



Falls City Oregon City Council Meeting

Tuesday, October 10, 2023 at 6:00 pm

Meeting Location

320 N Main St • Falls City, OR 97344

How to Attend and/or Participate

1. In Person: 320 N Main St. Falls City, OR 97344
2. Call-in: a. 1-253-215-8782 b. Meeting ID: 878 7406 4319
You will be muted but may “raise your hand” to indicate you wish to comment.
3. Web Application: Zoom Webinar <https://us06web.zoom.us/j/87874064319>
You will be muted but may “raise your hand” to indicate you wish to comment during Public Comments.
4. Write-In: Using regular mail or email. a. info@fallscityoregon.gov; 299 Mill St. Falls City, OR 97344

The City of Falls City does not discriminate in providing access to its programs, services, and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 503.787.3631 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

1. CALL TO ORDER & ROLL CALL

Mayor TJ Bailey, Council President Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles, Councilor Lori Jean Sickles

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS, APPOINTMENTS, APPRECIATIONS, & PROCLAMATIONS

4. TRANSITIONAL SHELTER PROGRAM PRESENTATION

Attachments:

- **Presentation** (CITP_Resentation.pdf)

5. PUBLIC COMMENTS & LETTER COMMUNICATIONS

In order to encourage an environment of openness, courtesy and respect for differing points of view, please refrain from behavior that is disruptive to the meeting such as making loud noises, clapping, shouting, booing, or any other activity that disrupts the orderly conduct of the meeting. Abusive language will not be tolerated.

Please limit your commentary to 3 minutes or less.

Attachments:

- **Falls City School District Letter** (FCSD_Letter_to_Falls_City.pdf)

6. CONSENT AGENDA

a. September 11, 2023 Minutes

Attachments:

- **Minutes** (2023.09.11_Council_Minutes.pdf)

b. September 25, 2023 Minutes

Attachments:

- **Minutes** (2023.09.25_Council_Minutes.pdf)

7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS

a. Mayor's Report

b. Councilor Comments

c. Public Works Committee Report

Attachments:

- **Minutes** (PW_Minutes.pdf)

d. Historic Landmark Committee Report

Attachments:

- **Minutes** (HLC_Minutes.pdf)

8. REPORTS FROM CITY MANAGER & STAFF

a. Falls City Fire Report

Attachments:

- **Report** (FCFD_Report.pdf)

b. Falls City Public Works Report

Attachments:

- **Report** (PW_Report_September_2023.pdf)

c. City Manager's Report

Attachments:

- **Report** (2023.10.10_Monthly_Manager_s_Report.pdf)

9. RESOLUTIONS

a. Resolution 09-2023

Attachments:

- **Staff Report** (BFR_-_2023.10.10_SR_Repeal_of_BackFlow_Device_Fee_Resolution.pdf)
- **Exhibit A - Res. 12-2017** (BFR_-_Resolution_12-2017_Water_Sewer_Fees___Rates.pdf)
- **Resolution 09-2023** (BFR_-_Resolution_09-2023_Water_Sewer_Fees___Rates.pdf)

10. ORDINANCES

a. Ordinance 562-2023

Attachments:

- **Staff Report** (PO_-_10.10.2023_SR_Main_Street_Parking.pdf)
- **Ordinance 562-2023** (Ordinance_562-2023_North_Main_Street_Parking.pdf)

b. Ordinance 563-2023

Attachments:

- **Staff Report** (BFO_-_2023.10.10_SR_Repeal_of_BackFlow_Device_Ordinance_to_Match_State_Statute.pdf)
- **Exhibit A - Ord. 97-464** (BFO_-_Ordinance_97-464_Cross_Connection_Program.pdf)
- **Ordinance 563-2023** (BFO_-_Ordinance_563-2023_Cross_Connection_Program.pdf)

11. GOOD OF THE ORDER

12. ADJOURN

Posted for Public at the City Hall Bulletin Board, Community Center, & Falls City Website

Contact: Jeremy Teal, City Recorder (jteal@fallscityoregon.gov 503.787.3631) | Agenda published on 10/05/2023 at 11:23 AM

Church @ the Park



EST. 2007 * SALEM, OR

A long table covered with a white tablecloth is set up outdoors in a wooded area. The table is decorated with a centerpiece of colorful flowers and greenery. White chairs are arranged along the table. The ground is covered with fallen autumn leaves. In the background, there are trees with sparse yellow and orange leaves, and a building is partially visible through the trees.

C@P Mission:
**creating a banquet of love and acceptance for
those who need it most**

C@P Service Priorities:

Church at the Park (C@P), serves the unsheltered in the Salem area. C@P was formed in 2007 to interact in a relational way with people who experience homelessness. C@P has **3** functioning priorities:

Collaborative Navigation, Emergency Sheltering, & Workforce Development.



The focus of our Micro-Shelter Communities
is the provision of a

safe, sanitary, & supportive

environment for guests to take the next steps
towards stability.

BENEFITS OF NON-CONGREGATE SHELTER:

- Allows guests to have ownership of their space and to safely store their belongings
- Offers the dignity of privacy
- Allows partners / families / kinship groups to be sheltered together
- Offers the necessary site flexibility to contain illnesses and prevent outbreaks without shutting down services

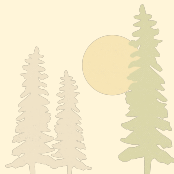
on-site services offered:

- 24/7 staff;
- one meal daily & 24/7 access to grab and go food and beverages;
- case management (40:1 ratio);
- Medical and behavioral health support, 2x weekly;
- DPSST licensed safety team support;
- Connections to public benefits (i.e. food stamps, TANF, SSI/SSDI, ID, birth certificates, housing assessments etc.)

Laundry & Shower Services



Reception Services

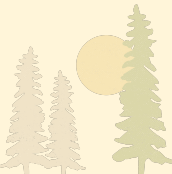




OUTCOMES:

In 2022, C@P provided shelter to **592** of our unhoused neighbors. **64% of people exiting shelter moved to a positive destination** including permanent housing, transitional housing, and residential projects.

Additionally, for individuals identified as high users of emergency systems, we measured an average **reduction in Emergency Department use by 81% and an average reduction of 76% in calls to 911 and ambulance rides.**

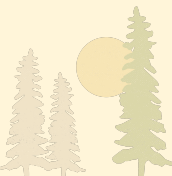




Village of Hope - **Move to Center Street**

Digital notices, One block canvassing, Listening sessions

Neighbors, Businesses, & Churches







2410 Turner Rd: 18-24 Micro Shelter



Turner Rd Development





Operational Support:

- **38** individual beds
- **Counseling, Case management, with Job and Housing mentors**



Dallas Development



- **40** individual beds
- **Polk Family Community Outreach**
- **Arches Rapid Rehousing support**





91

Unsheltered Homeless

(Sleeping outside, in a vehicle, RV, or someplace not intended for human habitation.)



43

Sheltered Homeless

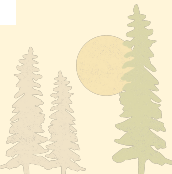
(Sleeping in a temporary or emergency shelter, transitional housing, or in a hotel.)



46

At Risk of Homelessness

(Couch surfing, sleeping in unsafe or tumultuous housing, facing eviction, or currently in jail.)



COMMUNITY CONNECTION

84%

**OF INDIVIDUALS EXPERIENCING
HOMELESSNESS OR
AT RISK OF HOMELESSNESS,
REPORT HAVING TIES TO THE
COMMUNITY THAT THEY ARE
CURRENTLY STAYING IN**



Community Volunteers:

Clothing



Meals



Securing a community of **BELONGING.**



A long table covered with a white tablecloth is set up outdoors in a wooded area. The table is decorated with a centerpiece of colorful flowers and greenery. White chairs are arranged along the table. The ground is covered with fallen autumn leaves. In the background, there are trees with some yellow and orange leaves, and a building is partially visible through the trees.

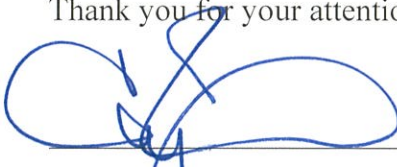
C@P Mission:
**creating a banquet of love and acceptance for
those who need it most**

To Whom It May Concern,

The Falls City School District would like to bring to your attention a safety concern/issue located on the west side of Fair Oaks St., near 5th St. Along the side of the road is a parked trailer, with many items spilling into the road. The trailer and items jut out into one lane of traffic, making it difficult for our student transportation to safely circumvent, as many buses need clearance on both sides. Additionally, passage for our transportation would be impossible should there be any oncoming traffic, as the road is narrowed. This is a cause for safety concerns regarding our buses, our drivers, and, most importantly, our students.


Please let us know if there is anything that the Falls City School District can do to help remove the trailer and the surrounding items, so that we can proceed with providing safe transportation for all of our buses, our drivers, and our students.

Thank you for your attention to this matter. We look forward to hearing back from you.




Cory Ellis, Superintendent

9/27/23
Date



Eric Clendenin, ES Principal

9/27/23
Date



Tanner Simmons, Transportation Director

9/27/2023
Date

FALLS CITY CITY COUNCIL		MONDAY, SEPTEMBER 11, 2023	
The Falls City City Council met in regular session on Monday, September 11, 2023 at 6:02 p.m. in the Community Center located at 320 N. Main Street			
Council Members Present: Council President Amy Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec via Zoom, Councilor Tony Meier, Councilor Dennis Sickles arrived at 6:48 pm and Councilor Lori Jean Sickles			
Staff Present: City Manager AJ Foscoli, City Recorder Jeremy Teal			
AGENDA		ACTION	
Announcements, Appointments, Appreciations & Proclamations		There were no comments.	
Public Comment		<p>Mayor Bailey opened the Public Comments at 6:04 p.m.</p> <p>Chris & Dawn Martin, 112 Bridge, expressed his frustration with Polk County Sheriff and their lack of follow through in Falls City. He stated the sheriff deputy stopped to ask about another crime and he mentioned Riley in the park. He noted House Bill 3115 is holding everyone back, but camping isn't allowed in parks especially when it is posted. He mentioned that Riley had moved to the mill lot.</p> <p>Mayor Bailey noted he understood Mr. Martin's frustration and noted he had been in many talks with the Sheriff's Office. He stated he had called and asked to get Riley trespassed and nothing happened.</p> <p>Council President Houghtaling stated she felt Mr. Martin's frustration and why it seemed nothing was being done. She noted the wheels of justice move pretty slow and many conversations with the Sheriff have a lot of behind-the-scenes work happening. She suggested attending the Polk County Commissioners meetings.</p> <p>Mr. Martin noted the market got broken into and they know who the suspect is and is on camera and the Sheriff won't do anything. Mayor Bailey stated he hoped the market would follow up with the Sheriff to arrest the person. He noted we were doing everything we could with Sheriff's Office and hopefully have a meeting soon.</p>	

	<p>Mrs. Martin commented that she worked with homeless people and individuals with substance abuse and had compassion for them but having them that close to home made her very uneasy.</p> <p>Mayor Bailey mentioned the deputy went to see Riley and told him to leave, but no follow up. He suggested attending a Polk County Commissioner meeting.</p> <p>Mayor Bailey closed the Public Comments at 6:20 p.m.</p>
<p>Consent Agenda a) August 7, 2023 Minutes</p>	<p>It was moved by Councilor Meier to approve the Consent Agenda as presented. The motion was duly seconded by Councilor Backus and CARRIED with a vote of 5-0 with Councilors Backus, Jirovec, Meier, LJ Sickles and Council President Houghtaling voting YES.</p>
<p>Reports or Comments from Mayor and Council Members</p> <p>a) Mayor’s Report b) Councilor Comments c) Public Works Report</p>	<p>Mayor Bailey had no comments.</p> <p>There were no comments.</p> <p>There were no comments.</p>
<p>Reports from City Manager & Staff</p> <p>a) Fire Report b) Public Works Reports c) City Manager’s Report</p>	<p>There were no comments.</p> <p>Mr. Foscoli noted there was some recent leaking in the football field after the report was submitted. He stated it had been inspected and Ferguson was coming to further inspect.</p> <p>Mr. Foscoli gave his report regarding the wastewater project and Lagoon 1 was complete, and they were moving to Lagoon 2 and then run new pipe to Falls City and the ponds, He noted the LCB had its fourth tenant, Code enforcement, towing, Safe Routes to School project had no updates, he stated the EV grant had been submitted and the homelessness issue.</p> <p>Mr. Foscoli reported that he was working with several Polk County partners on a very well structured project for temporary housing for the homeless. He noted the City had some land</p>

	<p>available for the possible project and there was a lot of funding for a proper program, but wanted council to hear all the details directly from the organizers.</p> <p>Council President Houghtaling stated she was part of a multi-jurisdictional board to tackle the homelessness issue. She noted there were many different state organizations that have the money to help with the different programs and implementations. She commented that Church in the Park is a 501c3 that helps with temporary housing for families and helps to get families to permanent housing. She mentioned that unfortunately everything got shot down in Dallas, Independence and Monmouth. She noted that Falls City was not the ideal location because we have no resources or transportation to get anyone anywhere. She advised that Commissioner Gordon and herself would be presenting to the Health Council regarding a resource center at the mill lot and hopefully find funding.</p> <p>Mayor Bailey asked when the Council could have a presentation regarding the resource center. Mr. Foscoli noted the next Council meeting on October 10 would be fine.</p> <p>Councilor LJ Sickles stated she was willing to consider depending on the circumstances and would love to see a presentation.</p> <p>Mayor Bailey noted the impact to the community, the resources brought in, the resources that are lacking, and all that intertwined with services and a presentation would be helpful.</p>
<p>Resolutions</p> <p>a) A Resolution 07-2023 – CBDG Certifying Officer</p>	<p>Mr. Teal noted that it was suggested by CBDG to appoint him as the certifying officer due to his frequency at the office.</p> <p>It was moved by Council President Houghtaling to approve Resolution 07-2023. The motion was duly seconded by Councilor Lori Jean Sickles and CARRIED with a roll call vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ</p>

<p>b) 2 Resolution 08-2023 – Excessive Septic Tank Pumping</p>	<p>Sickles and Council President Houghtaling voting YES.</p> <p>Mr. Foscoli noted this topic had been discussed many times due to the over impact to our sewer system. He mentioned the more people added to a home adds more volume to the black water produced, taxing the sewer system and filling septic tanks faster. He stated the City owned the septic tanks and the City was responsible for them with DEQ and Polk County. He advised that DEQ recommends pumping once every five years and the cost structure that the Public Works Committee approved would be an adequate way to track and use the funds. He noted the goal was to charge the households needing to be pumped more than once every five years.</p> <p>Councilor Meier reported that a septic tank pumpings line item needed to be added to make it easy to track and hopefully keep from emergency pumpings.</p> <p>Councilor D Sickles asked if a homeowner would be penalized for getting pumped more often. Councilor Meier noted that the system would be like the water system, you would be charged for what you use. Mr. Foscoli noted there would be no extra charges until they go beyond their allotted time.</p> <p>Council President Houghtaling asked that the owners that would be affected be notified. Mr. Foscoli noted a letter would be sent notifying the customers.</p> <p>It was moved by Councilor Meier to approve Resolution 08-2023. The motion was duly seconded by Councilor LJ Sickles and CARRIED with a roll call vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles and Council President Houghtaling voting YES.</p>
<p>Ordinances ORDINANCE 561-2023 – Dangerous Buildings</p>	<p>Mr. Foscoli stated the relevant question regarding the process was brought up and conferring with the city attorney, the process was already on books in the abatement process.</p>

<p>ORDINANCE 562-2023 – No Parking on North Main Street</p>	<p>It was moved by Council President Houghtaling to approve Ordinance 561-2023. The motion was duly seconded by Councilor Backus and CARRIED with a roll call vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles and Council President Houghtaling voting YES.</p> <p>Mr. Foscoli outlined the No-Parking on North Main Street from the city limits to Ellis Street.</p> <p>Councilor D Sickles noted this was the 1st reading and the property owners should be notified to have ability to come testify.</p> <p>Mayor Bailey declared Ordinance 562-2023 to have passed its first reading.</p>
<p>Good of the Order</p>	<p>Councilor D Sickles announced that Falls City sports were underway, and he encouraged people to come watch the games.</p> <p>Council President Houghtaling announced the Historic Landmark Commission meeting on Wednesday, September 13 at 6 pm in the community center. She noted there were positions available on the commission. She noted the Polk County Commissioners meetings were September 13, 20, and 27.</p> <p>Councilor LJ Sickles asked what could be done about a homeless hoarder along her property line. Mr. Foscoli explained the City was using any and all legal means to engage the person and remove her belongings from the right of way.</p> <p>Councilor Jirovec asked if a glass recycling bin could be set up in Falls City. Mr. Teal stated he would look into it. She also mentioned that RDI Visioning meetings would be the last Saturday in September and October from noon to 3 pm in the community center.</p>
<p>Adjourn</p>	<p>There being no further business the meeting was adjourned at 7:34 p.m.</p>
<p>Read and approved this ____ day of _____ 2023.</p> <p>Mayor: _____</p> <p>ATTEST:</p>	

City Recorder: _____

FALLS CITY CITY SPECIAL COUNCIL		MONDAY, SEPTEMBER 25, 2023	
The Falls City City Council met in special session on Monday, September 25, 2023 at 6:00 p.m. via Zoom			
Council Members Present: Council President Amy Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec joined at 6:01 p.m., Councilor Tony Meier, Councilor Dennis Sickles and Councilor Lori Jean Sickles.			
Staff Present: City Manager AJ Foscoli, City Recorder Jeremy Teal			
AGENDA		ACTION	
Resolutions a) Resolution 05-2023		Mr. Foscoli advised that revolving loan fund agreement needed to adopt Resolution 05-2023 so the City can be indebted to DEQ for 2 million dollars for design, engineering, construction and permitting. It was moved by Council President Houghtaling that Resolution 05-2023 a resolution of the City of Falls City City Council authorizing and approving the DEQ STATE Clean Water State Revolving Fund Loan Agreement No. R13841 to finance the Wastewater system improvements project. The motion was duly seconded by Councilor Meier and CARRIED with a roll call vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles and Council President Houghtaling voting YES.	
Adjourn		There being no further business the meeting was adjourned at 6:04 p.m.	
Read and approved this ____ day of _____ 2023.			
Mayor: _____			
ATTEST:			
City Recorder: _____			

City of Falls City
Public Works Committee Meeting
Thursday September 21, 2023 6:00PM
Meeting Location: 320 N. Main Street

Committee Members Present

Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson. City Manager AJ Foscoli, Public Works Superintendent Jon Creekmore Members absent: Tracy Young, Cliff Lauder.

1) Call to Order

Chair McConnell called the meeting to order at 6:02 PM, took roll call.

2) Pledge of Allegiance

Chair McConnell led the Committee in the Pledge of Allegiance.

3) Motion to Adopt the entire Agenda

Member Meier moved and member Propp seconded: **that we approve the entire agenda.** Motion carried 4-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson.

4) Consent Agenda: Motion Action Approving Consent Agenda Items

Member Meier moved and member Mack seconded: **that we approve Consent Agenda Item, PWC Minutes August 24, 2023** (as per minutes provided). Motion carried 4-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson.

5) Public Comment - None

6) New Business

A. Backflow Code Revision

Committee discussed the background of the Backflow Code Revision, indicating that it had been brought up to the committee and city council in the past. Upon reading the staff report, the committee agreed that a motion to repeal the Repeal of Backflow Device Ordinance to Match State Statute was in order. A motion was introduced by Tony Meier and seconded by Jeff Propp to repeal the backflow device ordinance. Motion carried 4-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson. A motion was introduced by Jeff Propp and seconded by Gordon Hanson to repeal the backflow fee. Motion carried 4-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson.

7) Old Business

A. None

8) Correspondence, Comments and Ex-Officio Reports

9) Committee Announcements

10) Adjourn

Member Meier moved and member Propp seconded: **that we adjourn.** Motion carried 4-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson. Meeting adjourned at 7:30.

_____ Public Works Committee Chair McConnell

Attested: _____ Public Works Committee Member

City of Falls City
Historic Landmark Commission
Wednesday September 13, 2023 6:00 PM
Meeting Location: 320 N Main Street Falls City, OR

Commission Members Present

Amy Houghtaling, Mike McConnell, Nick Backus, Paul King,

1) Roll Call

Chair Houghtaling called the meeting to order at 6:03 PM, took roll call Guy Mack absent

2) Pledge of Allegiance

Chair Houghtaling led the Commission in the Pledge of Allegiance.

3) Motion to Adopt the entire Agenda

Nick Backus moved and member Paul King seconded: **That we adopt the entire agenda.** Motion passed 4-0-0. Amy Houghtaling, Mike McConnell, Paul King, Nick Backus.

4) Consent Agenda Motion Action Approving Consent Agenda Items

Member Mike McConnell moved and member Paul King seconded to: **Approve the minutes for 11/23/22.** Motion passed 4-0-0 Ayes. Amy Houghtaling, Mike McConnell, Paul King, Nick Backus.

5) Public Comment: Opened at 6:05pm, closed at 6:06pm.

6) Old Business

We made introductions so new members could get to know everyone.

7) New Business

A. CLG Check In

Have the city staff post the CLG check in as a meeting. Then the Monday check in could count as an official meeting.

B. Grant Projects

Turning the old jail into a history center/interpretive center

8) Correspondence, Comments and Ex-Officio Report

9) Committee Announcements

Next meeting to be held on October 11, 2023 at 6:00 pm at the Community Center.

9) Adjourn

Member Backus moved and Member McConnell seconded: **we adjourn.** Motion carried 4-0-0 Ayes. Amy Houghtaling, Mike McConnell, Paul King, Nick Backus. Meeting adjourned at 6:46p.m.

_____ Historic Landmark Commissioner Chair Houghtaling

Attested: _____ Historic Landmark Committee Member

Call Volume for Falls City Volunteer Fire Dept. 2023 Calls (JANUARY-DECEMBER)

2023 MONTH	MEDICAL	PUBLIC ASSIST	MV A	STRUCTURE FIRE	GRASS BRUSH TREE FIRE	POWER LINE	SW CALLS FCFD RESPOND ON	SW ASSISTED FCFD CALLS	MO. TOTAL CALLS
JAN	6	1	0	0	0	1	0	0	8
FEB	6	0	1 SW	0	2	0	0	1 med 1 mva	9
MAR	7	0	0	2	0	0	0	1 fire	9
APR	11	0	0	4	0	0	0	2 fire	17
MAY	3	1 burn co	0	1 RV	0	0	1 car fire	0	6
JUNE	9	0	0	0	0	0	0	0	9
JULY	11	2	0	1 House 1 RV	5	0	1 grass fire	0	24
AUG	7	2	0	1 false alarms	3	0	0	0	13
SEPT	8				1 camp fire				9
OCT									
NOV									
DEC									
YR TOTALS To Date	68	6	1	10	11	1	2	5	104

Fire Department Report for August 2023 Council Meeting:

Work is still on progressing for the new Brush Truck. Final details.

Sharon is still working on the emergency evacuation signs, programs and classes for the community.

We will have at least 6 or more volunteers receive their State Fire Fighter 1 certifications this month. Lots of hard work and many, many hours of volunteer time!! :-)

Thank you for all your support and hard work for our community!
Prepared by Sharon Volk Greve, Assistant Chief, Falls City Fire and EMS Cell: (503) 871-5140u



City of Falls City

299 Mill St • Falls City, Oregon • 97344
Ph. (503) 787-3631 • www.fallscityoregon.gov

Public Works Report September of 2023

Administration

Normal operations

Water Division

Main break on Clark Street on the 28th.

The OHA 3 year survey came back with no deviations or rule violations.

Sewer Division

Normal operations.

Streets Division

Normal operations.

Parks & Cemeteries Division

Normal operations.

Non-Sewer Wastewater Division (TMDL)

Normal operations.



City of Falls City
299 Mill Street
Falls City, OR 97344
Ph 503.787.3631

City Manager's Report October 10, 2023

Introduction

Little by little, fall has made its way to the Willamette Valley, bringing with it some cooler weather and in some cases more rain than we are used to seasonally anymore. This has been both good and bad, since the reduction in fire risk is always welcome, though rain isn't great for projects involving moving large amounts of dirt, as in our current Wastewater Treatment Facility project. The wet weather has impacted the construction company's ability to operate at full capacity, affecting their timeline.

Wastewater Project – We have been meeting with Strider Construction on a biweekly basis to check on their progress building our new lagoon system. Their steady daily progress has been hampered lately by sustained rains that have come slightly earlier than in previous seasons. This has made it difficult to operate large and heavy machinery, as well as making it difficult to estimate when the lagoons' liners can be installed. Since the bottoms of both lagoons have been getting saturated with water, which has led to pooling, the liners may not be installed until the spring, which would affect the overall schedule of the project. This knock-on effect would lead to structural integrity testing of the lagoons until next fall, to take advantage of the wet season to fill them. This is a worst-case scenario and both the engineering firm Westech and Strider Construction are working diligently to avoid this if at all possible. The next few days and weeks will determine what the schedule for the next 12 months will look like.

Luckiamute Community Building – No update.

Code Enforcement & Municipal Court – No update.

Towing Services – No update.

Safe Routes to School Project – Staff has been in contact with ODOT to ensure that the Small Cities Allotment grant that is being used as match for the Safe Routes to School Project is in line with scoring criteria set by ODOT. Conversations with the engineers are also ongoing to determine when the bidding will go forward for the pedestrian island (Mitchell/Bridge/N. Main intersection) and sidewalk improvements (N. Main/5th & Prospect). The expectation is that this part of the work will happen before the end of the calendar year, for bidding in the spring.

Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a "reply all" response, or multiple councilors discussing on the same thread.

Homeless – Since earlier this year, we’ve had some challenges in town with homeless individuals in our public spaces and right of way. Though we have been working with Polk County’s Family & Community outreach and the Sheriff’s Office, our success in encouraging these individuals to find more permanent shelter has been hit & miss. We’ve had some success in encouraging the two individuals who were spending nights at our lower park and foot bridge, to find alternate arrangements, however the individual on Fair Oaks has refused all the assistance that she has been offered and is in the process of increasing the volume of belongings in the right of way. The city of Dallas has kindly shared some policies that have been successful in dealing with individuals immune to collaborative efforts. Those documents are included in the council packet for review and discussion/potential adoption in future council meetings.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josudi". The signature is fluid and cursive, with a large initial "J" and "S".

Clerk's Report

Public Works

- **Speed test** have not gotten a confirmed date from County for the test

STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: REPEAL OF BACK-FLOW DEVICE FEE RESOLUTION
DATE: OCTOBER 10, 2023

SUMMARY

The city is exploring the repeal of the backflow device fee outlined in Resolution 12-2017.

BACKGROUND

According to current ordinance, the city is responsible for backflow testing of all water connections (commercial AND residential), which is in excess of State standards (Commercial ONLY), and the \$2.25 additional backflow testing fee charged to residents is not keeping up with contractor costs to carry out this program. As this program is both time-consuming (a 3rd party contractor has spent the better part of the summer performing tests), and expensive (\$6,600 for the annual contract at present, but potentially as high as \$10,000/year), the proposal is to repeal the resolution and eliminate the backflow fee in accordance with the repeal of the ordinance.

FINANCIAL IMPLICATIONS

The repeal of the \$2.25 backflow fee would reduce the water revenue by \$12,393.

As the city will be raising water rates to execute on the \$2.37 million water line & meter replacement project in the next 2 years, the elimination of a backflow fee will help mitigate the rate increase residents will have on their monthly bill.

PUBLIC WORKS COMMITTEE RECOMMENDATION

Recommend to Council to repeal Resolution 12-2017 regarding the backflow device fee outlined in Resolution 09-2023.

STAFF RECOMMENDATION

Council to repeal Resolution 12-207 regarding the backflow device fee outlined in Resolution 09-2023.

MOTION RECOMMENDATION

A motion to approve a Resolution 09-2023 for fees for water and sewer and related charges; and water and sewer connection fees; and repealing prior resolutions.

ATTACHMENTS

Exhibit A – Resolution 12-2017
Exhibit B – Resolution 09-2023

RESOLUTION NO. 12 -2017

A RESOLUTION DETAILING FEES FOR WATER AND SEWER SERVICE AND RELATED CHARGES; AND WATER AND SEWER CONNECTION FEES; AND REPEALING PRIOR RESOLUTIONS

Findings:

1. Municipal Code Section 51 Water, Section 09 Water Rates and Charges, authorizes the City Council to establish, by resolution, and from time to time amend, water rates to be charged for each class of service, including minimum charges, charges for water consumption, service connection charges and all other related fees and charges.
2. Municipal Code Section 50 Sewer, Section 25 Generally, subsection (D) authorizes the City Council to establish, by resolution, and from time to time amend, sewer user rate per equivalent residential unit (ERU).
3. Municipal Code Section 50 Sewer, Section 6 Connection Fees, subsection (A) authorizes the City Council to establish, by resolution, and from time to time amend, sewer connections fees.
4. The City maintains two Enterprise Fund accounts for Water and Sewer activities. Enterprise fund revenues are restricted to be spent only on enterprise activities relating to their revenue source. For example water rate revenue can only be spent on water activities and projects.
5. An Enterprise fund is a fund established to account for operations, including debt service that are financed and operated similarly to private businesses where the intent is the service is self-sufficient, with all costs supported predominantly by user charges. Through charges, and fees, an equitable and fair system of recovering water system costs is established.
6. Staff audited several utility charges and fees and found that several categories are not billed equitably to customers to cover the cost of operations for services rendered for these categories:
 - a. Water Shutoff notice
 - b. Water Reconnection fee
 - c. Utility Returned Check Fee
 - d. Charges for the installation for a simple and complex water meter
7. Cost of operations for Public Works staff, salary plus benefits, is approximately \$30-\$32 an hour. Cost of operations for Administration staff, salary plus benefits, is approximately \$25-\$28 an hour. The salary of city staff is proportionally allocated to Funds.
8. Shutoff notices inequitably
 - a. In April 2017, Public Works staff delivered forty-seven (47) shutoff notices (green tags) throughout the service area for delinquent balances which required two and one half (2 ½) hours each for two Public Works staff. A similar number of shutoff notices are distributed each month, equaling an estimated 60 hours annually; the cost to the Water Fund is approximately \$1,800 annually for Public Works staff time.

- b. It requires approximately three (3) hours a month for Administrative staff to generate shutoff notices, equaling an estimated 36 hours annually; the cost to the Water Fund is approximately \$972 annually.
 - c. Many customers have commented to City staff, that they wait for the delivery of the shutoff notice to remind them to pay their utility bill.
 - d. Because cost of the Water Fund is recovered by rates and charges, and because the City does not charge a fee for a shutoff notice, customers who do not receive shutoff notices are subsidizing those customers who receive shutoff notices monthly.
 - e. Staff recommends that the City Council approve the elimination of physical shutoff notices and replace with a shutoff notice provide by mail, beginning on July 16, 2017, and after public notification in the June Newsletter, notification in the June 26 and July utility billing statement message, and with a public announcement at the June and July Regular City Council meetings. Mailing shutoff notices will save an estimated \$1,500 annual, after considering the cost of postage and the elimination of Public Works staff time to deliver shutoff notices to the service address.
9. Water Reconnection fee inequitably
- a. Reconnection fees are charged to customers when reconnecting water service after receiving full payment of a delinquent utility account.
 - b. A reconnection fee is not charged to reconnect service after a seasonal shutoff or to temporarily reconnect water service for a home inspection, home repair, property cleaning or similar activities, yet the same amount of time and work is required by Public Works staff for all water reconnections.
 - c. On May 18, 2017 the Falls City Public Works Committee compared Falls City Fall City water service fees against fees from similar sized communities and recommended that the City Council adopt a water reconnection fee for any and all water reconnections.
10. Utility returned check fee inequitably
- a. The current charge of \$25 for a returned check does not cover costs.
 - b. The bank charges \$12 per returned check.
 - c. Processing a returned check on average requires forty-five (45) minutes for Administrative staff, amounting to approximately \$21. Tasks include account review, customer letter, handwritten shut-off notice, utility system accounting adjustment, preparation of exception processing accounting backup with distribution to the bookkeeper, the original and daily accounting batch documents, and the adjustment log. The delivery of the shut-off notice by Public Works staff amounts to approximately \$14. The total staff cost is \$35.
 - d. Staff recommends that the City Council adopt an increase of the \$25 Returned Check Fee to \$35 to for cost recovery.

11. Charge for the installation for a simple and complex water meter connection inequitably
 - a. Current charges for the installation of a water meter, both simple and complex, do not cover the actual costs.
 - Simple Water Connection: the water main line runs on the right-of-way in front of the property.
 - Complex Water Connection: the water line runs along the right-of-way on the opposite side of the road which requires repairs to the street surface
 - b. Staff recently tracked the actual cost to install a Simple Water Connection, including parts, materials and staff time. The total cost was \$1,867.
 - c. Staff recommends that the City Council adopt an increase of the \$1,250/base rate for a Simple Water Connection to \$1800/base or actual cost if greater.
 - d. Staff recommends that the City Council adopt an increase of the \$1,500/base rate for a Complexed Water Connection to \$2,100/base or actual cost if greater. The cost for each Complexed Water Connection is unique because the connection crossed a public street.
12. Defining Public Works staff work hours for the Water Service Reconnection Fee
 - a. Public Works staff typically starts their weekday work at 7:00 AM and end at 4:00 PM.
 - b. Public Works staff is on call 24/7.
 - c. The prior rate resolution charged a different fee for business hours and “other than business hours” but did not define.
 - d. Staff recommends that the City Council adopt wording that defines hours and days for each classification.
13. Sewer service rates have been included in this rate resolution to further merge utility rates, fees and charges to a single rate resolution.
14. The Falls City Council has determined that the rates and charges set forth in this resolution are appropriate and in the best interest of the City.

NOW THEREFORE, THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. Water furnished to water districts, cooperatives or corporations, organized and existing under the laws of the State of Oregon and receiving water through a master meter, shall pay therefor such amount as may be established by agreement between the City and the water districts, cooperatives or corporations, fire districts or departments, or other persons or entities prior to receiving such water.

- (a) Where an agreement is not in place, and where bulk water is needed, the Bulk Water Rate will be \$5.00 per unit (1000 gallons) charged according to the size of the tanker truck or vessel; and

- (b) Payment in advance is required for the sale of bulk water where a written agreement is not in place; and
- (c) Sale of bulk water without a written agreement is a privilege and can be denied or revoked at any time.

Section 2. In addition to the monthly fees established herein, Exhibit 1, the following service fees are hereby established:

- (a) **Reconnection fee during between 7 AM and 4 PM weekdays** \$35.00
- (b) **Reconnection fee afterhours, on weekends or on holidays** \$65.00
- (c) Setup connection fee for sale of bulk water where a written agreement is not in place \$80.00
- (d) **Returned check fee** **\$35.00**
- (e) Payment Late fee \$10.00

Section 3. In addition to monthly fees established herein, Exhibit 1, the following utility connection fees are hereby established:

- (a) Sewer Connection fee:
Base Facility rate of \$3,250.00, plus customer will be responsible for all costs to connect to the system (Municipal Code 50.06 (A)).
- (b) **Water Connection Fee Simple:**
Base Facility rate of \$1,800.00, or actual cost if greater.
- (c) **Water Connection Fee Complex:**
Base Facility rate of \$2,100.00, or actual cost if greater
- (d) Additional Water Connection fees where the length of service exceeds 100 feet:
The applicant shall pay the extra cost of the line on the basis of actual cost to the Water department for labor, materials and equipment plus 15% (Municipal Code 51.07).

Section 4. In addition to the monthly fees established herein, Exhibit 1 **and Exhibit 2**, a Capital Improvement Fee shall be assessed any service with a water meter or sewer connection, active or inactive, in the amount of \$10.00. When both a residence and a commercial operation or development exist on a property zoned Commercial Residential, the Capital Improvement Fee will be assessed separately for both the residence and the commercial operation or development.

Section 5. In addition to the monthly fees established herein, Exhibit 1 **and Exhibit 2**, a Backflow Testing Fee shall be assessed each month on each water meter service account in the amount of \$2.25 from July 1, 2014 through June 30, 2018.

Section 6. Water furnished to multi-unit properties where the property owner desires one (1) water meter to serve all units shall be charged at the following;

- (a) Multi-unit properties serviced by one (1) meter will be charged a multiplier based on the meter size multiplied by the number of dwelling units.
- (b) Charged a multiplier by amount of units for the Capitol Improvement Fee.

Section 7. Resolution 02-2017 and Resolution 2010-07 are repealed on the effective date of this resolution. All other resolutions and parts of resolutions relating to water use rates and related charges not repealed or amended expressly or by implication by resolution shall continue in full force and effect.

Section 8. Pursuant to ORS 294.160, the Council held a public hearing on June 8, 2017 to consider public comment on the proposed procedural changes and the fee increases.

ADOPTED BY THE FALLS CITY COUNCIL ON THIS 8th DAY OF June, 2017.

VOTE: AYE ____ NAY ____ ABSTAIN ____ ABSENT ____

Terry Ungricht, Mayor

Date

ATTEST:

Domenica Protheroe, City Clerk

Date

RESOLUTION NO. 09-2023

A RESOLUTION DETAILING FEES FOR WATER AND SEWER SERVICE AND RELATED CHARGES; AND WATER AND SEWER CONNECTION FEES; AND REPEALING PRIOR RESOLUTIONS

Findings:

1. Municipal Code Section 51 Water, Section 09 Water Rates and Charges, authorizes the City Council to establish, by resolution, and from time to time amend, water rates to be charged for each class of service, including minimum charges, charges for water consumption, service connection charges and all other related fees and charges.
2. Municipal Code Section 50 Sewer, Section 25 Generally, subsection (D) authorizes the City Council to establish, by resolution, and from time to time amend, sewer user rate per equivalent residential unit (ERU).
3. Municipal Code Section 50 Sewer, Section 6 Connection Fees, subsection (A) authorizes the City Council to establish, by resolution, and from time to time amend, sewer connections fees.
4. The City maintains two Enterprise Fund accounts for Water and Sewer activities. Enterprise fund revenues are restricted to be spent only on enterprise activities relating to their revenue source. For example water rate revenue can only be spent on water activities and projects.
5. An Enterprise fund is a fund established to account for operations, including debt service that are financed and operated similarly to private businesses where the intent is the service is self-sufficient, with all costs supported predominantly by user charges. Through charges, and fees, an equitable and fair system of recovering water system costs is established.
6. Staff audited several utility charges and fees and found that several categories are not billed equitably to customers to cover the cost of operations for services rendered for these categories:
 - a. Water Shutoff notice
 - b. Water Reconnection fee
 - c. Utility Returned Check Fee
 - d. Charges for the installation for a simple and complex water meter
7. Cost of operations for Public Works staff, salary plus benefits, is approximately \$30-\$32 an hour. Cost of operations for Administration staff, salary plus benefits, is approximately \$25-\$28 an hour. The salary of city staff is proportionally allocated to Funds.
8. Shutoff notices inequitably
 - a. In April 2017, Public Works staff delivered forty-seven (47) shutoff notices (green tags) throughout the service area for delinquent balances which required two and one half (2 ½) hours each for two Public Works staff. A similar number of shutoff notices are distributed each month, equaling an estimated 60 hours annually; the cost to the Water Fund is approximately \$1,800 annually for Public Works staff time.

- b. It requires approximately three (3) hours a month for Administrative staff to generate shutoff notices, equaling an estimated 36 hours annually; the cost to the Water Fund is approximately \$972 annually.
 - c. Many customers have commented to City staff, that they wait for the delivery of the shutoff notice to remind them to pay their utility bill.
 - d. Because cost of the Water Fund is recovered by rates and charges, and because the City does not charge a fee for a shutoff notice, customers who do not receive shutoff notices are subsidizing those customers who receive shutoff notices monthly.
 - e. Staff recommends that the City Council approve the elimination of physical shutoff notices and replace with a shutoff notice provide by mail, beginning on July 16, 2017, and after public notification in the June Newsletter, notification in the June 26 and July utility billing statement message, and with a public announcement at the June and July Regular City Council meetings. Mailing shutoff notices will save an estimated \$1,500 annual, after considering the cost of postage and the elimination of Public Works staff time to deliver shutoff notices to the service address.
9. Water Reconnection fee inequitably
- a. Reconnection fees are charged to customers when reconnecting water service after receiving full payment of a delinquent utility account.
 - b. A reconnection fee is not charged to reconnect service after a seasonal shutoff or to temporarily reconnect water service for a home inspection, home repair, property cleaning or similar activities, yet the same amount of time and work is required by Public Works staff for all water reconnections.
 - c. On May 18, 2017 the Falls City Public Works Committee compared Falls City Fall City water service fees against fees from similar sized communities and recommended that the City Council adopt a water reconnection fee for any and all water reconnections.
10. Utility returned check fee inequitably
- a. The current charge of \$25 for a returned check does not cover costs.
 - b. The bank charges \$12 per returned check.
 - c. Processing a returned check on average requires forty-five (45) minutes for Administrative staff, amounting to approximately \$21. Tasks include account review, customer letter, handwritten shut-off notice, utility system accounting adjustment, preparation of exception processing accounting backup with distribution to the bookkeeper, the original and daily accounting batch documents, and the adjustment log. The delivery of the shut-off notice by Public Works staff amounts to approximately \$14. The total staff cost is \$35.
 - d. Staff recommends that the City Council adopt an increase of the \$25 Returned Check Fee to \$35 to for cost recovery.

11. Charge for the installation for a simple and complex water meter connection inequitably
 - a. Current charges for the installation of a water meter, both simple and complex, do not cover the actual costs.
 - Simple Water Connection: the water main line runs on the right-of-way in front of the property.
 - Complex Water Connection: the water line runs along the right-of-way on the opposite side of the road which requires repairs to the street surface
 - b. Staff recently tracked the actual cost to install a Simple Water Connection, including parts, materials and staff time. The total cost was \$1,867.
 - c. Staff recommends that the City Council adopt an increase of the \$1,250/base rate for a Simple Water Connection to \$1800/base or actual cost if greater.
 - d. Staff recommends that the City Council adopt an increase of the \$1,500/base rate for a Complexed Water Connection to \$2,100/base or actual cost if greater. The cost for each Complexed Water Connection is unique because the connection crossed a public street.

12. Defining Public Works staff work hours for the Water Service Reconnection Fee
 - a. Public Works staff typically starts their weekday work at 7:00 AM and end at 4:00 PM.
 - b. Public Works staff is on call 24/7.
 - c. The prior rate resolution charged a different fee for business hours and “other than business hours” but did not define.
 - d. Staff recommends that the City Council adopt wording that defines hours and days for each classification.

13. Sewer service rates have been included in this rate resolution to further merge utility rates, fees and charges to a single rate resolution.

14. The Falls City Council has determined that the rates and charges set forth in this resolution are appropriate and in the best interest of the City.

NOW THEREFORE, THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. Water furnished to water districts, cooperatives or corporations, organized and existing under the laws of the State of Oregon and receiving water through a master meter, shall pay therefor such amount as may be established by agreement between the City and the water districts, cooperatives or corporations, fire districts or departments, or other persons or entities prior to receiving such water.

- (a) Where an agreement is not in place, and where bulk water is needed, the Bulk Water Rate will be \$5.00 per unit (1000 gallons) charged according to the size of the tanker truck or vessel; and

- (b) Payment in advance is required for the sale of bulk water where a written agreement is not in place; and
- (c) Sale of bulk water without a written agreement is a privilege and can be denied or revoked at any time.

Section 2. In addition to the monthly fees established herein, Exhibit 1, the following service fees are hereby established:

- (a) **Reconnection fee during between 7 AM and 4 PM weekdays** \$35.00
- (b) **Reconnection fee afterhours, on weekends or on holidays** \$65.00
- (c) Setup connection fee for sale of bulk water where a written agreement is not in place \$80.00
- (d) **Returned check fee** **\$35.00**
- (e) Payment Late fee \$10.00

Section 3. In addition to monthly fees established herein, Exhibit 1, the following utility connection fees are hereby established:

- (a) Sewer Connection fee:
Base Facility rate of \$3,250.00, plus customer will be responsible for all costs to connect to the system (Municipal Code 50.06 (A)).
- (b) **Water Connection Fee Simple:**
Base Facility rate of \$1,800.00, or actual cost if greater.
- (c) **Water Connection Fee Complex:**
Base Facility rate of \$2,100.00, or actual cost if greater
- (d) Additional Water Connection fees where the length of service exceeds 100 feet:
The applicant shall pay the extra cost of the line on the basis of actual cost to the Water department for labor, materials and equipment plus 15% (Municipal Code 51.07).

Section 4. In addition to the monthly fees established herein, Exhibit 1 **and Exhibit 2**, a Capital Improvement Fee shall be assessed any service with a water meter or sewer connection, active or inactive, in the amount of \$10.00. When both a residence and a commercial operation or development exist on a property zoned Commercial Residential, the Capital Improvement Fee will be assessed separately for both the residence and the commercial operation or development.

Section 5. Water furnished to multi-unit properties where the property owner desires one (1) water meter to serve all units shall be charged at the following;

- (a) Multi-unit properties serviced by one (1) meter will be charged a multiplier based on the meter size multiplied by the number of dwelling units.
- (b) Charged a multiplier by amount of units for the Capitol Improvement Fee.

Section 6. Resolution 02-2017 and Resolution 2010-07 are repealed on the effective date of this resolution. All other resolutions and parts of resolutions relating to water use rates and related charges not repealed or amended expressly or by implication by resolution shall continue in full force and effect.

Section 7. Pursuant to ORS 294.160, the Council held a public hearing on June 8, 2017 to consider public comment on the proposed procedural changes and the fee increases.

ADOPTED BY THE FALLS CITY COUNCIL ON THIS 8th DAY OF June, 2017.

VOTE: AYE _____ NAY _____ ABSTAIN _____ ABSENT _____

_____ Date _____
Terry Ungricht, Mayor

ATTEST:

_____ Date _____
Domenica Protheroe, City Clerk

STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: MAIN STREET ILLEGAL PARKING
DATE: 10/10/2023

SUMMARY

Mitigating illegal parking in the city's right-of-way.

BACKGROUND

The City Council has discussed on several occasions the proliferation of illegal parking in the city's right-of-way. This issue has been brought to the Public Works Committee for deliberation on how to best discourage illegal parking and the committee has helped to identify the north portion of North Main Street, between Ellis Street and the city limits as the first "No-Parking" zone. The city will rely on the Polk County Sheriff Office's Community Service Deputy to assist the city in identifying vehicles for tagging and towing. The protocol has been working in the past year when the Polk County Sheriff Office has been at full staffing.

As this is an ordinance, the issue will be reviewed and deliberated on at 2 City Council Meetings before it goes into effect.

FINANCIAL IMPLICATIONS

None.

STAFF RECOMMENDATION

Staff recommends the City Council to support the proposed Ordinance No. 562-2023

PROPOSED MOTION

Recommend a motion to support the proposed Ordinance No. 562-2023

EXHIBIT

A- ORDINANCE NO. 562-2023

ORDINANCE NO. 562-2023

AN ORDINANCE ESTABLISHING A NO PARKING ZONE ON NORTH MAIN STREET; ADDING TO THE PARKING PROHIBITED SCHEDULE IN FALLS CITY CODE CHAPTER 72; SECTION 1; AND DECLARING AN EMERGENCY

The City of Falls City does ordain as follows:

Section 1. That parking of motor vehicles be, and it hereby is, prohibited on North Main Street beginning at the Falls City Entrance sign west to the corner of the east side of the intersection with Ellis Street, on the North side of North Main Street.

Section 2. That the Parking Prohibited Schedule in Falls City Code Chapter 72 be, and it hereby is, adding as set forth in Section 1.

Section 3. That the City Manager, or his designee, shall post such signage and street markings as may be necessary and appropriate to implement this ordinance and provide appropriate parking controls.

Section 4. This ordinance being necessary for the peace, health and safety of the people of Falls City, an emergency is hereby declared and this Ordinance shall take effect upon final passage by the Council.

Read for the first time _____, 2023

Read for the second time _____, 2023

Adopted by the Falls City Council _____, 2023

Approved:

TJ Bailey , Mayor

Attest:

Jeremy Teal, City Recorder

STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: REPEAL OF BACK-FLOW DEVICE ORDINANCE TO MATCH STATE STATUTE
DATE: OCTOBER 10, 2023

SUMMARY

The city is exploring the repeal of the backflow device Ordinance 97-464 (Cross Connection Control Program).

BACKGROUND

According to current ordinance, the city is responsible for backflow testing of all water connections (commercial AND residential), which is in excess of State standards (Commercial ONLY), and the \$2.25 additional backflow testing fee charged to residents is not keeping up with contractor costs to carry out this program. As this program is both time-consuming (a 3rd party contractor has spent the better part of the summer performing tests), and expensive (\$6,600 for the annual contract at present, but potentially as high as \$10,000/year), the proposal is to repeal the ordinance and follow State Statute in backflow testing of only commercial properties. Aligning city ordinance with State Statute would benefit the public works department by freeing up resources now allocated to overseeing contractors and the cost thereof.

FINANCIAL IMPLICATIONS

If enacted, the repeal of the backflow device ordinance 97-464 (Cross Connection Control Program) to match State Statute, would save the city between \$6,500-\$10,000/year in testing.

As the city will be raising water rates to execute on the \$2.37 million water line & meter replacement project in the next 2 years, the elimination of a backflow fee will help mitigate the rate increase residents will have on their monthly bill.

PUBLIC WORKS COMMITTEE RECOMMENDATION

A motion to recommend to council to repeal Ordinance 97-464 regarding the backflow device testing outlined in Ordinance 563-2023.

STAFF RECOMMENDATION

A motion to recommend to council to repeal Ordinance 97-464 regarding the backflow device testing outlined in Ordinance 563-2023.

MOTION RECOMMENDATION

A motion to approve Ordinance 563-2023 in establishing a cross connection control program and establishing authorities and administration; and repealing prior ordinances.

ATTACHMENTS

Exhibit A – Ordinance 97-464
Exhibit B – Ordinance 563-2023

CITY OF FALLS CITY
ORDINANCE No. 97 - 464

CROSS CONNECTION CONTROL PROGRAM

AN ORDINANCE ESTABLISHING A CROSS CONNECTION CONTROL PROGRAM
AND ESTABLISHING AUTHORITIES AND ADMINISTRATION.

The CITY OF FALLS CITY does ordain as follows:

SECTION 1. CROSS CONNECTION CONTROL - GENERAL POLICY

1.1 PURPOSE

- 1.1.1 To protect the public potable water supply served by the City of Falls City Public Works Department from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or backsiphon into the public water system.
- 1.1.2 To promote the elimination of, or control of, existing cross connections, actual or potential, between the potable water system and source or non-potable water or other hazardous substances.
- 1.1.3 To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connections.

1.2 AUTHORITY

- 1.2.1 The Federal Safe Drinking Water Act of 1974, and the statutes of the State of Oregon, Administrative Rules chapters 333-61-070 (070 - Program Requirements), 333-61-071 (071 - Installation Standards), and 333-61-072 (072 - Certification), state that the water supplier has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.
- 1.2.2 The City of Falls City Water Department Rules and Regulations as described in City of Falls City Charter, Ordinance No.s 372 & 392.

1.3 RESPONSIBILITY

The Administrator or designee shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Administrator or designee, an approved backflow device is required at the City's water connection to any customer's premise, the Administrator, or designee, shall

give notice in writing to said customer to install an approved backflow prevention device at each service connection to the customer's premise.

The customer shall, within ninety (90) days of notification, install such approved device, or devices, at his/her own expense. Failure, refusal, or inability on the part of the customer to install, have tested, and maintain said device or devices within ninety (90) days, shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed and tested.

SECTION 2. DEFINITIONS

2.1 Approved

Accepted by the City of Falls city as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

2.2 Auxiliary Water Supply

Any water supply, on or available, to the premises other than the purveyor's will be considered as an auxiliary water supply.

2.3 Backflow

The term "Backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

2.4 Backflow Preventer

An assembly or means designed to prevent backflow or backsiphonage.

2.4.1 Air Gap

A physical separation between free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case be less than one inch.

2.4.2 Atmosphere Vacuum Breaker

A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

2.4.3 Double Check Valve Assembly

An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of the check valve.

2.4.4 Pressure Vacuum Breaker

Means a device consisting of one or more spring loaded check valves and an independently operating air inlet valve installed as a unit between two tightly closing shut off valves on each side of the check valves and properly located test cocks for testing. The air inlet valve is internally loaded to the open position.

- 2.4.5 **Reduced Pressure Principle Backflow Preventer**
Means a device consisting of two indepeudently acting, spring loaded check valves separated by a spring loaded differential pressure relief valve. This device shall be installed as a unit between two tightly closing shut off values and properly located test cocks for the testing of the check valves and relief valves.
- 2.5 **Back Pressure**
Shall mean any elevation of pressure in the downstream piping system (by pumping, elevation of piping, steam or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.
- 2.6 **Backsiphonage**
The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of the pressure in the potable water supply system.
- 2.7 **Contaminant**
Means any physical, chemical, biological, or radiological substance or matter in water.
- 2.8 **Cross Connection**
Means any link or channel between the public water supply and piping or fixtures which carry other water or other substances.
- 2.9 **Distribution System**
Means the network of pipes and other facilities which are used to distribute water from the source, treatment, transmission, or storage facilities to the water user.
- 2.10 **Division**
Means the Health Division of the Oregon Department of Human Resources.
- 2.11 **Owner**
Any person who has legal title to, or license to operate or habitat in, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.
- 2.12 **Person**
Any individual, partnership, company, public, or private corporation, political subdivision or agency of the State Division, agency or instrumentality of the United States or any other legal entity.
- 2.13 **Permit**
A document issued by the utility which allows the use of a backflow preventer.
- 2.14 **Administrator**
The Administrator or his deligated representative in charge of the water section of the Public Works, is

invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Ordinance.

2.15 Utility

City of Falls City water section of the Public Works Department.

2.16 Water Service Entrance (connection)

That point in the owner's water system beyond the sanitary control of the utility; generally considered to be the outlet end of the water meter and always before any unprotected branch.

SECTION 3 - ADMINISTRATION

3.1 The utility will operate a cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the Division's Cross Connection Regulations.

3.2 The owner shall allow his property to be inspected, when given reasonable notification and during reasonable times, for possible cross connections and shall follow the provisions of the utility's program, and the Division's regulations if a cross connection is identified.

SECTION 4 - REQUIREMENTS

4.1 Utility

4.1.1 On new installations, the utility will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any that will be required, will issue permit, and perform inspection.

4.1.2 For premises existing prior to the start of this program, the utility will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary.

4.1.2.1 The method of achieving the correction, and the time allowed for the correction to be made.

4.1.2.1.1 Ordinarily ninety (90) days will be allowed for the correction.

4.1.2.1.2 This 90 day period may be shortened depending on the degree of hazard or the history of the device.

4.1.3 The utility will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

4.1.4 The utility will inform the owner by letter of any failure to comply, within ten (10) working days of the first re-inspection.

4.1.4.1 The utility will allow an additional fifteen (15) days for the correction.

4.1.4.2 At the end of the additional fifteen (15) days a second re-inspection will be made to determine if corrections have been made.

4.1.4.3 If corrections have not been made, the utility will inform the owner by letter that the water service to the owner's premises will be terminated five (5) days from the date of this notice.

4.1.4.4 In the event that the owner informs the utility of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the utility but in no case will exceed an additional thirty (30) days.

4.1.5 If the utility determines at any time that a serious threat to the public health exists, the water services will be terminated immediately.

4.1.6 The utility shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

4.2 Owner

4.2.1 The owner shall be responsible for the elimination or isolation of all cross connections on his/her premises.

4.2.2 The owner, after having been informed by a letter from the utility, shall at his/her expense, install, maintain, and test or have tested, any and all backflow preventers on his premises.

4.2.3 The owner shall correct any malfunctions of the backflow preventer which is revealed by periodic testing.

4.2.4 The owner shall inform the utility of any proposed or modified cross connections and also any existing cross-connections of which the owner is aware but has not been found by the utility.

4.2.5 The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners shall not tamper with backflow devices.

4.2.6 The owner shall install backflow preventers in a manner approved by the utility.

4.2.7 The owner shall install only backflow preventers approved by the Health Division.

4.2.8 Any owner having a private well or other private water source, must have a permit if the well or source is cross-connected to the utility's system. Permission to cross connect may be denied by the utility. The Owner may be required to install a

backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the utility's system.

- 4.2.9 In the event the owner installs plumbing to provide potable water for domestic purposes which is on the utility's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

SECTION 5 - DEGREE OF HAZARD

- 5.1 The utility recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of an approved backflow prevention device.
- 5.2 Degree of Hazard. The term "Degree of Hazard" shall mean either a pollutional (non-health-low) or contamination (Health-High) hazard and is derived from the evaluation of conditions within a system.

SECTION 6 - EXISTING BACKFLOW DEVICES

- 6.1 Any existing backflow preventer shall be allowed by the utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the preventer, or result in an unreasonable risk to public health.
- 6.2 Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for that degree of hazard.

SECTION 7 - PERIODIC TESTING

- 7.1 All testable backflow devices shall be tested and inspected at least annually.
- 7.2 Periodic testing shall be performed by a certified tester from a list provided by the utility, this testing will be done at the owner's expense.
- 7.3 Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the owner insuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- 7.4 Backflow prevention devices will be tested more frequently than specified in 7.1 of this Section if the utility feels that there is a history of test failures. Cost of additional testing will be borne by the Owner. Any circumstance not covered by this Ordinance or any of the

- Authorities (1.2.1 - 1.2.2) shall be left to the judgment of the Administrator or designee.

SECTION 8 - OREGON ADMINISTRATIVE RULES

The City of Falls City hereby adopts Oregon Administrative Rules as outlined in Chapter 333, Subsection 42-200 through 42-245 as may be amended.

SECTION 9 - EMERGENCY CLAUSE

Inasmuch as it is necessary for the immediate preservation of the public health peace and safety of the City of Falls City, to enact this Ordinance, and emergency is hereby declared to exist, and this Ordinance shall become effective on April 1, 1997.

FIRST READING:

This 3rd day of March, 1997.

SECOND READING:

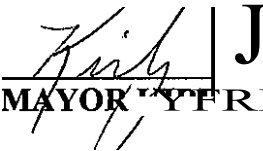
This 3rd day of March, 1997.

PASSED BY THE COMMON COUNCIL THIS 3rd DAY OF MARCH, 1997.


VOTE:

Yeas-6 nays-0 abstain-0 absent-0

APPROVED BY MAYOR FRINK ON THIS 4th DAY OF MARCH, 1997.


MAYOR FRINK

ATTEST


CITY ADMINISTRATOR BILL EWING

CITY OF FALLS CITY
ORDINANCE No. 563-2023

CROSS CONNECTION CONTROL PROGRAM

AN ORDINANCE ESTABLISHING A CROSS CONNECTION CONTROL PROGRAM AND ESTABLISHING AUTHORITIES AND ADMINISTRATION; AND REPEALING PRIOR ORDINANCES.

The CITY OF FALLS CITY does ordain as follows:

SECTION 1. CROSS CONNECTION CONTROL - GENERAL POLICY

1.1 PURPOSE

- 1.1.1 To protect the public potable water supply served by the City of Falls City Public Works Department from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back siphon into the public water system.
- 1.1.2 To promote the elimination of, or control of, existing cross connections, actual or potential, between the potable water system and source or non-potable water or other hazardous substances.
- 1.1.3 To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connections.

1.2 AUTHORITY

- 1.2.1 The Federal Safe Drinking Water Act of 1974, and the statutes of the State of Oregon, Administrative Rules chapters 333-61-070 (070 - Program Requirements), 333-61-071 (071 - Installation Standards), and 333-61-072 (072 - Certification), state that the water supplier has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.
- 1.2.2 The City of Falls City Water Department Rules and Regulations as described in City of Falls City Charter, Ordinance No.s 372 & 392.

1.3 RESPONSIBILITY

The Administrator or designee shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Administrator or designee, an approved backflow device is required at the City's water connection to any customer's remise, the Administrator, or designee, shall

give notice in writing to said customer to install an approved backflow prevention device at each service connection to the customer's premise.

The customer shall, within ninety (90) days of notification, install such approved device, or devices, at his/her own expense. Failure, refusal, or inability on the part of the customer to install, have tested, and maintain said device or devices within ninety (90) days, shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed and tested.

SECTION 2. DEFINITIONS

2.1 Approved

Accepted by the City of Falls city as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

2.2 Auxiliary Water Supply

Any water supply, on or available, to the premises other than the purveyor's will be considered as an auxiliary water supply.

2.3 Backflow

The term "Backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

2.4 Backflow Preventer

An assembly or means designed to prevent backflow or back siphonage.

2.4.1 Air Gap

A physical separation between free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case be less than one inch.

2.4.2 Atmosphere Vacuum Breaker

A device which prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

2.4.3 Double Check Valve Assembly

An assembly of two (2) independently operating spring-loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of the check valve.

2.4.4 Pressure Vacuum Breaker

Means a device consisting of one or more spring loaded check valves and an independently operating air inlet valve installed as a unit between two tightly closing shut off valves on each side of the check valves and properly located test cocks for testing. The air inlet valve is internally loaded to the open position.

- 2.4.5 **Reduced Pressure Principal Backflow Preventer**
Means a device consisting of two independently acting, spring loaded check valves separated by a spring loaded differential pressure relief valve. This device shall be installed as a unit between two tightly closing shut off valves and properly located test cocks for the testing of the check valves and relief valves.
- 2.5 **Back Pressure**
Shall mean any elevation of pressure in the downstream piping system (by pumping, elevation of piping, steam or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.
- 2.6 **Back siphonage**
The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of the pressure in the potable water supply system.
- 2.7 **Contaminant**
Means any physical, chemical, biological, or radiological substance or matter in water.
- 2.8 **Cross Connection**
Means any link or channel between the public water supply and piping or fixtures which carry other water or other substances.
- 2.9 **Distribution System**
Means the network of pipes and other facilities which are used to distribute water from the source, treatment, transmission, or storage facilities to the water user.
- 2.10 **Division**
Means the Health Division of the Oregon Department of Human Resources.
- 2.11 **Owner**
Any person who has legal title to, or license to operate or habitat in, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.
- 2.12 **Person**
Any individual, partnership, company, public, or private corporation, political subdivision or agency of the State Division, agency or instrumentality of the United States or any other legal entity.
- 2.13 **Permit**
A document issued by the utility which allows the use of a backflow preventer.
- 2.14 **Administrator**
The Administrator or his delegated representative in charge of the water section of the Public Works, is

invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Ordinance.

2.15 Utility

City of Falls City water section of the Public Works Department.

2.16 Water Service Entrance (connection)

That point in the owner's water system beyond the sanitary control of the utility; generally considered to be the outlet end of the water meter and always before any unprotected branch.

SECTION 3 - ADMINISTRATION

- 3.1 The owner shall allow his property to be inspected, when given reasonable notification and during reasonable times, for possible cross connections and shall follow the provisions of the utility's program, and the Division's regulations if a cross connection is identified.

SECTION 4 - REQUIREMENTS

4.1 Utility

- 4.1.1.1 On new installations, the utility will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any that will be required, will issue permit, and perform inspection.
- 4.1.2 If the utility determines at any time that a serious threat to the public health exists, the water services will be terminated immediately.
- 4.1.3 The utility shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.
- 4.2 Owner
- 4.2.1 The owner shall be responsible for the elimination or isolation of all cross connections on his/her premises.
- 4.2.2 The owner, shall at his/her expense, install, maintain, and test or have tested, any and all backflow preventers on his premises.
- 4.2.3 The owner shall correct any malfunctions of the backflow preventer which is revealed by periodic testing.
- 4.2.4 The owner shall inform the utility of any proposed or modified cross connections and also any existing cross-connections of which the owner is aware but has not been found by the utility.
- 4.2.5 The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners shall not tamper with backflow devices.
- 4.2.6 The owner shall install backflow preventers in a manner approved by the utility.

4.2.7 The owner shall install only backflow preventers approved by the Health Division.

4.2.8 Any owner having a private well or other private water source, must have a permit if the well or source is cross-connected to the utility's system. Permission to cross connect may be denied by the utility. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the utility's system.

4.2.9 In the event the owner installs plumbing to provide potable water for domestic purposes which is on the utility's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

SECTION 5 - DEGREE OF HAZARD

5.1 The utility recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of an approved backflow prevention device.

5.2 Degree of Hazard. The term "Degree of Hazard" shall mean either a pollutional (non-health-low) or contamination (Health-High) hazard and is derived from the evaluation of conditions within a system.

SECTION 6 - EXISTING BACKFLOW DEVICES

6.1 Any existing backflow preventer shall be allowed by the utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the preventer, or result in an unreasonable risk to public health.

6.2 Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for that degree of hazard.

SECTION 7 - PERIODIC TESTING

7.1 All testable backflow devices shall be tested and inspected at least annually.

7.2 Periodic testing shall be performed by a certified tester from a list provided by the utility, this testing will be done at the owner's expense.

7.3 Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the owner insuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.

7.4 Backflow prevention devices will be tested more frequently than specified in 7.1 of this Section if the utility feels that there is a history of test failures. Cost of additional testing will be borne by the Owner. Any circumstance not covered by this Ordinance or any of the

- Authorities (1.2.1 - 1.2.2) shall be left to the judgment of the Administrator or designee.

SECTION 8 - OREGON ADMINISTRATIVE RULES

The City of Falls City hereby adopts Oregon Administrative Rules as outlined in Chapter 333, Subsection 42-200 through 42-245 as may be amended.

FIRST READING:

This _____ day of _____, 2023.

SECOND READING:

This _____ day of _____, 2023.

PASSED BY THE COUNCIL _____ DAY OF _____ 2023

. VOTE: Yeas- _____ nays- _____ abstain- _____ absent- _____

APPROVED ON THIS _____ DAY OF _____, 2023.

TJ Bailey, Mayor of Falls City

ATTEST

Jeremy Teal, City Recorder