work order was mailed certified on August 18. A second notice was mailed certified on September 2. Loren Gramson was given notice of the meeting by letter on October 28. He stated the first and second notices came from the building official in the absence of a Planning Director. He noted the violation includes lack of requested stormwater plan, lack of erosion control measures and erosion control plans, and work beyond the scope of the submitted application. He outlined options for the planning commission and noted Warrenton Municipal Code (WMC) 15.04.260 regarding violation penalties.

Questions of Staff: None

Applicant Presentation: Mr. Gramson noted he takes issue with the point of work beyond the scope of the permit. He stated he had a permit to fill, remove fill, and grade. He explained that more fill was placed than he thought was needed. He contacted building department for another permit, then received a stop work order. He stated he has not done anything since. He noted during a meeting last week he received notice of this meeting. He was informed the second permit was not approved, but he had already finished the work. He noted the hand drawn map he submitted with the application. He stated the property has become an eyesore that he would like to get rid of. He feels he made the effort to do something positive for the city. He discussed his development work in Warrenton and lack of affordable housing. He stated he did not have the permit he thought he did. He asked the commission to consider his honesty in contacting the city for a second permit. He stated he hired an engineer and they have discussed addressing the issues. He has put in a silt fence, wattles, and bales of hay. He stated no water is impacting anyone. He noted there is a pool in the middle of the property to catch water to drain down. He is hoping to burn the house down with the assistance of the fire department then reduce the height of the fill. He stated all that they need is reasonable time to get the physical work done. He noted a drainage pipe in the city right-of-way and two catch basins that he protected. He stated he wants to get this done right.

Questions of Applicant: Commissioner Yuill asked how much fill the first permit allowed. Mr. Gramson thinks he asked for 250 cubic yards. He noted when he realized there was more, he contacted the building department for an additional permit. He discussed the permit applications. Commissioner Swanson asked for a timeline to comply. Mr. Gramson estimated between 30 and 60 days to get plans from his engineer. He explained he can do work that Public Works Director Collin Stelzig suggested as soon as he can get equipment. Commissioner Yuill noted his research on the area and asked if Mr. Gramson's property is affected by surrounding property's drainage. Mr. Gramson stated yes and discussed drainage from two houses and an apartment building. Commissioner Gaebel asked why the city was not contacted after he received the notices. Mr. Gramson noted he visited the building department while the building official was out of office and a meeting was held last week, but he thought he had the proper permits. Commissioner Gaebel asked why contact was not made in August. Mr. Gramson noted there has been no equipment on the property since receiving the stop work order.

Public Testimony: Van Wilfinger noted the permit was pulled for approximately 250 cubic yards and stated it did not seem like it would be an issue. He drove by the site and witnessed an excessive amount of material. He sent a stop work notice. After discussion with Mr. Wilfinger, Mr. Gramson submitted revised plans to the building department. Mr. Wilfinger then received communication from Mr. Stelzig that the amount of fill would require a stormwater report and civil plan to address stormwater drainage. Mr. Wilfinger instructed Mr. Gramson to hire someone to provide a stormwater report to stabilize the site. He noted a second stop work notice was mailed certified and not signed for. It was returned then resent. He noted a recent meeting with Mr. Gramson to discuss issues and provide notice of the hearing. Commissioner Yuill asked how much fill is on the property. Mr. Wilfinger explained he is new to the city and not as familiar with the residential areas as his work is focused on commercial projects. He relied on other staff for estimated amount of material. Commissioner Yuill made comments about

determining the amount fill material in order to know how much to remove. It was noted the fill material is predominantly sand and other soil. Commissioner Hayward asked if the fill was monitored. Mr. Wilfinger stated there was not somebody monitoring on behalf of Mr. Gramson. Mr. Hazelton clarified that what is being looked at is the erosion and stormwater plans have not been submitted as requested by staff since August. Mr. Hazelton noted there have been negative impacts on adjacent properties reported and further emphasized the need to review a stormwater plan. Chair Mitchell asked what was proposed by Mr. Stelzig. Mr. Hazelton noted Mr. Stelzig has discussed the project with the engineer, but the city still needs the required plans to be submitted. There was brief discussion about removing the excess fill. Brief discussion followed about stormwater plans are required for all fill permits. City Manager Linda Engbretson (via Zoom) clarified an issue in the code between fill and stockpiling. Discussion followed about stockpile versus fill. Commissioner Yuill noted concern that the permits were not in the meeting packet. Ms. Engbretson noted they want people to be in compliance by obtaining erosion control plans; they cannot ignore code requirements. Mr. Hazelton restated the need for erosion control and stormwater plans. Discussion continued. Chair Mitchell would have liked more documentation.

Applicant Rebuttal: Mr. Gramson noted copies of the original permit application for 250 yards. He estimated about 600 yards of actual fill. He stated he contacted staff prior to the first stop work order. He noted the fill material was sand and one load of dirt. He noted discussion with a neighbor about drainage in the area in the past. He discussed the person he believes reported negative drainage impacts and wants to know who reported it. He stated he was told by Mr. Wilfinger to grade as quick as he could. He noted his permit was for grading, removal, and fill; there was nothing about stormwater. He noted the stormwater report will be required before any building, so he might as well do it now. Mr. Gramson is working with his engineer to address the drainage as instructed by Mr. Stelzig. He has talked with a neighbor about draining across his property and he noted a culvert issue he would like the city to address. He explained the extra material could be used for fill once the house is burned. Commissioner Gaebel asked about the delayed response to the first notice requesting erosion and stormwater control. Mr. Gramson explained when he received his permit, nothing was mentioned about it. He briefly discussed his original site map submittal. He stated stormwater was never a part of the permit and he stopped work immediately. He had already notified the city of the excess fill and noted he was unsure of the fill amount. Commissioner Hayward asked how fill was brought to the property. Mr. Gramson stated dump truck. Commissioner Hayward asked about the size. Mr. Gramson stated it varied and they were not worried about how much was on each truck. He explained lack of monitoring at first and noted approximate overage. Brief discussion followed about the excess fill amount. Commissioner Swanson asked what will happen to come into compliance. Mr. Gramson noted hiring an engineer and discussed a swale and water storage. Commissioner Swanson asked about a timeline for the engineer to address the issues and provide a final report. Mr. Gramson estimated 30 to 60 days and noted they will do what the engineer suggested. He also stated when it said stop work, they were already done with the fill, and he was instructed to grade as quickly as possible. He noted they planted grass and the material is pretty packed.

Close Public Hearing: Chair Mitchell closed the public hearing.

Deliberation of Commissioners: Commissioner Yuill noted the ditch has not been cleaned out

and noted concern about impact on surrounding properties. He asked about a timeline for the city to clean the ditch. Mr. Hazelton noted public work's rotating ditch maintenance schedule. Brief discussion followed. There was brief discussion about the property address. Mr. Hazelton clarified the person Mr. Gramson alluded to previously did not make the report about negative impacts. He also noted the engineer was retained early this week. Commissioner Swanson asked why the fill amount was guessed and not measured or adhered to. Mr. Hazelton noted staff does not have the capacity to monitor fill. Discussion continued about stormwater reports being required for fill permits. Ms. Engbretson briefly discussed WMC regarding grading. She noted they are updating the stormwater and drainage plans that may be addressed at a joint meeting with the city commission. She feels it has gotten to the point where submitting a stormwater plan should be required with any fill permit. Commissioner Hayward commented on the issuance of a permit without a stormwater plan. Ms. Engbretson restated the need for the stormwater report that has been requested since August. Discussion followed about the stop work order. Mr. Hazelton stated error on staff's part does not absolve Mr. Gramson from following the WMC. Ms. Engbretson discussed communication issues and a shift to written communication. She noted the issue is not the fill amount, it is the requested plans in order to move forward and mitigate impacts. Discussion followed about the meeting notice. Mr. Hazelton confirmed the first stop work notice was signed for on September 20 and sent by email as well. Commission Gaebel noted Mr. Gramson has had the request for stormwater and erosion control since August. Commissioner Swanson feels the stop work order is not clear. Ms. Engbretson clarified it is to stop work on the property and work on submitting plans to the city. Commissioner Yuill discussed his concerns about what can be done in the short term to address negative impacts on the south neighbor. Brief discussion followed. Commissioner Moha noted to be in compliance, a report must be supplied. He noted removing fill and making suggestions to address the issues are not relevant to this decision. Mr. Hazelton noted a stormwater plan will address the negative impacts. Commissioner Gaebel noted Mr. Gramson is not in compliance but has hired an engineer to bring him into compliance. She suggested finding he is not in compliance and a no-fine 45 to 60-day grace period. Discussion followed.

Commissioner Hayward made the motion for 60 days with no fine and impose a fine of \$1,000 if that is not reached within that 60 days. Motion was seconded and failed.

Commissioner Moha believes there was no intentional ill will on either side. He agrees with 60 days and a \$500 fine.

Mitchell – nay; Moha – nay; Hayward – aye; Yuill – nay; Swanson – aye; Gaebel – aye

Discussion followed about the fine and timeframe.

Chair Mitchell made the motion that they allow Mr. Gramson 60 days. If within 60 days, Mr. Gramson does not reach a conclusion satisfactory to the city, then we impose a \$500 a day fine that is retroactive to today's date. Discussion followed.

Commissioner Hayward made a motion to strike the retro active portion of the chairman's motion and make it \$500 per day after a 60-day period to get this work done. Motion was seconded and passed unanimously.

Mitchell – aye; Moha – aye; Hayward – aye; Yuill – aye; Swanson – aye; Gaebel – aye

Open Public Hearing: Chair Mitchell opened the public hearing in the matter of a fill violation at 115 SW 1st Street. Formalities followed. No conflicts of interest were declared. Commissioner Yuill noted he visited site but feels it will not affect his decision. Chair Mitchell stated the same.

Staff Report: Mr. Hazelton presented his staff report for the fill violation at 115 SW 1st Street owned by Rick Newton. He noted the first stop work order was mailed certified and signed for in August. The second was mailed certified and signed for in September. The hearing notice was mailed in October. He outlined the fill violation noting a request for stormwater plans and erosion control plans. He clarified there was no application submitted; there was communication with staff about stockpile of clean gravel. The material was different than and exceeded what was originally discussed. He noted options for the commission as outlined in the presentation.

Questions of Staff: Commissioner Swanson asked about the material. Mr. Hazelton clarified it was mixed material from underneath a road, not clean gravel as originally discussed with staff. Commissioner Yuill asked if there is runoff going onto other properties. Mr. Hazelton stated he has received no complaints regarding this property about additional runoff at this time.

Applicant Presentation: Mr. Newton noted Patricia Caples is co-owner of the property. He noted his long-term friendship with Commissioner Yuill and stated it does not affect them to disagree. Mr. Newton noted past issues of flooding and a roof collapse. He noted his frustration and explained the situation. Ryan Lampi with Big River requested to place material from under a road on Mr. Newton's property. Mr. Newton discussed this with the building department and was told he did not need a permit. Mr. Newton noted he originally estimated 150-250 yards of fill. When this amount was exceeded, he contacted the building department and was told he was fine. Additional material was placed. Mr. Newton visited the building department again to discuss the issue. He met with Mr. Stelzig to discuss plans provided by Mr. Lampi to address the first stop work notice. Mr. Newton estimated there was 590 yards, while Mr. Lampi estimated about 500. Mr. Newton brought the plans to the building department. He was asked for bigger plans and directed to start with public works. Mr. Newton expressed confusion about what the city wanted to address the stop work order. He noted meetings with Mr. Stelzig to clarify what the city and noted engineered plans were requested. He feels this could have been avoided and noted his frustration. He requested Ms. Caples be added as co-owner. He noted observing decreased runoff from his property. He further noted his frustration with the city. He stated Mark Mead cannot do the engineering until January. Geoff Liljenwall cannot do the engineering until November. Mr. Newton noted he and his engineer do not know what the city wants.

Questions of Applicant: Commissioner Moha asked for clarification if there was no permit. Mr. Newton confirmed. Mr. Hazelton read the fill request email from Mr. Newton dated July 19. Mr. Hazelton stated stockpiling of clean material does not require a permit. Commissioner Swanson asked how long the material will be on the property and if there plans for it. Mr. Newton explained it could be used as surcharge as he plans to build eventually. He stated he intends to put a French drain completely around the property. He is unsure of a timeline. He explained his frustration and noted he thought he was doing the right thing. Ms. Caples explained Big River requested to dump material removed from the street project onto their property, saving the city

money on the project. She noted they were told they did not need a fill permit. They contacted the contractor after the stop work order. Mr. Newton stated he was not running the job, Mr. Lampi was. He restated he does not know what the city wants and noted Big River is a licensed and bonded contractor that he believes can provide the plans. Commissioner Swanson asked why Mr. Lampi is not in attendance to testify. Mr. Newton stated he did not know he needed to bring him. Commissioner Gaebel noted the stop work notices that requested erosion and stormwater plans. Ms. Caples stated it was handed over to Big River; it's their job. Mr. Newton noted plans from Mr. Lampi he understands to be stormwater and erosion control plans. Commissioner Gaebel stated it is the applicant's responsibility to see that work is done. Ms. Caples noted the plans from Mr. Lampi. Commissioner Gaebel asked when the plans were submitted to the city. Mr. Newton noted he is not sure. He did not know he needed an engineer. He thought Big River was qualified. He intends to hire Mark Mead. He stated he tried to do the right thing but received bad direction.

Public Testimony: Ms. Engbretson noted she cannot verify if the plans in question have been received by staff. Commissioner Moha asked if Mr. Hazelton has seen the plans and if they would be acceptable. Mr. Hazelton noted he has seen them; they are not acceptable. Mr. Wilfinger noted an email from Mr. Newton addressed to himself and Mr. Stelzig regarding stockpile of gravel. He noted the WMC does not require a permit for stockpile of clean material. He explained the plans in question are not a stormwater report. Mr. Wilfinger stated he had not reviewed the plans yet because they needed to be reviewed by public works. He noted there was no permit because what was proposed did not require a permit. Mr. Newton did respond to the first stop work notice. He was directed to work with Mr. Lampi to develop acceptable plans to submit to Mr. Stelzig for approval. Mr. Wilfinger noted nothing acceptable was provided so a second notice was sent. Commissioner Yuill asked if there is runoff onto other properties. Ms. Engbretson noted there is not much concern about runoff on this property. The concern is treating everyone the same. The report is still required by WMC. Brief discussion followed. Mr. Hazelton added they are not addressing the contents of the reports, they are addressing the fact the reports were never submitted. Commissioner Swanson asked if Mr. Lampi would have the proper paperwork to support the plans in question. Ms. Engbretson noted as of now her communication with staff is that nothing has been received.

Applicant Rebuttal: Mr. Newton stated he does not believe, in his email, he ever said he was going to stockpile clean gravel on the lot. Commissioner Gaebel asked to have the email read again. Mr. Hazelton read the full email from Mr. Newton and the response from Mr. Wilfinger dated August 12, 2021. There was brief discussion about a possible response from Mr. Stelzig. Chair Mitchell asked how long it will take to get a report. Mr. Newton noted Mr. Liljenwall estimated mid to end of November. Brief discussion followed. Commissioner Yuill asked if the plans prepared by Mr. Lampi were submitted to public works. Mr. Newton stated he has no idea, noting several visits to public works.

Close Public Hearing: Chair Mitchell closed the public hearing.

Deliberation of Commissioners: Commissioner Yuill noted a lot of hearsay and would like to hear from Mr. Stelzig. He suggested extending the hearing until next month. Commissioner Swanson agreed and would like to hear from Mr. Lampi. He feels there is not enough

information to make an informed decision. Commissioner Gaebel noted Mr. Wilfinger's email was very specific about what was expected. Commissioner Hayward noted there is no issue getting the engineering and suggested providing reasonable time until January. Commissioner Moha noted they cannot force people to come answer questions. Mr. Hazelton noted additional email communication. Chair Mitchell suggested giving Mr. Newton until January and having the city provide an update at that meeting. Commissioner Gaebel feels they are being inconsistent between the two violations. Mr. Hazelton noted an email from Mr. Stelzig that outlines what is needed.

Commissioner Gaebel moved that we give 60 days grace period from tomorrow's date and on the 61st date, that we levy a fine of \$500 per day if it has not been cured and do it in conjunction with the city's requirements. Motion was seconded and passed with majority in favor.

Mitchell – aye; Moha – aye; Hayward – aye; Yuill – nay; Swanson – aye; Gaebel - aye

STAFF ANNOUNCEMENTS & PROJECT UPDATES

Mr. Hazelton noted he is happy to have the first meeting under their belts. He asked for feedback on the presentation. Commissioner Gaebel thought it was helpful. Commissioner Hayward noted there are often documents in the record that are difficult to see. Commissioner Yuill would like a camera to see physical documents while on Zoom. Commissioner Swanson noted he needed to leave the meeting for a work meeting. Mr. Hazelton discussed several recent variance applications to build into the setbacks. He asked for guidance on whether or not to continue allowing variances to extend into the setbacks and if he should research amending the setbacks. He noted this will be discussed further in a joint meeting. He further explained the purpose of a variance is for hardships due to confines of the zoning code and the property, not a desire for a bigger house or garage. Commissioner Yuill asked Mr. Hazelton to send an email with questions that will be discussed at the joint meeting. Mr. Hazelton noted side yard setbacks are for emergency vehicle access. Mr. Hazelton feels variances should be difficult to obtain. He also discussed possible changes to the development review process regarding conditions of approval.

There being no further business, Chair Mitchell adjourned the meeting at 8:07 p.m.

Next Meeting: December 9, 2021

APPROVED:

Paul Mitchell, Chair

ATTEST:

Rebecca Sprengeler, Secretary



AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Dawne Shaw, City Recorder

DATE: December 14, 2021

SUBJ: Advisory Committee Appointments

SUMMARY

Several Advisory Committee appointments were made at the November 23, 2021, City Commission meeting. There is one remaining vacancy on the Warrenton Community Library Board, Position No. 6. Mayor Balensifer has recommended Amanda Donovan for that position. There is one remaining vacancy on the Community Center Advisory Board, Position No. 2; all other vacancies have been appointed.

RECOMMENDATION/SUGGESTED MOTION

I move to appoint Amanda Donovan to Position No. 6 on the Warrenton Community Library Board.


ALTERNATIVE

Other action as deemed appropriate by the City Commission

FISCAL IMPACT

N/A

Approved by City Manager:





December 7, 2021

To the City Commission of Warrenton and Warrenton Urban Renewal Agency:

Pursuant to Warrenton City Charter Chapter V § 19; and Chapter 4, M. 2.b and Chapter 4, M. 3.b(i) of the City of Warrenton Commission Rules this letter is to outline the nominees for the consideration of appointment by the City Commission. There are no outlined rules for the Warrenton Urban Renewal Agency, but it is assumed rules would carry over to that agency in practice.

Nominees for Reappointment:

I hereby nominate the following persons to the following boards and positions for reappointment:

- Warrenton Urban Renewal Advisory Committee
 - Tess Chedsey, Position 4
 - Dennis Faletti, Position 6

Notes on Nominees for Reappointment:

The aforementioned nominees have faithfully served on their respective boards with no issue and are a credit to the citizenry's volunteerism. I hope the commission will agree and ensure they continue their important work within our city's government.

Nominees for New Appointments:

I also wish to nominate the following persons to the following boards and position for new appointments:

- Warrenton Urban Renewal Advisory Committee
 - Michelle Murray, Position 5
- Warrenton Community Library Board
 - Amanda Donovan, Position 6

Interview Notes on New Nominees:

In my prior nomination letter November 23, 2021, I outlined my cause for reappointments of Tess Chedsey and Dennis Faletti on the WURA board, and for the nomination of Michelle

Murray to the Library board. Since there was a question (yet to be answered) of if a friends group officer could also be on the city's library board, and the fact that we received an application from Amanda Donovan, who after my interview was determined to be a good fit for the Library Board, it seemed cleaner/easier to not have Michelle on the library board. Additionally, Michelle's experience and energies would be better spent on the friends group and on the Urban Renewal Agency Advisory Committee. As a result I nominate Amanda to the Library board, and Michelle to the Urban Renewal Advisory Committee.

Persons Applied, but not nominated:¹

- No other applicants to these specific boards that were not already explained or mentioned above.

Below is recommended motions for appointments. If there are any questions, I would be happy to answer them.

Sincerely,



Henry A. Balensifer III
Mayor

Recommended Motions for Warrenton City Commission Meeting²

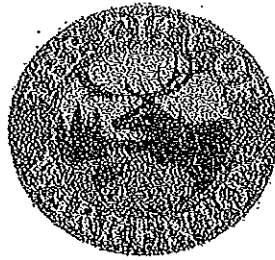
I move to appoint Amanda Donovan to position 6 on the Warrenton Community Library Board

Recommended Motions for Warrenton Urban Renewal Agency

I move to appoint Tess Chedsey, Michelle Murray, and Dennis Falletti to positions 4, 5, and 6 respectively, on the Warrenton Urban Renewal Advisory Committee.

¹ Pursuant to disclosure requirements: City of Warrenton Commission Rules Ch.4, M. 4.b

² Pursuant to separation of powers: City of Warrenton Commission Rules Ch. 4, M. 2.c (and 4.a)



Application for Committee Appointment

To: **Warrenton City Commission and Warrenton City Manager**

I, Amanda Donovan, hereby apply for appointment to serve on the following:

- Budget Committee
- Community Center Board
- Marinas Advisory Committee
- Parks Advisory Committee
- Planning Commission
- Warrenton Community Library Board
- Warrenton Urban Renewal Advisory Board

What is your interest in applying for this position?

I am a great lover of books and libraries. I have found that libraries are a much needed, though often underutilized, community service.
I would be thrilled to have the opportunity to participate in preserving Warrenton Community Library's integral place in the community.

What experience or qualifications do you have for this position?

I have experience with business operations and administration, brand identity, social media marketing, event planning, process improvement, budgeting, and research and analysis. In addition, I have experience with using Dewey Decimal Classification!

How much time could you give to serving on this committee?

Weekly 8-16 Monthly 32-64 Quarterly 130-194

Amanda Donovan

11/29/2021

Full Name (please print)

Date



WARRENTON POLICE DEPARTMENT OFFICE MEMORANDUM



TO: LINDA ENGBRETSON, CITY MANAGER

FROM: MATHEW J. WORKMAN, CHIEF OF POLICE

DATE: DECEMBER 14, 2021

SUBJECT: CAMP CLEAN UP

CC:

I wanted to show you the "before" and "after" photos of a medium-sized camp clean-up that was done and to give Kudos to Public Works for their efforts during the clean-up. This camp was located in the right-of-way for SE 1st St. by the entrance to Bogh Electric and along the Skipanon River Trail.

We had received several complaints and concerns about the camp, so it was Posted for Clean-Up on November 23, 2021, by Officer Hollaway. Officer Hollaway worked closely with the occupants of the camp to make sure they had all of their person belongings removed before any clean-up took place. The camp was large enough that this took several days but once we were sure they had their property removed we contacted Public Works for the clean-up.

Public Works did the clean-up on the campsite on Monday, December 13, 2021, with no incidents.

Here are the before and after photos of the campsite:













