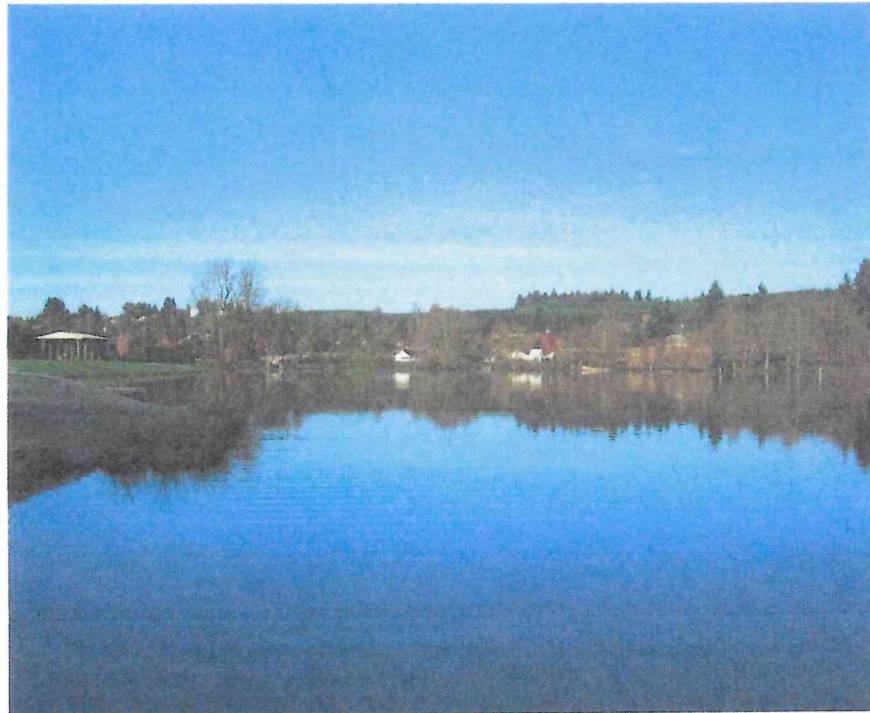


CITY OF WILLAMINA

TMDL IMPLEMENTATION PLAN

August 2022



Prepared By:

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TMDL Implementation Plan 2022

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A handwritten signature in black ink, appearing to read 'Sarah Frøst', is written over a horizontal line. The signature is stylized and cursive.

Sarah Frøst
Interim Willamina City Manager
NE C Street
Willamina, OR 97396

ACRONYMS

BMPs	Best Management Practices
CS	Construction Site Runoff
CWA	Clean Water Act
City	City of Willamina
DEQ	(Oregon) Department of Environmental Quality
DMA	Designated Management Agency
ESCP	Erosion and Sediment Control Plan
EPA	United States Environmental Protection Agency
GYWC	Greater Yamhill Watershed Council
IDDE	Illicit Discharge Detection and Elimination
LID	Low Impact Development
LUCS	Land Use Compatibility Statement
MCM	Minimum Control Measure (aka Stormwater Controls)
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Sources (not under an NPDES permit)
NWI	National Wetland Inventory
OAR	Oregon Administrative Rules
ODFW	Oregon Department of Fish and Wildlife
PC	Post-Construction Runoff Control in New and Re-development
PE	Public Education
PI	Public Involvement
SWPPP	Stormwater Pollution Prevention Plan
SWCD	Soil and Water Conservation District
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
USGS	United States Geological Survey
WQMP	Water Quality Management Plan

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TMDL Implementation Plan 2022

The City of Willamina is submitting this TMDL Implementation Plan in response to the **2019 Final Revised Willamette Basin Mercury TMDL and WQMP**

Load Allocation. The load allocation goal for the Willamette Basin calls for a 75% reduction of mercury. The City of Willamina anticipates that their obligations for contributions will be met with full implementation of the management strategies listed in this plan.

1.0 INTRODUCTION

1.1 Background

A Willamette Basin Mercury TMDL was first issued in 2006. On November 22, 2019 DEQ issued the *Final Revised Willamette Basin Mercury Total Maximum Daily Load and Water Quality Management Plan* that was submitted to the EPA. The final TMDL and Water Quality Management Plan (WQMP) states mercury reductions which can be achieved through planned implementation of permits, best management practices, conservation practices, and other management strategies help reduce mercury entering waterways. The ultimate goal of this process is to provide full restoration of the beneficial use of fish consumption, including protection of aquatic species and wildlife throughout the Willamette Basin.

According to DEQ the goals, objectives and approaches of this TMDL are consistent with the requirements of the federal Clean Water Act (CWA) and Oregon water quality laws and implementing regulations.

On March 3, 2021 the City of Willamina was notified that DEQ had included Willamina as a designated management (DMA) agency in the Willamette Basin Mercury TMDL and WQMP. According to Oregon Administrative Rules (OAR 340-042-0030(2)) *means a federal, state or local governmental agency that has legal authority over a sector or source contributing pollutants, and is identified as such by the Department of Environmental Quality in a TMDL.* DMAs are responsible for implementing strategies and DMA specific TMDL Implementation Plans.

1.2 Summary of TMDL Plan Development

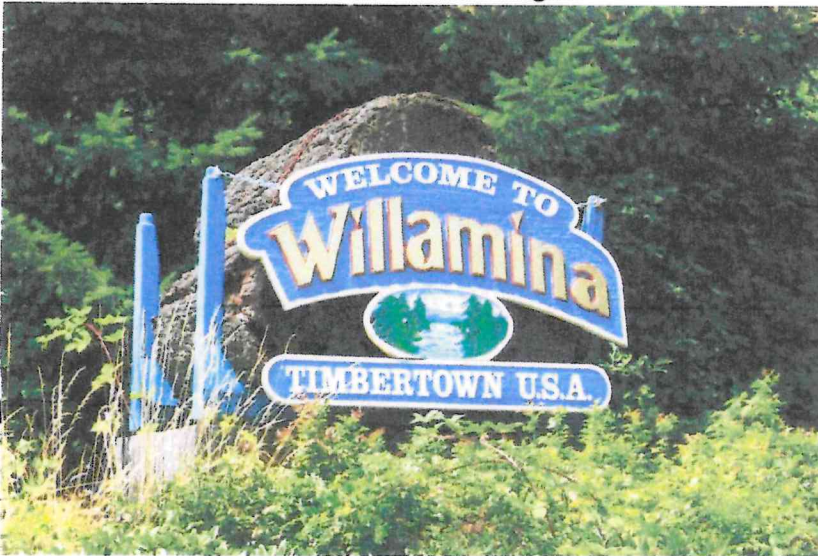
The TMDL Implementation Plan was developed to meet the conditions of the WQMP and the requirements listed in Table 13.11 of that document. Timelines are consistent with Table 13.14. The TMDL Implementation Plan includes a narrative which is captured in Sections 1 through 4 of this document, and a list of BMPs in Appendix A. A comprehensive, 'at-a-glance' matrix is included in Appendix B.

The City chose to use a consultant to develop the plan based on factors such as a small staff with limited knowledge of the program and environmental conditions. The consultant was hired in August 2021.

Initial steps for plan development focused on formation of the BMPs to be used by the City as a new TMDL DMA. Emphasis has been placed on foundation building activities and training to allow staff to review existing water quality based actions that could be expanded upon. The consultant has provided basic program training to staff with additional training to the City Manager and Public Works Director.

1.3 The City of Willamina

Willamina incorporated on 2/13/1903. According to the 2020 census, the population is presently 2270. The City is located near the intersection of Oregon State Highway 18 and Oregon State Highway 22. Willamina is located in the southern-most portion of Yamhill County. Willamina lies near the confluence of Willamina Creek and the South Yamhill River near the eastern base of the Oregon portion of the Pacific Coast Range.



The City has a Mayor/Councilor type leadership system with 1 Mayor and 6 City Councilors. The City is in a transition period. While Willamina was once primarily a mill town, it has now reconfigured into a mix of commuters, artists, local workers, and retired residents. It is known within the region as 'Festival City'. It has also become a popular spot for those with 'work from home' employment. The artist community is alive and well and the City is a stop along the annual Art Harvest Studio Tour sponsored by the Arts Alliance of Yamhill County.

2.0 HYDROLOGICAL CONDITIONS / EXISTING CONDITIONS

2.1 Hydrology Yamhill Subbasin / South Yamhill River / Willamina Creek

The Yamhill Subbasin (Hydrologic Unit Code 17090008) is located in the Western portion of the Willamette Basin and drains portions of the Coast Range. The Yamhill River flows into the Willamette River to the east of Dayton. The Subbasin's 772 square miles (493,762 acres) include the following eight watersheds: • Willamina Creek Watershed • Agency Creek-South Yamhill River Watershed • Mill Creek Watershed • Deep Creek-South Yamhill River Watershed • Salt Creek Watershed • North Yamhill River Watershed • and the Yamhill River Watershed. The subbasin is within portions of Yamhill and Polk counties, and includes the Cities of Amity, Carlton, Dayton, Lafayette, McMinnville, Sheridan, Willamina, and Yamhill. The subbasin is primarily owned by private landowners, however federal and state ownership accounts for 14% of the total land use in the subbasin. There are scattered landholdings by the U.S. Forest Service and Bureau of Land Management. The subbasin consists of forestry, agriculture and urban land uses. Timber harvest was the foundation for the development of the City of Willamina.

Waterways include the South Yamhill River, Willamina Creek. Ash Creek lies just outside of the City's boundary.

Willamina Creek originates in the Coast Range, and discharges to the South Yamhill River in Willamina. Willamina Creek passes through agricultural land, but it is well forested in the upper reaches of the watershed.

2.2 City Services

The City's operations and maintenance of public utilities and parks are carried out by Public Works staff which includes 5 personnel including the Public Works Director.

Drinking Water

The City's drinking water source is Willamina Creek. Treatment and distribution are managed by the City of Willamina Public Works personnel. The City is notified of logging activities in the watershed. The City has developed BMP PE-6 and PI-3 to address protection of Willamina Creek.

Wastewater

Willamina's wastewater system is permitted under NPDES # 101070. Prior to treatment and discharge, wastewater is held in 4 lined lagoons. The City utilizes an air diffusing system for odor control. Wastewater is discharged to the South Yamhill River.

Stormwater

The City's stormwater system is maintained and operated by the Public Works Department personnel. Maintenance activities are conducted by all staff members and primarily on a reactive basis. Street sweeping is an ongoing activity. Catchbasin cleaning occurs when time is available, but an attempt is made to clean all catchbasins annually. The City has a master plan that was completed in 6/1999.

2.3 Existing Conditions and Pollutant Sources

Pollutant sources coming from Willamina are similar to those in other northwestern Oregon municipalities of their size, but Willamina does have a long history of discharge from the existing wood mill, Hampton Lumber which was established in 1952. Logging trucks delivering products to the mill may add an additional elevation in pollutants associated with this type of vehicle. The City has a downtown core, residential areas, City parks, and some limited industrial activity. Growth is on the rise in Willamina with new subdivisions being planned for the community. New growth has been notable in the last 2 or 3 years.

The City is surrounded by some large parcels of land that are linked specifically to agricultural uses. It is also transected by state highway 18 and lies just a few miles north of state highway 22.. This land use provides the potential for a pollutant sources from automobile use, heavy farm equipment, logging trucks, wood processing, and agricultural chemicals.

The City of Willamina would like to make note that according to the WQMP, the Oregon Department of Agriculture (ODA) is DMA under OAR 340-042-080(3). The Agricultural Water Quality Management Act (ORS 568.900 to 933), and ORS 561.191, give ODA the responsibility to adopt and enforce rules that protect water quality on agricultural lands." DEQ works directly with ODA for implementation of these rules. Willamina recognizes that pollutants coming from agricultural sources may need some sort of correction that would be driven by the ODA and DEQ.

2.4 Control Measure Discussion

Management strategies for the implementation plan are directed toward the six control measures listed in Table 13.11 of the WQMP. A list of Willamina's BMPs and details regarding each are included in Appendix B. In addition, more specificity about the 6 control measures are covered in sections 3.1 and 3.2.

3.0 MERCURY REDUCTIONS

3.1 General Approach for Mercury Reduction

The City of Willamina will put the majority of its efforts for this permit term for mercury reduction into public education and preparing for the development that is occurring in other communities in Yamhill County. As was covered previously, there a number of local festivals and community events. Willamina will use these events to provide outreach materials to the residents with the City. These events are well attended and provide an excellent opportunity educate a wide variety of audiences.

Staff has developed the following list of target audiences. These target audiences will have messages and activities designed that pertain specifically to that group through key messages. Audiences such as the general public can receive a wide variety of messages through various means (brochures, articles, social media, etc.), if the target audience is school children for example, messages should be designed in a way that is useful for that group. Field trips or field presentations covering the impacts of mercury might be much more interesting for students.

Target Audiences for the City of Willamina

General Public

Students / School Children

Businesses

Industries

Landscapers

Developers/Builders/Engineers

Elected Officials / City Staff

The City will complete messages in 2022/2023 that can be used for each of the target audiences over the 5 year term and beyond. Records will be maintained in order to make certain all audiences are being reached and what factors indicate success or poor performance to fine-tune efforts over the permit term. It is expected that Willamina will continue to focus on Public Education as a core control measure. The City recognizes that activities presented to an educated public will provide for long term success.

Erosion control is another area of emphasis in this strategy. The BMPs listed in matrix indicate that Willamina intends to move forward during the first implementation term in regard to proper management of disturbed soils to the maximum extent practicable given existing conditions. Given current growth patterns, it is prudent that Willamina give proper attention to the construction site runoff control measure.



Section 3.2 Assessment of Stormwater Measures (WQMP Table 13.11)

According to the WQMP, DEQ expects these DMAs [cities with less than 5,000 people] to evaluate the six minimum stormwater control measures and identify the strategies and actions in TMDL implementation plans that they can implement to reduce mercury and sediment. Cities with less than 5,000 people must also provide information to DEQ about specific limitations to implementing strategies that the city does not include in its implementation plan.

An assessment for the stormwater measures follows:

The City does not have a stormwater utility and does not have a stormwater fee in place. There are only 5 Public Works employees, including the Public Works Director, operating and managing Willamina's streets, stormwater, wastewater, drinking water, and parks. There is an obvious lack of staffing to fully implement, and especially enforce, the BMPs listed for several of the control measures. Currently all Public Works employees respond to infrastructure needs regardless of funding allocations. In addition, the City has been subject to transitional management in the last several years. The most recent City Manager left the organization in June 2022 and has been vacant for the bulk of the summer. The position is currently being filled.

The lack of funding for the program will need to be evaluated and amended in subsequent years. Public Education – This control measure will be fully implemented according to the BMPs listed in the matrix, Appendix B, and as discussed in Section 3.1

TMDL Implementation Plan 2022

Public Participation and Involvement – This control measure will be fully implemented and a City Council presentation will be held on October 11, 2022. The BMPs are listed in Appendix A with source, timelines, and milestones listed in Appendix B.

Illicit Discharge Detection and Elimination – Illicit discharge requires a full identification and response program, and the legal means to enforce on violators. Limited staffing prohibits the rapid response that full implementation requires. The City will be moving forward during the first implementation term with building a foundation for this program. Willamina will utilize the consultant for training in report year 1 so that staff fully understands the control measure. Willamina will also develop and publicize a way for citizens to report discharges. Staff will respond and provide clean-up or abatement when possible. This control measure will be partially implemented within the 5 years.

Construction Site Runoff Control - This control measure will be partially implemented within the 5 years. Limited staffing prohibits the full implementation of this control measure. As has been noted, the organization does not have the personnel or training to fully implement the program within a 5 year period. Until the program is fully developed, staff will focus on educational efforts directed at builders and developers. Staff will also familiarize themselves with the conditions of the 1200-C program in order to communicate accurate information and communicate efficiently with DEQ for state held permits. The consultant will provide year 1 training and personnel will be encouraged to attend regional training. In addition, a resource guide will be developed for staff to use in the field and when reviewing plans.

Post-Construction Runoff Control - This control measure will be partially implemented within the 5 year implementation term. The consultant will provide training for staff on this control measure and the City's consulting engineer will be able to determine what needs to be done to amend design standards.

Good Housekeeping – This control measure will be fully implemented within the first 5 years of program implementation.

3.3 Public Involvement

The City of Willamina has been working on development of its TMDL plan since August 2021. The existing City Manager has since left the organization, but staff has succeeded in moving forward with development of the program.

The City Council has scheduled a Work Session for October 11, 2022. The TMDL Implementation Plan and all subsequent materials will be posted to the City website upon submittal of the document to DEQ. Additional BMPs for this measure are listed in the matrix.

3.4 Land Use Compliance

Land use compatibility information is contained in Appendix C



3.5 Fiscal Analysis

The City maintains and funds streets, wastewater, and water budgets. Willamina does not have a stormwater utility. The City's budget documents can be accessed at [Willamina, OR \(willaminaoregon.gov\)](http://Willamina,OR(willaminaoregon.gov)) The City is currently in the process of recruiting a new City Manager. With this position filled, new leadership may be able to prioritize funding goals.

The City recognizes that a solution needs to be agreed upon for sustainable funding for the program and will enter into those discussions as part of program implementation. DEQ states there is more flexibility for cities with populations < 5,000. Existing staff is aware of the time it will take to secure funding. This should be a priority for the City in subsequent years

4.0 IMPLEMENTATION PLAN MANAGEMENT

4.1 Annual Reporting

Willamina will submit yearly reports documenting the progress of the TMDL program for the year. During the 5th year of the implementation period, the City of Willamina will submit a program evaluation and assessment according to guidance provided by DEQ. This portion of the annual progress report will also include the public education evaluation and assessment required in the WQMP as listed in Table 13-11.

The five-year evaluation shall be submitted every 5th year with a deadline to be determined by DEQ.

The City of Willamina requests that their report year start on November 1st of each year and end on October 31st. Yearly reports will be completed and submitted on December 1st of each year with Report 1 being submitted on December 1, 2023.

4.2 Performance Monitoring/Plan Review

The City of Willamina will annually review its TMDL plan and BMPs to determine if the plan is functioning as designed and if Adaptive Management needs to be applied. The annual review will include, but is not limited to a review of BMPs and records kept throughout the report year. An assessment will be developed and submitted to DEQ each year with the annual report.

4.3 Matrix

The matrix, Appendix B, included with this implementation plan includes mercury source, strategy, and timeline for meeting the strategy. The matrix is based on the control measures listed in Table 13.11 of the WQMP but are in the order listed in permitted agencies.

- 1 – Public Education
- 2 – Public Involvement and Participation
- 3 – Illicit Discharge Detection and Elimination
- 4 – Construction Site Runoff Control
- 5 – Post Construction Runoff Control in new and Re-development
- 6 – Good Housekeeping in Municipal Operations

The matrix will be used as the primary tool for the annual report with program progress listed in the status column. Adaptive Management strategies will be noted in the matrix.

BMP LIST

BMP	Description
PE-1	Maintain a website to post the most current TMDL information
PE-2	Develop a resource portfolio of outreach messages for the identified target audiences
PE-3	Provide educational opportunities and material to students
PE-4	Print brochures for City Hall and Library
PE-5	Maintain and stock pet waste stations (voluntary activity)
PE-6	Support the Greater Yamhill Watershed Council
PI-1	Annual presentation to City Council
PI-2	Maintain a website to post the most current environmental educational information
PI-3	Support and help organize a 'friends' group for local waterway
ID-1	Develop a map of the stormwater conveyance system
ID-2	Develop a mechanism to take citizen reports and respond
ID-3	Develop, implement, and enforce a program to detect and eliminate illegal discharges into the stormwater system
ID-4	Evaluate prohibited and allowed discharges to determine what applies to Willamina
ID-5	Develop and enforcement response plan (see CS and PC)
ID-6	Annual employee training
CS-1	Familiarize key staff with the 1200-C program. Provide notice to developers when a 1200-C permit is needed and notice DEQ
CS-2	Develop a guidance manual and resource guide
CS-3	Develop a city erosion control management program including regulatory ordinance
CS-4	Develop an enforcement (see ID and PC) response plan
CS-5	Recordkeeping
CS-6	Staff training
PC-1	Update design standards to require onsite management of stormwater consistent with DEQ requirements
PC-2	Develop and implement a long term maintenance program for Post Construction facilities
PC-3	Staff training
GH-1	Develop a Good Housekeeping Manual
GH-2	Develop or continue to implement a street sweeping program
GH-3	Develop a catchbasin cleaning program and implement
	Complete annual reports
	Evaluate public education activities according to WQMP
	Annually evaluate implementation efforts and program progress (monitoring)
	Complete 5 th Year Assessment and Evaluation

City of Willamina TMDL IMPLEMENTATION PLAN MATRIX 2022 – 2027 Report Year 1 Sept. 3, 2022 to Oct 31, 2023									
POLLUTANT: Mercury									
MCM #1 Public Outreach									
BMP#	Source What source is being addressed? (ex. runoff from construction sites, riparian condition)	Strategy What will be done to control or reduce pollutant from source?	How Specifically, how will this be done?	Fiscal Considerations How is the BMP funded? (ex. In the 2023 budget, grant, etc.)	Measure How will successful implementation or completion be measured?	Timing When will the strategy be completed?	Milestone What intermediate goals will be achieved and by when to know what progress is being made?	Status This is the annual reporting column. Make certain you draw DEQ here in the annual report ("FY 2023/2024 progress is listed in the status column of the matrix	
PE-1	Runoff from soil disturbance and direct discharge to waterway from riparian area	Maintain a website to post the most current TMDL information	Develop such as FAQ sheets, rotating articles, resource lists, etc Content of material shall be update annually	Minimal fiscal impact	Keep material posted to the website in 2022/2023 Provide DEQ a list in annual report	Occurs each year starting in 2021/23	Maintain a list of what is on the website in regard to this BMP including dates	Evaluating website design and how to best locate stormwater education material Text developed for intro to TMDL Implementation Plan	
PE-2	Runoff from soil disturbance and direct discharge to waterway from riparian area	Develop a education portfolio of educational messages	To be used over the 5 yr term for educational activities	Included in budget for consulting services	Keep copies of materials and report to DEQ	2021/2023	Complete the BMP	Material being developed	
PE-3	Runoff from soil disturbance and direct discharge to waterway from riparian area	Provide educational opportunities and material to students	Classroom or field presentations	Small fund for incentive items or fees	Report number of students, speaker, topic and date	Occurs each year starting in 2024/2025	Reach out to teachers and potential speakers. Develop a list to be used on an ongoing basis		
PE-4	Runoff from soil disturbance and direct discharge to waterway from riparian area	Print brochures for City Hall, Library, and local events	Utilize material developed from education portfolio PE-2	Small cost for printing	Report on what material is used annually	Occurs each year starting in 2022/23	Restock and change messages		
PE-5	Bacteria	Maintain and stock pet waste stations (volunteer activity)	Develop a schedule to maintain stations	Existing Budget	Report activity in annual report	Occurs each year starting in 2021/23	Maintain schedule and stock bags	Pet waste stations are maintained	

BMP#	Source What source is being addressed? (ex. runoff from construction sites, riparian condition)	Strategy What will be done to control or reduce pollutant from source?	How Specifically, how will this be done?	Fiscal Considerations How is the BMP funded? (ex. In the 2023 budget, grant, etc.)	Measure How will successful implementation or completion be measured?	Timing When will the strategy be completed?	Milestone What intermediate goals will be achieved and by when to know what progress is being made?	Status This is the annual reporting column. Make certain you draw DEQ (FY 2023/2024 progress is listed in the status column of the matrix
PE-6	Discharge from unvegetated riparian area	Support the GYWC or SWCD for use as educated speakers or the lead on restoration activities	Develop a relationship with the group and provide financial support or support in another manner	Unknown	Report activity in annual report	Occurs each year starting in 2022/2023	Maintain records on meetings and coordination with the group	GYWC has indicated a willingness to work with the City of Willamina
MCM #2 Public Involvement								
PI-1	Runoff from soil disturbance and direct discharge to waterway from riparian area	Educate City Council	Presentation	Staff time	Track dates, questions, and report to DEQ	Occurs each year starting in 2022/2023	Develop topic list to be reviewed and adjusted as needed	Work Session scheduled with City Council on Oct 11, 2022
PI-2	Runoff from soil disturbance and direct discharge to waterway from riparian area	Maintain a website to post the most current TMDL information	Post TMDL plan to website to allow for public comment.	Staff time	Keep material posted to the website in 2022/2023 Provide DEQ a list in annual report	Occurs each year starting in 2022/2023	Maintain a list of what is on the website in regard to this BMP including dates	
PI-3	Runoff from soil disturbance and direct discharge to waterway from riparian area	Help organize and support a 'friends' group for Willamina Creek or other waterway	The purpose of this citizen's group would be to provide ongoing citizen interest in watershed protection	Staff time	Capture progress in annual report	Occurs each year starting in 2024/2025	Track progress and communication with residents	

BMP#	Source What source is being addressed? (ex. runoff from construction sites, riparian condition)	Strategy What will be done to control or reduce pollutant from source?	How Specifically, how will this be done?	Fiscal Considerations How is the BMP funded? (ex. In the 2023 budget, grant, etc.)	Measure How will successful implementation or completion be measured?	Timing When will the strategy be completed?	Milestone What intermediate goals will be achieved and by when to know what progress is being made?	Status This is the annual reporting column. Make certain you draw DEQ here in the annual report ("FY 2023/2024 progress is listed in the status column of the matrix)
MCM #3 Illicit Discharge and Detection								
ID-1	Discharge to storm system and local waterways	Develop and maintain a current GIS map of the stormwater conveyance system	Utilize an outside agency or consultant	Utilize an outside agency such as a COG	Document annual progress	2025/2026	Work with the COG or other group. Explore possible options.	
ID-2	Discharge to storm system and local waterways	Develop a mechanism to take citizen reports and respond	Post a phone number on the website	Staff time	Document progress and findings from calls in each annual report	To occur each year starting in 2023/2024	Post information online including a phone number	
ID-3	Discharge to storm system and local waterways	Develop, implement, and enforce a program to detect and eliminate illegal discharges into the stormwater system	Develop an ordinance that prohibits illegal discharges	Staff time	Document annual progress	Complete draft ordinance by 2027	1. Explore ordinances from other municipalities 2. Discuss with City Council	
ID-4	Discharge to storm system and local waterways	Evaluate prohibited discharges to determine what applies to Willamina	For allowed non-stormwater discharges, develop operation activities to reduce potential water quality issues	Staff time	Document annual progress and findings	2023/2024	Evaluate activities to determine if BMPs need to be adjusted	
ID-5	Discharge to storm system and local waterways	Develop and enforcement response plan (see CS and PC)	Develop an integrated response plan	Staff time	Document progress in yearly report to DEQ	Complete by 2028	Develop the escalating enforcement response plan	

BMP#	Source What source is being addressed? (ex. runoff from construction sites, riparian condition)	Strategy What will be done to control or reduce pollutant from source?	How Specifically, how will this be done?	Fiscal Considerations How is the BMP funded? (ex. In the 2023 budget, grant, etc.)	Measure How will successful implementation or completion be measured?	Timing When will the strategy be completed?	Milestone What intermediate goals will be achieved and by when to know what progress is being made?	Status This is the annual reporting column. Make certain you draw DEQ here in the annual report ("FY 2023/2024 progress is listed in the status column of the matrix)
ID-6	Discharge to storm system and local waterways	Annual employee training	Utilize guest speakers, knowledgeable staff, etc	No fiscal impact	Document topics, dates, and attendees	To occur annually starting in 2022/2023	Consultant will conduct Year 1 training	
MCM #4 Construction Site Runoff								
CS-1	Runoff from soil disturbance and direct discharge to waterway from riparian area	Familiarize key staff with the 1200-C program. Provide notice to developers when a 1200-C permit is needed and notice DEQ	Utilize material and knowledge from other municipalities, attend regional training, etc.	Small budget for training	Document activities and progress in annual report	2024/2025	Develop a notification process in Year 1. Look at other small agencies covered under the 1200-CN	
CS-2	Runoff from soil disturbance and direct discharge to waterway from riparian area	Develop a guidance manual and resource guide	The manual is to be utilized by staff to provide erosion control basics before full implementation of the control measure	Budget for consulting services	Distribute manual and document progress to DEQ	2022/2023	Complete the manual	
CS-3	Runoff from soil disturbance and direct discharge to waterway from riparian area	Develop a city erosion control management program including regulatory ordinance	Develop an ordinance and program that is consistent with the 1200-CN	Staff time	Document annual progress in yearly report	Complete in 2028	Complete ordinance by 2028	
CS-4	Runoff from soil disturbance and direct discharge to waterway from riparian area	Develop an enforcement (see ID and PC) response plan	Develop an integrated response plan	Staff time	Include findings and progress in annual report	Complete no later than 2029	Develop the escalating enforcement response plan	

BMP#	Source What source is being addressed? (ex. runoff from construction sites, riparian condition)	Strategy What will be done to control or reduce pollutant from source?	How Specifically, how will this be done?	Fiscal Considerations How is the BMP funded? (ex. In the 2023 budget, grant, etc.)	Measure How will successful implementation or completion be measured?	Timing When will the strategy be completed?	Milestone What intermediate goals will be achieved and by when to know what progress is being made?	Status This is the annual reporting column. Make certain you draw DEQ here in the annual report ("FY 2023/2024 progress is listed in the status column of the matrix)
CS-5	Runoff from soil disturbance and direct discharge to waterway from riparian area	Recordkeeping	Utilize a database for pending, open, and closed projects	Staff time	Include findings and progress in annual report	Commence in 2022/2023	Develop the recordkeeping process and implement	
CS-6	Runoff from soil disturbance and direct discharge to waterway from riparian area	Staff training	CESCL for lead inspector and certification and annual training	Staff time	Document annual activities and provide to DEQ in annual report	2025/2026	Document annual training including date, topic, and # of employees	
MCM #5 Post-Construction Runoff Control in New and Re-development								
PC-1	Runoff from soil disturbance and impervious surfaces	Update design standards to require onsite management of stormwater consistent with DEQ requirements	Use DEQ regulations to set standards. Utilize other agency material	Utilize an engineering consultant	Document annual activities	Complete no later than 2031	Maintain records of activities associated with this BMP	
PC-2	Runoff from soil disturbance and impervious surfaces	Develop and implement a long term maintenance program for Post Construction facilities	Utilize other agencies process if possible, such as CWS	Staff time	Document annual activities	Complete no later than 2030	Develop the maintenance program	
PC-3	Runoff from soil disturbance and impervious surfaces	Staff training	Training will occur annually to allow staff to become familiar with these regulations	Training budget	Document training dates and topics	Annual training	Training to commence in 2023/24	

BMP#	Source What source is being addressed? (ex. runoff from construction sites, riparian condition)	Strategy What will be done to control or reduce pollutant from source?	How Specifically, how will this be done?	Fiscal Considerations How is the BMP funded? (ex. In the 2023 budget, grant, etc.)	Measure How will successful implementation or completion be measured?	Timing When will the strategy be completed?	Milestone What intermediate goals will be achieved and by when to know what progress is being made?	Status This is the annual reporting column. Make certain you draw DEQ here in the annual report ("FY 2023/2024 progress is listed in the status column of the matrix)
M/CIM #6 Good Housekeeping in Municipal Operations								
GH-1	Discharge from City managed activities	Develop a Good Housekeeping Manual	Review and revise the manual every 5 years	Staff time	Describe progress in yearly report	2024/2025	Complete manual	
GH-2	Discharge from City managed activities	Develop or continue to implement a street sweeping program	Develop a process and implement	This activity can be contracted	Describe process in yearly report	2024/2025	Assess options that will have the best outcome	Street sweeping is conducted
GH-3	Discharge from City managed activities	Develop a catchbasin cleaning program and implement	Develop a process and implement	This activity can be contracted	Describe process in yearly report	2024/2025	The goal will be to clean 40% of catchbasins annually	Catchbasins are cleaned but as time allows or based on immediate need
		Annual Report	Consultant to develop the first annual report	Consultant	Submit to DEQ by 2023 due date	2022/2023	Complete the plan	
		PE Assessment and Evaluation	Review outreach efforts and collected data	Consultant	Submit to DEQ by 2023 due date	2022/2023	Consultant will work with staff for this BMP	
		Program Evaluation	This is performance monitoring and will be completed through annual review of the program	Consultant	Submit to DEQ by 2023 due date	2022/2023	Consultant will work with staff for this BMP	

	5 th Year Evaluation	Follow instructions from DEQ	Staff time	Submit to DEQ by the required date	2027 or as determined by DEQ	Review and correlate all records from the 5 year term	
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August 25, 2022

Attn. Sarah Frost, Interim City Manager
City of Willamina
411 NE C Street,
Willamina, OR. 97396

RE: City of Willamina TMDL Implementation Plan

Dear Sarah,

The purpose of this letter is to provide acknowledgement of land use compatibility for the City of Willamina Mercury TMDL Implementation Plan. The City is undertaking this work as required by the Final Mercury TMDL for the Willamette Basin issued by the EPA in 2021. As required by the Clean Water Act and the State of Oregon, Willamina's TMDL Implementation Plan was developed to reduce pollutants of concern in the Willamette Basin to "assure beneficial uses of the river and tributaries". Willamina's plan addresses mercury which makes fish consumption a potential human health issue.

Regarding land use compatibility, the City of Willamina Comprehensive Plan is acknowledged by the Oregon Department of Land Conservation and Development (DLCD) to be generally consistent with the adopted statewide planning goals. Best Management Practices (BMPs) for water quality are generally consistent with adopted goals and implementing policies in the Willamina Comprehensive Plan and the Willamina Development Code, some of which are detailed below for your reference.

WILLAMINA COMPREHENSIVE PLAN:

The Willamina Comprehensive Plan is dated 2010. The Resource Element contains a "Natural & Cultural Resources, Natural Resource Quality, and Natural Hazards & Limitations" background document from 2000. The detailed background document identified surface and groundwater quality challenges, and provided recommendations for water quality improvement which informed City goals for water quality protection.

The Comprehensive Plan Resource Element contains the following Objectives, each with implementing policies:

1. *To protect and enhance the fisheries potential and associated wildlife habitat of the South Yamhill River, Willamina Creek, and Willamina Pond.*
2. *To preserve the surface water resources of Willamina Creek and to protect Willamina's water quality through compliance with federal, state, and regional water quality standards.*
3. *To support regional efforts to improve the water, health, and habitat in the Willamina Creek Watershed.*

WILLAMINA DEVELOPMENT CODE:

The Development Code serves to implement the goals and policies identified in the Comprehensive Plan. Some specific code sections related to the TMDL Implementation Plan include:

1. *Section 2.115.05 Standards for Stream Corridor Areas.* Applies to areas within fifty (50) feet of the highwater line of the South Yamhill River and/or Willamina Creek. Prohibits development and vegetation removal within a stream corridor area within the stream corridor area. Stream corridor areas shall be protected through 1) dedication to City, HOA common area, or conservation easement.
2. *Section 2.204 Storm Drainage,* "Purpose: To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff." This section includes some storm drainage standards for new development reviewed by the City.

In my review of the City's adopted objectives, policies, and standards, and through discussion with the City Engineer, Jesse Fields of Keller Associates, I observed that the City's current storm drainage standards emphasize storm water quantity (flood prevention) more so than quality (contaminants). It is our recommendation that the City pursue code amendments to strengthen Section 2.204 Storm Drainage section of the Willamina Development Code. Upon reviewing the TMDL Implementation Plan's BMP List, I note "Update design standards to require onsite management of stormwater consistent with DEQ requirements." Presumably this is the same goal, and our concern will be addressed through enhanced Storm Drainage quality standards.

In summary, the Willamina TMDL Implementation Plan is not found to be in conflict with City goals, policies, or procedures contained within either the Comprehensive Plan or Development Code. Further, staff supports the stated BMP to strengthen design standards included in either the Willamina Development Code and/or Public Works Design Standards to address storm drainage water quality.

You are welcome to contact me with additional questions.

Thank you,



Holly C. Byram
Contract City Planner, MWVCOG
hbyram@mwvcog.org
(503) 540-1617

Consent Agenda



**Willamina City Council
Work Session
Meeting Minutes
Tuesday, July 25, 2023 at 5:00 p.m.**

Minutes taken by Deputy City Recorder Krystal Stevens

Location of Meeting:

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

Present at Meeting:

Mayor Ila Skyberg
Council President Rita Baller
Councilor Vickie Hernandez
Councilor Barry Wilson
Councilor Craig Johnson
Councilor Jennifer Pederson
Councilor Karl Klym
Library Director Sarah Frost
City Manager Bridget Meneley
Deputy City Recorder Krystal Stevens

Absent from Meeting:

None

Guests not Limited to:

Public Works Jeff Rosenberry
Beery, Elsner, & Hammond LLP Emily Matasar
Encompass Yamhill Valley Howie Harkema
Encompass Yamhill Valley Carrie Martin

Mayor Skyberg called the meeting of the City of Willamina City Council to order at 5:14 p.m. on July 25, 2023.

Deputy City Recorder Stevens took the roll call and a quorum was present.

Flag Salute

CORRESPONDENCE

1. Yamhill County Sheriff's Office -

City Manager Meneley read an email aloud that was sent from the Yamhill County Sheriff's Office regarding the 9th Circuit Court of Appeals opinion on the homeless camping case in Grants Pass. The 9th Circuit Court made it clear that all government entities within their boundaries are bound by their law regardless of whether it is a special district.

AGENDA

1. Emily Matasar from Beery, Elsner & Hammond, LLP

Emily discussed the main points of House Bill 3115 and what it means for the City of Willamina. She began by discussing the Grants Pass case, the Martin v. Boise case, and the state law. In 2018 Martin v. Boise was the first case regarding homeless camping in the 9th Circuit Court. The case stated that the 8th amendment to the United States Constitution prohibits cities from criminally prosecuting people experiencing homelessness. The Johnson v. Grants Pass case also went to 9th circuit court. This case clarified and extended the ideas behind the Martin v. Boise case. Whereas in Martin v. Boise, criminally prosecuting people for being homeless, this case prohibits civil punishment to people experiencing homeless as well. It also extended necessary minimal measures for people to keep themselves warm and dry. It requires procedural due processes to exclude people from certain places.

Then in 2021 the state legislature adopted House Bill 3115. This essentially codified the principles of the two 9th Circuit Court cases in the State of Oregon. It essentially provides the opposite of what the cases said before meaning instead of what cities cannot do, it stipulates what we must do. It states that a local law that regulates someone sitting, sleeping, lying, keeping warm and dry, or taking precautions from the elements outdoors on public property that is open to the public must be objectively reasonable as to time place and manner with regards to people experiencing homelessness. If a person is cited under a camping ordinance and they believe it is not objectively reasonable, they have an affirmative defense saying the city's camping ordinance was illegal. Also allows for anyone to independently challenge the reasonableness of the law. To prevent the city from actually having that law.

The idea of being objectively reasonable is based on the totality of the circumstances, taking into consideration all the factors of the area. It won't be the same between different cities. It can be based on the population of homeless people, contours of the city, as well as many other things.

Something cities can do is to regulate the time, place, and manner in an objectively reasonable way. There is a misconception that cities cannot prohibit camping at all.

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Cities can choose particular areas where camping is prohibited, but it must be objectively reasonable in the city as a whole and comply with the state statutes and cases. A lot of cities have prohibited camping in parks entirely.

According to the law, cities can prohibit camping in all parks legally. Cities can determine places where camping is prohibited or prohibit camping on some properties during certain hours. Cities can also regulate the manner of camping by restricting the size of the encampment or amount of personal property allowed while camping on public property.

Another thing that can be done is to adopt specific ordinances that will target the *effect*, meaning a negative effect that you want to prohibit or contain. Willamina already has an ordinances that prohibit public indecency and scattering of rubbish. There is nothing that prohibits fires on public property, but Willamina could easily adopt one that would prohibit fires or stoves on public property. Another example is an ordinance restricting vandalism, such as a person can't convert a park bench into a structure to sleep on or vandalize a bathroom or anything else. These kinds of restrictions are safe because they don't interrupt the acts of sitting, lying, sleeping etc.

Currently there is no law prohibiting public rights of way or sidewalk camping, or public parking lots, but cities have made ordinances using ADA access as leverage. Some cities have said no camping within 10 ft of an entrance to a business.

Some cities have picked a public property and made it into a place where everyone can camp. This site must still be objectively reasonable. Such as, it would be reasonable for people to expect bathroom facilities, garbage facilities, safety, cleanliness, no excessive noise and light at night, and for it to be generally habitable. Some cities have staffed their sites with a 24 hour police officer for safety. If a city chooses to designate a specific camping area, the city could be liable for a "state created danger" that may be created by this camping space.

There is no way to determine how a court will rule in these cases because there have only been two cases ever to date. Whereas most other court proceedings we have long histories of cases throughout the years to reference.

ORS 195.505 is a law requiring cities to have a policy for the humane removal of homeless campsites in their city. Notice is to be posted at least 72 hours before removal, in English and Spanish and it must be posted at all possible determined entrances to the campsite. After the removal, the property has to be kept in the same community that the campsite was in. It must be stored in an orderly fashion and clearly labelled and made easy for person to claim it for 30 days minimum.

Nothing requires the City to have a camping ordinance, it just requires that if the City does have one that it must comply with House Bill 3115 and the two 9th Circuit Court cases. Cities can also wait if they want to. If a city does not have a significant problem

with homeless camping right now, they may want to wait.

Willamina doesn't have an ordinance that prohibits camping right now. Emily said she could help with making one, there are lots of examples of good ordinances around the state.

Emily recommended just as Patty Mulvihill did, for the City to host an open community conversation, with all sorts of people from the community and the area. She said she can help with this. She recommended engaging with county to see what resources are available through the county. She also recommended connecting with neighboring cities to see what they are doing and what ordinances they have enacted in effort to be doing similar things.

There was discussion about whether it would be in the City's best interest to thoughtfully put a camping ordinance into place before experiencing an issue with homeless camping. The reason being to prevent having to hastily put together a less thoughtful ordinance if there was an issue in the future. Any issues that may arise from a well-formed ordinance could be addressed by making amendments to that ordinance.

There was discussion about what kind of shelter would suffice as a shelter under HB 3115. It simply states "shelter beds in the area" but there is no stipulation of what size of an area it is referring to. It may mean town, county, nearby cities, etc. A city also can't force a person to go to a warming shelter just because there is free transportation to get to it.

There was discussion about the Grants Pass case because the shelter they had available was of a religious affiliation and people seeking shelter were required to work and attend church services. This doesn't qualify as an available shelter to the government because some people can't work and it requires the people to take part in a religious ceremony. This infringes on a person's right for freedom for religious expression and furthermore it then criminalized all people who wouldn't take part in a religious ceremony and couldn't receive services.

2. **Patty Mulvihill recorded presentation** – Did not show this presentation, Emily watched it and did her own presentation covering the same information.
3. **City of Medford Ordinance 5.257**
 - a. **Krystal update about The Dalles** – Krystal spoke with the city lawyer from the City of The Dalles, Jonathan Kara. He said that they are choosing to do nothing, they are not making a camping ordinance. The risks are too high of it not being seen as objectively reasonable. Instead, they are doing things such as inhospitable architecture in effort to make areas not comfortable for people to camp. They are also making alternative ordinances that address negative affects such as fires in the parks, trash, public indecency, caring for parks, etc. They are

addressing the issues from a back door approach instead of directly.

He also stipulated that people don't have to be homeless to challenge your ordinance and say it's not objectively reasonable. They could challenge it from anywhere.

Emily Matasar said there are advocacy groups on the lookout around the state watching for ordinances that are made. If someone brings a lawsuit against the city saying it's not being objectively reasonable, legally the person must notify the City at least ninety days in advance before the lawsuit if they are going to seek attorney fees. If the City did have an ordinance in place and were to get sued, we could change it or withdraw it before the suit began.

Krystal explained some about the ordinance from Medford and the problems they're having with people camping in the parks. Citizens have been saying they can't use the parks anymore due to the camping. The City authorized the police to remove campsites before they are established, in doing this they can avoid giving the 72 hours notice of campsite removal.

There was discussion that we need to have a fire ordinance especially in the dry season. There is great fire danger because of the dry season.

Library Director Frost said that they have had community meetings dating back to February including Polk County Resource Center, Polk County Warming Shelters, YCAP, and community members from Polk County, Yamhill County, Sheridan and Grand Ronde. Our city must rely very heavily on our neighbors because of our limited resources. The conversations have been focused towards things that as a community we could provide services and/or solutions for. The next conversations we will have is making space for those who need it during hot and cold weather events.

4. Encompass Yamhill Valley -

Encompass Yamhill Valley Founder and President Howie Harkema and Executive Director Carrie Martin gave a presentation on what Encompass Yamhill Valley (EYV) does. Their statistics are based on the point in time counts done by YCAP. Oregon has the highest number in the country of people experiencing homelessness. Yamhill county being one of the highest in the state. EYV operates county-wide as a mobile based outreach designed to connect with the most vulnerable members of our society with programs and services they desperately need.

Their services are aimed at assisting the most vulnerable community members to access shelter, housing, and other critical resources to provide safety, stability, and self-sufficiency. They work with people that are the highest need, people that are

experiencing mental health crisis and substance addictions. People that could not get themselves the help they need because they can't function on their own at this point in their lives.

They help people access the resources that they wouldn't be able to access on their own such as social security benefits, job seeking, resume building, health insurance and doctor visits, shelter beds and housing, peer counseling, food and meal distribution, court advocacy, mental health and substance abuse treatment referrals, gas and transportation vouchers, and safe overnight car parking.

They also help organizations that want to help people, to access grant money and resources. Help put ideas into action for each community. Each community is different and their needs and what works for each is different.

They discussed that doing nothing isn't free, the burden is passed on to the shoulders of hospitals, social services, law enforcement and jails.

Since Covid there has been a rise in the number of people experiencing homelessness due to loss of jobs and homes. They discussed other reasons people experience homelessness such as trauma, severe loss, ptsd, family conflict or break up, substance abuse disorder, criminal history, mental illness, domestic abuse, or aging out of foster care.

They want to work together with Willamina to offer any support they can to help with any ideas the City would like to try. They will work around whatever our parameters are. The cost of their services is different for every case, it is not one size fits all. It is based on what the needs are. Some projects they works on are processes to get a program up and running and after it is successfully running, there is no need for them to be involved further. Other projects have an operational cost and partner with EYV for the long period of time. They can help with getting other sources of funding for their services.

They would love to facilitate a whole West Valley response instead of just one city or the whole county. They would like to bring services and making resources available to our population experiencing homelessness.

5. Petition Discussion –

There was discussion about the proposed petition to ODOT for the Main Street railroad crossing for National Night Out table and the informational flyers. The petition needed to specify the exact location of the railroad crossing and that it was sponsored by the Willamina City Council.

Mayor Skyberg discussed the recent visit to the crossing site by ODOT and the railroad, looking at the areas of concern. ODOT said they don't have the money to fix it. In the Willamina TSP plan the sidewalk crossings are supposed to be ADA compliant, Jenna Berman from ODOT said they might be able to find money for a temporary fix. There was discussion about putting a cold patch over the pot holes. There is concern about possibly pushing too hard on the railroad, worries that they would possibly just shut the branch of the railroad down if they don't have the money to fix it.

Jenna Berman from ODOT also said the more concern that is expressed, the quicker she thinks she could expedite it. The commissioner is also aware of the situation and is involved which helped get the engineers out to look at it.

ADJOURN

MOTION: Councilor Hernandez moved to adjourn the meeting at 7:38 p.m. Council President Baller seconded the motion. Motion carried with a unanimous vote.

The meeting was adjourned at 7:38 p.m. by Mayor Ila Skyberg.

Time and Date of Next Meeting

The next City Council Regular Meeting will be held on August 8, 2023 at 6:00 p.m.
West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

Community members are invited to join via Zoom - access information can be found on the City of Willamina website at <https://www.willamina.oregon.gov>

Minutes submitted by Deputy City Recorder Krystal Stevens

Minutes approved by Mayor Ila Skyberg



**Willamina City Council
Regular Meeting
Meeting Minutes
Tuesday, August 8, 2023 at 6:00 p.m.**

Minutes taken by Deputy City Recorder Krystal Stevens

Location of Meeting:

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

Present at Meeting:

Mayor Ila Skyberg
Council President Rita Baller
Councilor Vickie Hernandez
Councilor Barry Wilson
Councilor Craig Johnson
Councilor Jennifer Pederson
Councilor Karl Klym
Public Works Director Jeff Brown
Library Director Sarah Frost
City Manager Bridget Meneley
Finance Manager Scott Clark
Deputy City Recorder Krystal Stevens

Absent from the Meeting: None

Guests Not Limited to:

Paul Daquilante News Register
Community Members Greg & Debbie Poupard
Jeff Rosenberry Public Works
Kit Johnston Yamhill County Commissioner
Wendy Veliz PGE via Zoom

Mayor Skyberg called the meeting of the City of Willamina City Council to order at 6:00 p.m. on August 8, 2023.

Deputy City Recorder Stevens took the roll and a quorum was present.

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AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS -

City Manager Meneley added Wendy Veliz from PGE as item number one under Presentations and the PGE Franchise Agreement as item number one under the Agenda. This was amended throughout the meeting and Ms. Veliz joined the meeting at 7:00 PM.

PUBLIC INPUT – None

CORRESPONDENCE – None

PRESENTATIONS –

1. **Finance Manager, Scott Clark-** Finance Manager Clark said the financial statements he provided are first draft and he is still expecting some billings for June attached to the water project for \$350,000 to add in which will not be problematic. Work is being done to prepare for the upcoming financial audit.

CONSENT AGENDA

Mayor Skyberg called for a motion to approve the items on the Consent Agenda.

MOTION: Council President Baller moved to approve the Meeting Minutes from the July 11, 2023 City Council Regular Meeting.

The approval of the Meeting Minutes from the July 25, 2023 City Council Work Session was moved to the September Council Meeting to allow additional time for the Council to review the information provided in the meeting packet.

REGULAR AGENDA

1. Rules of Council Procedures

Deputy City Recorder Stevens explained the work and research that went into the editing of the City Council Rules of Procedure chapters four thru six. She asked for any critique the Council may have to offer. The Council had no recommendation for corrections.

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2. Letter of Engagement – Fiscal Year Audit 2022-2023

City Manager Meneley referred to the letter included in the council packet. She explained the need for the services of Richard Winkel of Dougall Conradie LLC for the completion of the City's annual audit. Richard Winkel has worked with the City for four years consecutively and this will be his fifth.

MOTION: Councilor Hernandez moved to engage Richard Winkel to complete the City's audit and allow staff to supply him with the information needed to prepare for the City's annual audit.

3. First Amendment – Meneley Agreement

Mayor Ila Skyberg explained that City Manager Meneley's original employment agreement did not contain the annual cost-of-living adjustment that the rest of the City employees receive. The City attorneys confirmed that it should have been included in her employment agreement and upon Council approval, her employment agreement may be amended to add the annual cost-of-living adjustment.

MOTION: Councilor Hernandez motioned to approve the amendment of City Manager Meneley's employment agreement to include the annual cost-of-living adjustment.

4. HB 3115 – Work Session Follow Up Discussion

City Manager Meneley opened the discussion for Council to offer input on next steps in addressing House Bill 3115.

There was discussion concerning the topics of fire danger, regulating open fires in city parks, and the idea of creating an ordinance addressing open fires on public property. It was discussed how little information is available for cities to use moving forward with handling homeless camping, and the benefit of waiting to see how other municipalities handle it. This may provide some trial and error to work from. It was mentioned that the City of Willamina does not have a current visible issue with homeless camping and as a small municipality, there are many other things that require the use of the City's resources at this time.

There was discussion about being proactive in the process of creating a well thought out ordinance and the time it will take. The camping ordinance created

by the City of Medford was referred to as an example of how to model one for the City of Willamina. There was a lot of thought put into the making of Medford's camping ordinance. Their process involved several community meetings with multiple groups represented at their meetings such as law enforcement, first responders, community members, social services, and people experiencing homelessness. In doing this they created the best ability for their city to have a strong defense in court when they are challenged for enacting an ordinance that could be considered not reasonably objective. Upon enactment of their ordinance, their City was sued.

MOTION: Councilor Hernandez moved to do nothing and/or pause in regards to House Bill 3115, to be revisited as necessary. Councilor Pederson seconded the motion. Motion carried with a unanimous vote.

INFORMATIONAL REPORTS (Items that require no Council action)

1. Chamber Liaison – Mayor Skyberg

Mayor Skyberg said she attended an EID meeting to celebrate Rolly Hauser, who is no longer the owner of Coyote Joes as of August 1, 2023. Rolly did so much that people don't realize, such as funding the gazebo, running the bark dust sale, Bridge the Gap, and serving an annual Christmas dinner. He was presented with a plaque from the City from City Manager Bridget Meneley.

2. Yamhill County Transit Authority Board Member – Councilor Johnson

Councilor Johnson said that the board postponed their meeting and will meet next quarter. He said fares are still free.

3. Library Board Liaison – Councilor Hernandez

Councilor Hernandez said that the Library Board is recessed for the summer and will have their next meeting in September.

MAYOR'S REPORT

Mayor Skyberg reported that she attended a Love Our Library fundraising committee meeting, a Sheridan Chamber of Commerce meeting held at the Willamina Free Methodist Church, and a comedian in the park for the Library's Summer Reading

Program.

She also attended a meeting regarding the railroad crossing in downtown Willamina. At that meeting were two representatives from ODOT, a community member, and city employees. She reported that ODOT will be able to do a temporary fix. Public Works Director Brown added that ODOT will hopefully be working on the crossing in the next few months to fill potholes until they have the funds to install a permanent fix.

INFORMATIONAL REPORTS FROM CITY OFFICERS

1. City Manager – ODOT Small City Allotments Program

City Manager Meneley discussed the Small City Allotment Grants that the City applied for with the assistance of the engineers from Keller Associates. The amount of funds that were applied for was over \$500,000. Public Works Director Brown specified that the funds will be used to redo the mid-section of Hill Drive, from the sharp corner at the bottom up to midway where there's a rough area. In addition they are heavily looking into ADA ramps at 3rd Steet and Oaken Hills and 4th Place and Oaken Hills.

City Manager Meneley also spoke about National Night Out. She hated to miss it and thanked her amazing team for being so supportive through her emergent situation. She also spoke about her Walking Wednesdays and said she's had two or three people coming to speak to her about the city. She said she thinks people are excited to have another environment to approach her instead of the usual avenues such as the city hall or city council meetings.

City Manager Meneley asked the Council if any of them remember how a petition for a traffic change has worked in the past. She explained that a community member wants to do a petition to add a stop sign at an intersection and they called city hall to inquire what steps to take. It was discussed that in the past people have collected signatures and brought them to council, which has been followed by traffic studies and then it has been handed over to Public Works Director Brown.

2. Library Director

Library Director Frost recapped National Night Out and extended thanks to everyone. She said approximately one thousand people attended. She said not as many hot dogs were used this year because the Sheridan Rotary was also giving away free nachos.

There is a meeting to review the event on Monday August 14, 2023.

She discussed the success of the Summer Reading Program for the year which had attendance “through the roof”. She also said the library has submitted a letter of interest to apply for a grant through the Oregon Community Foundation that would be used for improving internet and technology accessibility.

Library Director Frost discussed that the Love Our Library fundraising group has an accountant volunteering time and services to help with the process of getting their 501c3 status reinstated as a non-profit. The library also hosted YCAP on August 7, 2023 for a dinner and conversation regarding being proactive on challenges of poverty in our community. One important take-away from that meeting is that next year the library will be doing intentional learning opportunities that will be beneficial and relevant to community members such as financial wellness education.

3. Public Works Director

Public Works Director Brown said he will be offering a tour of the water project every month before and after the scheduled council meeting. Before the meeting he will be at the West Valley Fire Station at 4:45 p.m. and the tour takes about a half hour. He reported that the water project is coming along as planned and they may even be a little ahead of schedule. There was a question if community members can take the tour of the water project and it was stipulated that the city would have to consult their attorneys.

He said he needs help from the Council to decide what wood stain to use on the nearly completed new bathrooms at Oaken Hills Park. He said the next step is to start working on the drainage for the park, they have the parts to put in a drainage swale. They are currently just waiting on American Ramp Company for a timeline. The outer part of the pump track will be put in this fall and the asphalt will be done in the spring.

He said the City has purchased some pole mounted radar signs that can be moved around town, they cannot be put on the state highway. They work on a Cloud based system and officers can work with them to track people going up and down a hill. He also discussed brush and briars cutting that has been done at Oaken Hills Park and at the trail around Huddelston Pond. He said 260 letters were sent out to households in the community regarding backflow testing.

4. Wendy Veliz PGE -

Wendy Veliz explained the presented PGE franchise agreement to the Council. She said it needs to be signed to renew it for another ten-year period. It is an updated version of the same contract as the last one. She said that Willamina has been wonderful for PGE to work with. Willamina is near a high-risk fire zone and because of this has received significant investments such as undergrounding projects and bringing in equipment making it possible to turn off power almost immediately when needed. City Manager Meneley has helped expedite getting PGE permits to get their work done this year in time for fire season.

City Manager Meneley specified that the proposal is to extend the current franchise agreement for thirty days in order to give enough time for both PGE's executives and the City's legal team to approve it.

Changes and updates to the franchise agreement reflect PGE communications, safety regulation, Oregon Public Utility Commission Tariffs, and National Electric Safety Code. The amount PGE pays the City of Willamina is what the Oregon Public Utility Commission allows PGE to collect from each community. It is 3.5% of PGE's gross revenue brought in from the city. This is consistent for all franchise fee payments within their service area. PGE also has the ability to enact an additional privilege tax of 1.5% of their gross revenue that they would collect on our behalf and then distribute to the City. Wendy specified that the majority of cities they service have enacted it and collect a total of 5%, but Willamina has not.

If Willamina was to choose to add it to the customer's bill, the customers will receive a notice that articulates that the City has made the decision to enact that tax. Some cities have chosen to enact the privilege tax and use the funds received for a specific project within their community.

MOTION: Councilor Hernandez motioned to extend the current franchise agreement for thirty days providing time to look over documents and move forward with the actual agreement. Council President Baller seconded the motion. Motion carried with a unanimous vote.

5. Sheriff's Report (provided in Agenda packet)

6. Code Enforcement (provided in Agenda packet)

COUNCIL COMMENTS

1. There was discussion about the 1.5% tax from PGE. It was decided that it would be revisited at the next council meeting.
2. Councilor Klym discussed the railroad petition table that the Council had at the National Night Out. They collected sixty-five signatures and will send the letters and signatures to ODOT.

ADJOURN

MOTION: Councilor Hernandez motioned to adjourn the meeting at 7:26 p.m. Councilor Pederson seconded the motion. Motion carried with a unanimous vote.

The meeting was adjourned at 7:26 p.m. by Mayor Skyberg.

Time and Date of Next Meeting

The next City Council Regular Meeting will be held on September 12, 2023 at 6:00 p.m.
West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

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>

Minutes submitted by Deputy City Recorder Krystal Stevens

Minutes approved by Mayor Ila Skyberg

Regular Agenda



Mayor Ila Skyberg

Council Members:

Rita Baller, Council President
Craig Johnson
Barry Wilson
Vickie Hernandez
Karl Klym
Jennifer Pederson

City Management:

City Manager: *Bridget Meneley*
Finance Manager: *Scott Clark*
Public Works Director: *Jeff Brown*
Library Director: *Sarah Frost*

Attention Councilors-

This is an updated draft of chapters 7-11 of the previously presented City of Sheridan Council Rules of Procedure, adapted and personalized for Willamina. It has been edited, taken away from and added to in order to fit our own procedures.

Chapter 7 required a lot of research and discussion. Please read it thoroughly and make sure the information presented is correct for Willamina's procedures. What is written is in accordance with the Willamina Code of Ordinances.

Please bring any comments, additions, or corrections to share at the council meeting on September 12, 2023.

CHAPTER 7 – Appointments

I. Appointments of City Staff by City Council.

- A. City Manager. A majority of the City Council may appoint and may remove the City Manager. The City Manager shall be appointed for a definite or indefinite term and may be removed by the City Council at its discretion.
- B. City Manager Pro Tem. When the City Manager is absent from the city or disabled from acting as City Manager, or when the Office of the City Manager becomes vacant, the City Council may appoint a City Manager Pro Tem, who has the powers and duties of the City Manager.
- C. City Staff. A City Manager Pro Tem may appoint or remove personnel only with the approval of the City Council.

II. Appointment of Municipal Judge.

- A. Municipal Judge. The City Council may appoint the office of Municipal Judge by the express concurrence of a majority of the council members present and constituting a quorum. The appointee shall hold within the city at a place and time that the council specifies, a court known as the Municipal Court of the City of Willamina, Yamhill/Polk Counties, Oregon

III. Appointments of Members to Boards, Commissions and/or Committees.

- A. Planning Commission. Members of the Planning Commission shall be appointed by the City Council for a term of 4 years.
- B. Library Board. The Board shall consist of 7 members appointed by the Mayor and confirmed by the City Council.
- C. Committees. Unless otherwise mandated by state law, the Mayor, with the approval of the City Council, shall appoint members and chairpersons at the beginning of his or her term of office or as vacancies occur to the following list of standing and/or examples of committees:
 - Finance;
 - Budget;
 - Public Affairs;
 - Parks;
 - Utilities; and
 - Law/Code Enforcement.
- D. Subcommittees. The council shall have the authority to create and appoint subcommittees of committees previously authorized by the council and to

create special or temporary committees by majority vote of a quorum.

- E. Special Committees. Special committees shall be appointed by the presiding officer or City Manager unless otherwise directed by the City Council. These committees are intended to a specific item of business considered to be outside the scope of the standing committees.
- F. Removals and Suspensions. All appointed persons may be removed or suspended by the mayor with consent of the council.

CHAPTER 8 – Ethics, Decorum, Outside Statements

- I. Ethics.** All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, to the best of their ability all members of the council shall refrain from:
- A. Disclosing confidential information.
 - B. Taking action which benefits groups or persons at the expense of the city as a whole.
 - C. Making a public statement as a council member that is contrary to the official position of the city without explaining that the statement is an opinion of the individual council member.
 - D. Conducting themselves in a manner so as to bring discredit upon the government of the city.
- II. Decorum.**
- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
 - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
 - C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.
 - D. Social Media. Council members shall treat one another, constituents, city staff, contracted service providers, city commissioners, and other stakeholders with whom this Council has contact, with respect. This applies to behavior during council meetings as well as any other interactions involving issues related to the work of city council or city staff, either in person or when communicating on social media platforms.
 - E. Social Media Records. Any comments made on social media sites by council members acting in their official capacity are subject to Oregon Public Records and Public Meetings Laws and City Records Retention Schedule. It is the responsibility of each council member who makes posts/comments on social media sites to produce copies of such posts/comments in the case of a public record request. As with electronic mail, council members need to avoid communications on social media between and among a quorum of the council members.

III. Statements to the Media and Other Organizations

- A. Representing City. If a member of the council, including the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
- B. Emergency Response. In times of emergency, members of the council and the mayor may make factual statements of the emergency issue as a representative of the city before other governmental agencies, the media, and organizations without prior approval of the majority of the council.
- C. Personal Opinions. If a member of the council, including the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.