



**Willamina City Council
Regular Meeting and Public Hearings
Tuesday, June 20, 2023 at 6:00 PM**

West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

In-person attendance is allowed at the City Council meeting. The City also provides access via the Zoom platform. Zoom access information is available at the end of this Agenda.

AGENDA

CALL TO ORDER

ROLL CALL

FLAG SALUTE

AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS

PUBLIC INPUT – BUSINESS FOR THE AUDIENCE

Public Input: Presentations not scheduled on the Agenda are limited to three (3) minutes. Longer presentations should be submitted to the City Recorder prior to the meeting.

CORRESPONDENCE – None.

PRESENTATIONS – None

PUBLIC HEARING

OPEN PUBLIC HEARING

Supplemental Budget. The Budget Officer has submitted proposed revisions to the existing Fiscal Year 2022-2023 City of Willamina budget document that includes revisions to revenue and expenses in the General Fund, Water Fund, Wastewater Fund, Street Fund, Street SDC Fund, Parks SDC Fund and Stormwater SDC Fund.

CLOSE PUBLIC HEARING

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REGULAR AGENDA

1. Resolution 22-23-012, A Resolution authorizing appropriations, amending the Fiscal Year 2022-2023 Budget and reallocating funds between and within Funds for Fiscal Year 2022-2023.
2. Backflow Discussion
3. Asset Management follow up discussion

INFORMATIONAL REPORTS (Items that require no Council action)

1. Chamber Liaison – Mayor Skyberg
2. Yamhill County Transit Authority Board Member – Councilor Johnson
3. Library Board Liaison – Councilor Hernandez

MAYOR'S REPORT

INFORMATIONAL REPORTS FROM CITY OFFICERS

1. City Manager
2. Library Director
3. Public Works Director
4. Sheriff's Report (provided in Agenda packet)
5. Code Enforcement (provided in Agenda packet)

COUNCIL COMMENTS

ADJOURN

Next Council Meeting

City Council Regular Meeting on July 11, 2023 at 6:00 PM

Information regarding the above meeting(s) and Zoom access information can be found on the City of Willamina website at <https://www.willamina.oregon.gov>

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Willamina at least 48 hours prior to the meeting date in order that appropriate communication assistance can be arranged. The City of Willamina Council meetings are accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/87317108819?pwd=STVvdzICQjU0Y21KUnVXMmlqL2ZQUT09>

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Meeting ID: 873 1710 8819

Passcode: 280572

Find your local number: <https://us02web.zoom.us/j/kdfd9Rs2Wm>

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Mayor Ila Skyberg

Council Members:
Rita Baller, Council President
Craig Johnson
Barry Wilson
Vickie Hernandez
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City Management:

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**BEFORE THE COUNCIL OF THE CITY OF WILLAMINA
SITTING FOR THE TRANSACTION OF BUSINESS**

RESOLUTION NUMBER 22-23-012

A Resolution of the Willamina City Council Authorizing Appropriations Amending the Fiscal Year 2022-2023 Budget and reallocating funds within Funds for the Fiscal Year 2022-2023.

WHEREAS, the City had unexpected increased expenses; and

WHEREAS, a supplemental budget is the appropriate mechanism to update revenues and expenditures, and reallocate funds from Contingency and/or between line items due to circumstances that were not known at the beginning of the year; and

WHEREAS, this supplemental budget makes adjustments to the current year's budget by revising expenditures, and reallocating funds between line items and from Contingency to line items within Funds due to unforeseen increases and expenses; and

WHEREAS, the supplemental budget public hearing was advertised in the News Register and Bulletin Board publication more than five days but less than thirty days prior to the public hearing, and also posted at City Hall, at two public notice kiosks within the City of Willamina, at the US Post Office in Willamina, and on the City website; and

WHEREAS, The City Council held a public hearing on the proposed supplemental budget on June 20, 2023; and

WHEREAS, the Oregon Revised Statutes provide for a revision of a governmental budget through a supplemental budget;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF WILLAMINA THAT** this supplemental budget to the 2022-2023 adopted budget and
the

appropriations and reallocations found within Exhibit A, *Fiscal Year 2022-2023 Supplemental Budget*, attached hereto and made a part hereof; are hereby adopted and that this resolution shall become effective immediately upon adoption.

PASSED and ADOPTED by the City Council of the City of Willamina this **20th** day of **June, 2022**.



Ila Skyberg, Mayor

ATTEST: _____
Krystal Stevens, Deputy City Recorder

Attachment: Exhibit A – Fiscal Year 2022-2023 Supplemental Budget

**City Of Willamina
Staff Report
FOR THE CITY COUNCIL MEETING OF JUNE 20, 2023**

**TO: MAYOR AND CITY COUNCIL
FROM: BRIDGET MENELEY, CITY MANAGER
SUBJECT: AUTHORIZE CITY STAFF TO MODIFY THE BACKFLOW PREVENTION
DEVICE COMMUNICATION AND PROCESSES**

ISSUE

Shall City Council authorize the City Staff to modify the backflow device communication and processes?

RECOMMENDATION:

Staff recommends the City Council authorize the City Staff to modify the backflow device communication and processes.

SUMMARY AND BACKGROUND

Oregon State Health Division and Code of the City of Willamina, section 51.18(l) requires annual operational test for the backflow prevention device(s) installed on residential water service lines.

Title_V_Public Works letter K in section 51.18 states:

(K) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter or by state law shall be grounds for the termination of water service to the premises.

FACTS AND FINDINGS

1. Department of Environmental Quality (DEQ's) monitor's City Staff processes and compliance of the required annual testing of the backflow prevention device(s).
2. In previous years up to three letters may be sent to a resident, with additional reminders to comply with the requirements for backflow testing.
3. To streamline the process and remain in compliance, City Staff would like to modify the internal process for notifications and reminders.
4. City Staff would also like to obtain bid proposals from at least three (3) backflow prevention device certified testers and offer an optional service to local residents who can decide to have a certified testers provide test results to the City and then City Staff will bill the resident for the service.

Proposed Motion: *I move to authorize the City Staff to modify the backflow device communication and processes?*

Bridget Meneley

Bridget Meneley, City Manager

Exhibits: A – Letter drafted by City Attorney
B – City of Willamina Code 51.18

actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices, through which or because of which backflow can or may occur, are considered to be **CROSS-CONNECTIONS**.

HAZARD, DEGREE OF. Derived from the evaluation of a health, system, plumbing or pollution hazard.

HAZARD, HEALTH. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

HAZARD, PLUMBING. An internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollution or a contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

HAZARD, POLLUTIONAL. An actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which should not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

HAZARD, SYSTEM. An actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system, or a pollution or contamination which would have a protected effect on the quality of the potable water in the system.

HEALTH DIVISION OFFICER. The Oregon State Health Division Officer, or authorized agent.

POTABLE WATER SUPPLY. Any system of water supply intended or used for human consumption or other domestic use. (Ord. 529, passed 5-9-1985)

§ 51.17 CROSS-CONNECTIONS PROHIBITED.

(A) The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply system of the city shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public hazard and the same shall be abated.

(B) The control or elimination of cross-connections shall be in accordance with this chapter and in compliance with the Oregon Administrative Rules Chapter 333, Public Water Systems, Section 42-230. The Superintendent shall have the authority to establish requirements more stringent than state regulations if he or she deems that the conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of this chapter.

(C) The Building Official is hereby authorized to enforce the provisions of this chapter in the inspection of existing, new and remodeled buildings. (Ord. 529, passed 5-9-1985) Penalty, see § 51.99

§ 51.18 BACKFLOW PREVENTION DEVICES.

(A) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state law and regulation and this subchapter. Service of water to any premises shall be discontinued by the city if a backflow prevention device required by this subchapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, bypassed, or if unprotected cross-connection exists on the premises. Service will not be restored until the conditions or defects are corrected.

(B) The customer's system should be open for inspection and tests at all reasonable times to

authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(C) An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line.

(D) Backflow prevention devices shall be installed under circumstances, including but not limited to the following:

- (1) Premises having an auxiliary water supply;
- (2) Premises having cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;
- (3) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;
- (4) Premises having a history of cross-connections being established or reestablished;
- (5) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;
- (6) Premises where materials of a toxic or hazardous nature are handled in such a way that if back-siphonage should occur, a serious health hazard might result; and
- (7) The following types of facilities will fall into 1 of the above categories where a backflow

prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the city determines that no hazard exists:

- (a) Lumber and plywood mills;
- (b) Laboratories and clinics;
- (c) Metal plating industries;
- (d) Sewage treatment plants;
- (e) Food or beverage processing plants;
- (f) Petroleum processing or storage plants;
- (g) Facilities with fire service lines as specified by Oregon State Health Division; and
- (h) Others specified by the city.

(E) The type of protective device required shall depend on the degree of hazard which exists:

(1) An air-gap separation or a reduced-pressure-principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature or other contaminant which could cause a health or system hazard; or

(2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure-principle backflow prevention device shall be installed.

(F) Backflow prevention devices required by this chapter shall be installed under the supervision and with the approval of the city.

(G) Any protective device required by this chapter shall be approved by the Superintendent.

(H) These devices shall be furnished and installed by and at the expense of the customer.

(I) (1) It shall be the duty of the customer-user at any premises where backflow prevention

devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the Superintendent deems the hazard to be great enough he or she may require certified inspections at more frequent intervals.

(2) These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the Superintendent. It shall be the duty of the Superintendent to see that these timely tests are made. The customer-user shall notify the Superintendent in advance when the tests are to be undertaken so that the Superintendent or a representative may witness the tests if so desired.

(3) These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever the devices are found to be defective. Records of these tests, repairs and overhaul shall be kept and copies sent to the Superintendent.

(J) No underground sprinkling device will be installed without adequate backflow prevention devices.

(K) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter or by state law shall be grounds for the termination of water service to the premises.
(Ord. 529, passed 5-9-1985)

§ 51.19 CROSS-CONNECTION INSPECTION.

(A) No water shall be delivered to any structure hereafter built within the city or within areas served by city water until the same shall have been inspected by the city for possible cross-connections and been approved as being free of same.

(B) Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent cross-connections, or as determined by the Superintendent, shall be protected by the installation of 1 or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.

(C) Inspections shall be made at the discretion of the Superintendent of all buildings, structures or

improvements for the purpose of ascertaining whether cross-connections exist. These inspections shall be made by the city.
(Ord. 529, passed 5-9-1985)

§ 51.20 LIABILITY.

This section shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test by reason of approval of any cross-connections.
(Ord. 529, passed 5-9-1985)

RATES AND CHARGES

§ 51.30 BILLS DUE.

For the purpose of making and collecting charges for water used by consumers, all water bills for each month shall be due and payable 15 days after the date of billing.
(Ord. 529, passed 5-9-1985)

§ 51.31 DELINQUENT PAYMENTS.

(A) All charges for water supplied during any month shall be paid not later than 30 days after billing date. If the charges are not paid prior to the thirty-first day after billing, the water may be turned off for any premises against which these charges have been made. On failure to comply with the rules and regulations established as a condition to the use of water, or on failure to pay the water rents in the time and manner provided in this chapter, the water shall be shut off until there is compliance or there is payment of the amount due to the time the water is again turned on. There shall be a charge, the amount to be set by resolution, for the expense of turning the water on after it has been shut off pursuant to the provisions of this section.

(B) If a renter of property moves from the premises and leaves an unpaid water rent, the owner shall be notified of the amount of the arrearage and given 30 days in which to pay. If amounts remain unpaid after 30 days, the Clerk shall report the



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DATE
NAME
ADDRESS

Dear Current Resident/ Owner:

According to our records, it is time to schedule an annual operational test for the backflow prevention device(s) installed on your water service, as required by the Oregon State Health Division and Code of the City of Willamina, section 51.18(I). For your convenience, we have attached a list of State Certified Backflow Assembly testers in Yamhill and Polk counties and a Contractor Test Option Form (if you would prefer the City to complete this test for you and bill you on your next water bill).

Please have each device tested, or complete the attached Contractor Test Option Form, within the next 30 days (if any device fails the test, the device must be repaired and retested). Send a copy of the completed (passing) test report(s) to, Backflow Preventer Control, 411 "C" St, Willamina, OR 97396 within this 30 day period. Please note that if you do not provide the City with a copy of the completed test report(s) for the backflow prevention device(s) within the next 30 days, the City may terminate your water service to this property.

If your property does not have a backflow device please complete the attached form and return it to City Hall no later than [September 3, 2023]. If you are unsure if your property has a backflow device, please contact City Hall at (503) 876-2242 and we will have someone check for you. You may also call Brenden Ashworth at (503) 437-7007 if you have any questions. In the meantime, we will look forward to hearing from you within the next 30 days.

Thank you for our cooperation.

Sincerely,

Brenden Ashworth

Brenden Ashworth
Cross-Connection Backflow Prevention Specialist
(503) 437-7007 (Mobile)

Enclosure: State Certified Backflow Assembly (note: see enclosure of this letter for list) and Contractor Test Option Form

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Date: _____

Contractor Test Option Form

According to our records, it is time to schedule an annual operational test for the backflow prevention device(s) installed on your water service to [address], as required by the Oregon State Health Division and Code of the City of Willamina, section 51.18(I). If you wish to have the City complete this required test on your behalf, please sign this Form and return it to Backflow Preventer Control, 411 "C" St, Willamina, OR 97396 within 30 days of the date stated above.

By signing and returning this Form to the City, you agree to the following:

1. City and City's chosen certified inspector may enter onto the property indicated above in order to complete the required backflow prevention device(s) inspection and testing at any time during reasonable working hours. You may request a copy of the completed test(s) from the City following completion of such testing.
2. The City shall include all costs and expenses associated with this annual test in your next water bill for the property indicated above.
3. To the fullest extent permitted by law and the Code of the City of Willamina, Section 51.20, you agree to defend, indemnify, and hold the City harmless from and against any and all costs, repairs, and other expenses that result from the acts or omissions of the City's chosen certified inspector and this inspection and testing.

Please return this signed form within 30 days from the date on this Form. Please note that if you do not return this signed Form or complete this annual test yourself within 30 days, the City may terminate your water service to the property indicated above.

Resident/Owner: _____

Date: _____